

**BEFORE THAMES-COROMANDEL DISTRICT COUNCIL
INDEPENDENT HEARING COMMISSIONER**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a resource consent application by Thames-Coromandel District Council for 20 day time and 7 night time events per year, for 15 years, at Williamson Park, Whangamata

STATEMENT OF EVIDENCE OF CHRISTINA JEAN WALKER FOR THAMES-COROMANDEL DISTRICT COUNCIL

Dated: 1 October 2018

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INTRODUCTION

1. My name is Christina Jean Walker. I am a resource management and planning consultant, employed by KTB Planning Consultants Limited. I have been engaged by the Thames-Coromandel District Council (TCDC), to provide planning evidence in relation to their land use consent application to hold events at Williamson Park, Whangamata.
2. I have a Bachelor of Applied Science with an Environment Major and a Post Graduate Diploma in Planning from Massey University. I have six years' experience as a resource management planner both in local government and private consultancy, and I am an associate member of the New Zealand Planning Institute.
3. I confirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the current (2014) Environment Court Practice Note. I agree to comply with this Code of Conduct in giving evidence to this hearing and have done so in preparing this written brief. The evidence I am giving is within my area of expertise, except where I state I am relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed. I understand it is my duty to assist the Commissioner impartially on relevant matters within my area of expertise and that I am not an advocate for the party which has engaged me.

SCOPE OF EVIDENCE

4. In preparing this evidence I have reviewed all documents relating to the application including the submissions and Council's s.42A hearing report.
5. This evidence addresses the application and in doing so, it will cover the following matters:

- a) The Site and Surrounds
- b) Consent Background
- c) The Application
- d) Activity Status
- e) Existing Use Rights
- f) Existing Environment/Permitted Baseline
- g) Environmental Effects
- h) Additional Changes to Conditions
- i) Section 104 RMA
- j) Objectives and Policies
- k) Reserves Management Plan
- l) Overall Assessment under Part II RMA
- m) Summary

THE SITE AND SURROUNDS

6. Williamson Park is located at 418 Ocean Road, Whangamata. It is 3.7691 hectares in size and has been owned by TCDC for the purposes of 'recreation reserve' since 1929.

7. A detailed description of the site and surrounds is included in the application and the Council's s.42A report¹. I am comfortable that those descriptions are complete and accurate and as such, I have not repeated that detail here.

CONSENT BACKGROUND

8. Williamson Park (the Park) has been utilised for events such as the Summer Festival, Beach Hop, Brits at the Beach, market days and various sporting events over approximately the past 20 years. Under the currently Operative Thames-Coromandel District Plan (ODP) these activities did not require resource consent.
9. In addition, resource consents have been issued for concerts at the Park during 2017 and 2018. Consents were required for these events due to the use of amplified music after 10pm.
10. The Proposed Thames-Coromandel District Plan – Appeals Version (PDP), includes a rule requiring events attracting over 500 people to obtain resource consent as a Restricted Discretionary activity. As a result of that requirement, the Council have chosen to apply for a resource consent to cover all events in the Park, rather than require individual organisers to do so on an ad-hoc basis.
11. As is outlined in Section 2.3 of the application report², the Council have engaged in consultation with the public regarding this application since 2017. That consultation has informed the preparation of the current resource consent application.

¹ Section 3, Section 42A Report prepared by Sean Grace

² Application for resource consent, prepared by KTB Planning and dated 27 June 2018 (v2)

12. In addition, as has been outlined by Ms Richmond (Events Co-ordinator for TCDC), consultation with the Whangamata Community Board was carried out prior to the application for resource consent. This has resulted in the development of a Policy by the Board, entitled 'Policy on use of Williamson Park in Whangamata' (Community Board Policy) to address the management of the Park. This policy is attached to this evidence as Appendix A. In the event this resource consent application is approved, that policy will inform Council in how it chooses to exercise the consent.

APPLICATION

13. The application has been described in both the application document and the s42A report, as such I won't repeat the details in full here. Rather I will just highlight changes proposed and summarise the key points of the application.
14. The application has been slightly modified since it was originally submitted. Specifically, the request for one event of up to 10,000 people has been withdrawn. Rather it is now proposed to cap all events at 6,000 people. This change has come about as a result of concerns raised by submitters which I will address later in my evidence.
15. In addition, we wish to specify that any New Year's Eve event will be restricted to a no-charge, family orientated event with no sale of alcohol. Further, between the 25th of December and the 4th of January there will be no concerts or public excluded events run by professional promoters.
16. To summarise, the application seeks resource consent for up to a total of 20 day-time events per year (events occurring between 7am and 7pm). Also proposed are seven night time events per year (events occurring between 4pm and 11.15pm, with music finishing at 11pm). The one

exception to this is New Year's Eve where consent is sought to provide for an event finishing at 12.30am on the 1st January (New Year's Day).

17. It is important to note that the 20 day-time events and seven night time events proposed represent the maximum number of events that could be held in a year It may be that not all these events are held every year.
18. Further, the type, scale and nature of events held at Williamson Park will be at Council's discretion and underpinned by the Community Board Policy, previously referred to. However, it should be noted that the policy is subject to change by the Community Board and can be adapted to address any concerns or provide for additional opportunities (within the bounds of the resource consent) if and when the need arises.

ACTIVITY STATUS

19. As is outlined in the application³ and the s. 42A report,⁴ the application attracts a Restricted Discretionary Activity status under the PDP and a Discretionary Activity Status under the ODP (where events will extend beyond 10pm). Overall the activity attracts a Discretionary Activity status.

EXISTING USE RIGHTS

20. Section 10 of the Resource Management Act 1991 (RMA) provides for 'existing use rights'. That is, it allows land to be used in a manner that does not comply with a rule in the District Plan provided the following criteria are met:

- a) The use was lawfully established before the rule became operative or a proposed plan was notified; and

³ Section 5, Application Report

⁴ Section 5.30-5.32, s.42A Report

- b) The effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified
21. On the basis of these provisions, a number of submitters have noted that the proposed consent is not required for those events (such as Beach Hop, Brits at the Beach etc) which have been carried out for a number of years.
22. While this is correct to an extent, the reliance on existing use rights can give rise to some difficulties. Specifically, the reliance on existing use rights:
- a) Does not allow for any expansion or evolution of events;
 - b) Often needs to be legally established in order to avoid challenge at a later date;
 - c) Can be difficult, timely and expensive to formalise.
23. In light of these difficulties the applicant has made the decision to incorporate all existing events into the current application to ensure they are able to continue to operate without the additional costs or complications associated with formally establishing existing use rights.

EXISTING ENVIRONMENT/PERMITTED BASELINE

24. The existing environment includes those activities which are existing and have been carried out as permitted activities. The effects of those activities must be disregarded when considering the effects of the proposal.
25. In this instance, it is clear that Williamson Park has been utilised for events for in excess of 20 years and, as we have heard from Ms Richmond, the nature and scale of those events has varied.

26. While existing use rights have not been formalised for any events held at Williamson Park, I do not believe there is any contention that they have occurred. They therefore form part of the existing environment. Consequently, it is my opinion that it is appropriate to disregard the adverse effects associated with events that have historically been held at Williamson Park. This includes effects associated with concerts which have been held in Williamson Park for a number of years, generally in association with the Summer Festival.
27. In addition to disregarding adverse effects associated with the existing environment, the RMA provides for a discretionary application of the permitted baseline. The permitted baseline relates to those activities which are permitted by a rule in a National Environmental Standard or District Plan.
28. In this instance the most relevant permitted standards are those outlined in Rule 7, Section 53, which is reproduced below for ease of reference.

Section 53 – Recreation Passive Zone	
Rule 7 – Festival, event (subject to appeal)	
1.	A festival, event and any noise from it is a permitted activity provided: <ol style="list-style-type: none"> (a) Electronically amplified noise and vehicle noise at the notional boundary of adjacent sites from 10pm is no louder than 40 dB LAeq (15 min) and 70 dB LAF max; and (b) It occurs between the hours of 7am-10pm Sunday – Thursday and 7am to 12 midnight Friday and Saturday; and (c) The noise of any helicopter associated with the festival, event complies with the standards in NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas (excluding Section 5: Land Use Planning); and (d) No buildings are erected (under this rule) that remain after the festival, event finished; and (e) It lasts no longer than 12 consecutive hours; and (f) There are no more than 500 people of the site.
2.	A festival, event that is not permitted under Rule 7.1 is a restricted discretionary activity
3.	The Council restricts its discretion to matters 1-3, 6-7, 12 and 13 in Table 6 at the end of Section 53.

29. Specifically, this rule provides for events to occur from 7am in the morning until 10pm (Sunday to Thursday) and 12 midnight on Fridays and Saturdays,

provided they do not attract more than 500 people. Likewise, noise from amplified music is only controlled after 10pm.

30. In summary, it is my opinion that the effects associated with historically held events should be regarded as part of the existing environment and those effects associated with amplified noise between 7am-10pm as prescribed in Rule 7 above should be disregarded as they are part of the permitted baseline.

ENVIRONMENTAL EFFECTS

31. A full discussion of the actual and potential adverse effects associated with the proposal is included in the application⁵ and in Mr Grace's s42A Report⁶. Further, evidence regarding noise has been provided by Mr Hegley.
32. As has been noted by Mr Grace⁷, the submissions in opposition to the application are focused on the impacts and effects associated with night time concerts, particularly those which are ticketed and subject to liquor licences. There has been no opposition raised to day time events.
33. In addition, and as previously noted, the Council in their role as applicant are agreeable to a condition restricting any events on New Year's Eve to free, family focused events with no sale of alcohol.
34. When considering the list of events provided in the Community Board Policy⁸ it is clear that the opportunity for ticketed, night time events will, in practise, be limited to a maximum of three per year. Should another

⁵ Section 7, Application report

⁶ Section 9, Section 42A report.

⁷ Paragraph 9.3, Section 42A report.

⁸ Appendix C, Section 42A report.

community event (such as Beach Hop or twilight markets) extends past 7pm, the opportunity for ticketed events will be further reduced.

35. In order to provide certainty regarding the number of restricted access night time events, the Applicant would be agreeable to a condition restricting these types of events to no more than three per year.
36. Given this, the key matter of contention as I understand it, is a maximum of three ticketed night time events. Consequently, like Mr Grace, I will focus my discussion on those events and the associated matters raised by submitters. These include:
 - a) Restricted access to the Park and Fencing;
 - b) Noise;
 - c) Anti-social behaviour; and
 - d) Character and amenity.

Restricted access to the Park

37. A number of submitters have raised concerns regarding the 'commercialisation' of the Park. A significant portion of these submitters raise the matter of the 'deed' or intent of the gifting of the land. This has been addressed by Mr Muldowney (Legal Counsel) and Mr Thompson (Community Facilities Manager – TCDC) and as such I will not repeat that discussion here, except to note that commercialisation is not an 'effect' in and of itself. Conversely, the exclusion of the public from areas of the Park can be considered as an effect under the RMA, as can matters relating to character and amenity which arise from commercialisation. As such, I will address matters relating to restricted access in the following paragraphs

and matters relating to character and amenity in paragraphs 81-86. I note, however, that while restricting access to certain areas of the Park may give rise to an effect which requires assessment, there is no legal impediment to imposing such restrictions. Again, this issue will be addressed in the legal submissions presented on behalf of the Applicant.

38. Firstly, I wish to address the extent to which events will be fenced and the duration for which fencing will be in place.
39. Indicative plans have been provided with the application⁹ which indicate the area of fencing for fenced concert events. I note that these plans were overlayed on outdated aerial photographs and consequently it appeared as though the internal roading system may be blocked. Likewise, the area of fencing between events was not clearly depicted.
40. As such, an updated plan has been prepared and this is attached as Appendix B. It should be noted that these plans provide an example layout only, the exact layout will differ between concerts and will be subject to an Event Management Plan.
41. As is illustrated on the plans, temporary event fencing during events will encompass no more than 2 hectares of the site. Temporary fencing between events would be limited to those areas immediately around the stage, portaloos and any marquees. In total this area would be no more than 1600m² over three to four different areas, as is indicated by the attached plan in Appendix B. The Applicant is agreeable to a condition which restricts fencing to areas not exceeding those stated, as well as conditions requiring the roadway to be kept clear of fences or other structures in between events. Conditions to these effects have been included in the draft conditions attached.

⁹ Appendix H, Application report

42. Event fencing depicted on those plans will be installed no more than 24 hours prior to an event and removed by 4pm the day after an event. I note that this represents a reduction in timeframes from what was originally applied for (48 hours after an event) and a reduction in what was assessed by Mr Grace. The only exception to this would be in the event of adverse weather conditions, where the handling of fencing may represent a health and safety risk. An alteration to condition 10 has been proposed on this basis.
43. Temporary fencing between events is proposed for a duration of no greater than 2 weeks. During that time, public access to the Park would be partially restricted, insofar as it relates to those areas specified. This has the potential to affect visitors and residents in two ways; firstly, it will reduce the space available for passive recreation (picnicking, throwing a ball etc) and secondly it may restrict access across the Park, to the beach.
44. I turn first to the matter of the Park being available for passive recreation. During an event, fencing will encompass a maximum area of 2ha, leaving in excess of 1.7 hectares for the purposes of passive recreation (or more realistically 1 ha when the area of the pond and existing buildings and surrounds are discounted). The availability of 1ha is likely to be ample to support the needs of the community during the short time period fencing will be on site. This is particularly so when considering the proximity of the beach which, in my opinion, is the main attraction in the area and the place residents and visitors are most likely to utilise for passive recreation. In addition, I note that there are numerous Council reserves in close proximity to the site which provide additional opportunities for passive recreation.
45. In the 14 days between events, when fencing is restricted to 1600m² over four separate areas, 3.5 hectares will remain available for public use. This represents approximately 95% of the Park and is, in my opinion, unlikely to

have any discernible effects on passive recreational opportunities within the Park.

46. During some events it may be considered desirable to erect fencing around the Whangamata Surf Club (the Surf Club) and Blackies Café in order to stop event goers from accessing these areas. Conversely, there is a need to ensure access to the Surf Club is not restricted for emergency events, as has been stated in the Surf Club's submission. The Applicant acknowledges the importance of ensuring the Surf Club is protected in a manner that does not restrict their valuable operations. As such they are agreeable to conditions which address the Surf Club's concerns. Draft conditions to this effect are included in Appendix C.
47. In regard to access across the Park, I note that even during periods when event fencing is in place, there will still be access across the Park from the southern corner to the beach, servicing residents located to the south and southwest of the Park. Residents to the north and northwest of the Park are likely to access the beach down Lowe Street, rather than crossing the Park. In the lead up to events, and in the 14 days between events, residents will still be able to drive to the Park, park in the car park and access the beach. Likewise, access to Blackies Café and the Surf Club will not be obstructed during normal operating hours.
48. Overall, with the conditions proposed, public access to the Park will be restricted as follows:
 - a) Three times a year (outside the dates 25th December - 4th of January) a maximum area of 2 ha will be fenced for a period not exceeding 24 hours prior to an event and until no later than 4pm the day following the event (except in adverse weather conditions);

- b) For a period no greater than 2 weeks, up to four areas with a total maximum area of 1600m² will be fenced, provided these areas are clear of internal road ways.
49. These restrictions have been considered by Mr Grace¹⁰ against the provisions of the Reserve Management Plan (RMP) and the Objectives and Policies of the PDP. I agree with Mr Grace's conclusion that the RMP anticipates and provides for the exclusion of the public from reserves during events, provided prior notification of the event is made.
50. In addition, I note that, as has been discussed in detail by Mr Thompson, the fencing of reserves for commercial gain or private events is not prohibited under the RMP. Rather such exclusions are clearly contemplated and provided for under Section 4E.
51. Likewise, the RMP includes a number of objectives and policies relating to the use of reserves for both public and private events. A number of the policies act could be seen as rules or methods, including a list of information that should be provided with applications for permits and the requirement for notification to the public where part or all of a reserve is to be closed to public access. Prospective users of the Park will still need to comply with those requirements in order to be eligible for a hireage contract if this consent is granted. As such, the proposal is not contrary to any of the matters listed in the RMP.
52. Where Mr Grace and I differ in our assessment of the proposal is in the consideration of what is a reasonable duration for that exclusion.
53. Undoubtably what is considered 'reasonable' will differ from person to person. However, from an RMA perspective, it is necessary to consider the

¹⁰ 9.9 – 9.19, Section 42A Report

public exclusion from some areas of the Park in the context of the receiving environment.

54. In this instance, there are a number of occasions when the Park has traditionally been fenced in part, resulting in restricted access for the public. This includes, but is not limited to, the use of fencing during sporting events such as the Tri Series and paddle board racing, and for the management of certain areas during Surf Club events.
55. Likewise, for a number of years, a portion of the Park has been fenced off for up to four weeks over the holiday period for paid children's play equipment (bouncy castle/slide and ride on toys). The use of this equipment is by payment only and fences have remained in place throughout. As such, the fencing of a portion of the Park for commercial use is an established part of the existing environment.
56. With this in mind, it is my opinion that the areas which are proposed to be restricted and the duration of those proposed restrictions are reasonable, particularly when considered in the context of the Park's history as a space for organised and fenced events and activities.
57. When considering the proposal against the provisions of the PDP, Mr Grace concludes the proposal is inconsistent with assessment criteria 6(b) which reads as follows:
 - b) Whether the proposed activity is compatible with other recreation activities established on the reserve.
58. I note that this assessment criteria is consistent with the stated objective in the RMP relating to the issue of permits for use of reserve land, which reads:

To allow the use of a reserve for special activities where that use is compatible with the designated purpose of the reserve area.

59. In Mr Grace's assessment this inconsistency arises in relation to fenced music events, as they restrict other users from accessing the area for passive recreational purposes (that being the stated purpose of the reserve).
60. While I agree that some restriction on public access is clearly an unavoidable consequence of fenced events, I once again deem it necessary to consider those restrictions in light of not only the stated purpose of the reserve (passive recreation), but also in light of the established uses associated with the Park.
61. Organised and active recreation (including sports events, markets, festivals and children's play equipment) has a long history at the Park and has often resulted in the exclusion of the public from areas of the Park on various scales and for varying durations. These exclusions appear to have been generally accepted by the community and I would suggest that this is because they contribute to the wider recreational opportunities within Whangamata, despite them not being of interest to every resident or visitor. Likewise, music events whether fenced or not, provide opportunities for active and organised recreation and as such are a valid and valuable use of a recreation reserve.
62. In addition, I note that assessment criteria 12(a) requires consideration of the 'extent to which positive effects from the activity contribute to the economic, social and cultural wellbeing of the local community.' In this instance, the ability to have a music event provides opportunities for social and cultural wellbeing, particularly as the Council, as consent holder, would be in a position to ensure a range of genres were represented. The provision of ticketed events also contributes to the economic wellbeing of

the local community (as has been noted by a number of submitters¹¹) as it brings people into the District and encourages spending.

63. In summary, it is my opinion that the scale and duration of public exclusion from a portion of the Park, as is proposed in relation to the three ticketed night time events, is consistent with the character and historical use of receiving environment. In addition, it is consistent with, and should be treated as equitable to, the fencing of the Park for other organised recreational events.
64. At all times the public will continue to have access to significant portions of the reserve which I consider likely to be sufficient to meet the passive recreational needs of the community. In addition, there are further opportunities for passive recreation on the adjoining beach and at nearby reserves.
65. Consequently, I consider the scale and duration of public exclusion from areas of the reserve to be appropriate, reasonable and consistent with the RMP and the PDP.

Noise

66. Mr Hegley has presented evidence regarding noise associated with events and, in particular, noise associated with night time music events.
67. As such, I will not repeat that evidence here except to note that it is proposed to extend amplified noise beyond the permitted noise standards on a maximum of seven occasions per year. One of these is New Years Eve, where noise is to be extended for two and a half hours (until 12.30am) and is largely anticipated, particularly as New Year's Eve events have been held

¹¹ Submission 71, 89, 95, 96 etc

of the site for a number of years. For the remaining six events, noise will only be extended one hour past the permitted baseline - that is until 11pm.

68. During that time, noise is anticipated at 95dBA at 35m from the stage and a condition limiting noise to this level has been recommended by Mr Hegley. Noise contours have been predicted and demonstrated by Mr Hegley and show that nearby residents will be subject to adverse noise effects.
69. In determining whether those adverse noise effects are acceptable, Mr Hegley has helpfully provided some commentary regarding noise levels at various other venues around New Zealand and the need for a compromise between amenity for nearby residents and the provision of entertainment for the wider community.
70. Given the limited number of occasions on which noise will exceed permitted levels and the limited duration of exceedance, Mr Hegley has ultimately found the proposed noise levels are acceptable. I concur with that conclusion.
71. In addition, Mr Hegley has prepared a suite of conditions to avoid and mitigate adverse effects and provide certainty for residents. The Applicant is agreeable to those conditions and they are included in the draft conditions appended to this evidence.

Anti Social Behaviour

72. A number of submitters have raised concerns regarding anti-social behaviour resulting from the use of the Park for concerts, particularly larger paid concerts. This is certainly a valid concern and one that is taken seriously by the Applicant.

73. Anti-social behaviour can be mitigated in a number of ways including:
- a) The target audience
 - b) Sale of liquor
 - c) Presence of security
 - d) Co-operation of emergency services
 - e) Lighting
 - f) Layout
 - g) Provision of services e.g. port-a-loos, rubbish bins etc
74. Some commentary on these matters was provided in the application¹², whereby it was noted that these matters would be subject to a Management Plan tailored to each event.
75. In addition to that, I wish to note the following points:
- a) Council (as the consent holder) will have discretion to approve or decline events and as such can control the nature of events held at Williamson Park. It is anticipated that night time events will not solely cater to a 'young' audience, rather artists which cater to a more mature audience will be encouraged. Likewise, where an event is badly managed or is found to attract undesirable behaviour Council can, at their discretion, choose to restrict that promoter or artist in the future.

¹² Section 7.4, Application Report

- b) Liquor licences are subject to a separate process under the Sale and Supply of Alcohol Act 1992 which includes police involvement. As such, police will be aware of any events where alcohol is for sale. In addition, the Applicant is agreeable to a condition requiring the Police to be advised of events in advance, including those where no alcohol is involved.
 - c) Requirements for security can be extended to include the surrounding streets prior to, and following, events, when necessary.
 - d) The draft conditions¹³ proffered by Mr Grace include a requirement for lighting to be shut down 30 minutes after the completion of music. As lighting can assist in reducing the incidence of anti-social behaviour it is my suggestion that this condition be altered so as to provide some flexibility regarding timing. My suggested wording is included in the draft conditions attached to this evidence as Appendix C.
 - e) It is understood that the layout of previous concerts, particularly the single entry and egress point, resulted in queuing on the street and contributed to anti-social behaviour. The Applicant has learnt from this and will require future event layouts to include multiple entry and egress points in locations which provide space for queuing clear of surrounding streets and residential properties.
 - f) The Management Plan can be extended to include the streets around the Park with additional rubbish bins and/or portaloos being a condition of hireage, if and when appropriate.
76. Management plans are tailored to specific events, therefore it is not possible to provide a single management plan for all events at the Park.

¹³ Condition 9

However, I have included a revised event management plan condition¹⁴ in the draft conditions to further address concerns.

77. Ms Richmond has also provided an example of a set of guidelines for event management plans as prepared by Auckland Council. Ms Richmond confirms that she would expect any management plan for an event at Williamson Park to address the matters set out in those guidelines, where relevant.
78. Hireage contracts will also be in place to address matters such as costs, repair of any damage to the reserve, insurance requirements etc.
79. While all events will require a management plan, I note that there is perhaps a greater level of control over ticketed and fenced events than there is on events which are freely open to the public. For example, admittance to a fenced event is subject to bag screening and attendees who are clearly under the influence of alcohol and/or drugs will be refused admission. Security is also greater at ticketed events and it is easier to eject trouble makers from the area in the event there is an issue.
80. Overall, with the implementation of an appropriate management plan, alongside a considered approach to selecting events, it is anticipated that anti-social behaviour can be significantly reduced and effects largely mitigated.

Character and Amenity

81. Amenity values are defined in the Resource Management Act 1991 as

those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

¹⁴ Condition 16

82. In considering the effects of the proposal on the amenity of the site and surrounding area, it is in my opinion appropriate to consider the existing character and amenity of the site and the surrounding area.
83. Williamson Park is located in the centre of Whangamata and incorporates the Surf Club building along with Blackies Café. Its location and proximity to the beach means that the car park is often utilised by the beach-goers, while the wider Park is sporadically utilised for passive recreation. As previously noted, the Park has been utilised for various events over the past 20 years or so and those events vary in scale and nature and include smaller events, such as Surf Club and school events and market days though to larger events such as Beach Hop and the Summer Festival. Likewise, as is demonstrated through the provision of a community stage within the Park, concerts and shows have been a regular feature within the Park. The use of the Park for organised events is therefore part of the accepted character and amenity associated with the Park and the surrounding area.
84. A number of submitters have raised concerns regarding the amenity associated with the fencing of ticketed events, which in the past have comprised of unattractive, solid, black fences. While, there is a functional reason to ensure paid events are screened from those who have not paid for them, I would suggest that adverse amenity effects can be reduced through the addition of a condition requiring any fencing retained between events to be permeable in nature. A condition¹⁵ to this effect is included in Appendix C. Further, as previously noted, the fencing in between events will be restricted to the area immediately surrounding the stage, portaloos and marquees.

¹⁵ Condition 10(b)

85. In addition, the Applicant has suggested that fencing design be a requirement of the Management Plan and subject to approval by the Council prior to events.
86. On that basis, the adverse effects associated with solid fencing will be restricted to the period immediately before, during and after an event and occur, no more than three times per year.

Summary of Effects

87. The key area of contention in regard to environmental effects are restricted to those ticketed night time events where a portion of the Park will be fenced, and public access restricted. There are also concerns about fencing and infrastructure remaining on site between events.
88. The restrictions on public access arising from ticketed events are limited in duration and the area of event fencing proposed will ensure that there is ample remaining area for passive recreation.
89. In addition, fencing of the Park for events and activities such as bouncy castles, has been carried out for a number of years and therefore forms an accepted part of the receiving environment.
90. Nonetheless, in order to mitigate the adverse effects associated with fencing, the Applicant has offered up the following conditions:
 - a) Restricting the number of ticketed events to no more than three per year;
 - b) Restricting the area of fencing to no more than 1600m in between events, and that such fencing will be clear of roadways and visually permeable;

- c) Ensuring that any fencing surrounding the Surf Club is erected with the approval of the Surf Club and designed to allow for emergency events;
 - d) The addition of an event management plan condition.
91. Given the mitigation provided by the recommended conditions and the temporary nature of effects, it is my opinion that the adverse effects associated with ticketed events are acceptable, particularly when considered in the context of the site's history of use for events.

ADDITIONAL CHANGES TO CONDITIONS

92. In addition to new or alterations to conditions as noted above, I have also recommended changes to the following conditions:
- a) Condition 2 has been removed as the consent holder is/will be the Council. In addition, there are no physical works proposed.
 - b) Condition 9 – removal of the 'and staff'. This is to allow flexibility for staff to remain on site for longer if necessary to address any Management Plan requirements, such as rubbish removal.
 - c) Condition 18 – This has been altered to five working days. There can be delays in receiving complaints, them being entered into the database and available for reporting. As such, five working days is considered to be more reasonable for the provision of the required report.

SECTION 104 OF THE RMA

93. Section 104(1) of the RMA sets out the matters which a consent authority must have regard to when determining an application. Further, as a Discretionary Activity the proposal is subject to 104B of the Act, which states that consent can either be granted or refused and if granted, conditions may be imposed subject to section 108.

94. Of the matters outlined in Section 104(1) this evidence addresses the following:

- a) Environmental effects;
- b) Mitigation measures;
- c) Reserve management plan.

I have not covered matters relating to:

- a) National environmental standards;
- b) National policy statements;
- c) Coastal Policy statement;
- d) Regional plan.

95. These matters have been covered in both the application report and the s42A report, where it was concluded that the proposal was consistent with all relevant documents.

OBJECTIVES AND POLICIES

96. An assessment of the relevant objectives and policies was provided with the Application¹⁶ and by Mr Grace, in the Section 42A report¹⁷. In both instances it was concluded that the proposal is consistent with the relevant objectives and policies of the Proposed and Operative District Plans.
97. I note that Mr Grace's conclusions are made on the basis of ticketed events being restricted to one per year. However, for the reasons I have outlined previously in this evidence, I consider that the same conclusion can be reached in relation to three ticketed events per year.
98. Of particular note is Objective 1, Section 22 of the PDP and the associated policies, which seek to ensure a range of activities which cater to the community needs and wants are provided for.
99. Policy 1A states that:
- The use and development of the Recreation Area shall provide opportunities for passive and active recreation, and protection and enjoyment of cultural, historic, ecosystem and landscape features that are consistent with the applicable reserve/conservation management strategies/plans.*
100. As per the discussion in paragraphs 49-61, I consider the proposal to be consistent with the RMP. Likewise, the proposed consent means that Council, with the direction of the Community Board, can ensure that a range of events, catering to different audiences, are held at the Park.

¹⁶ Appendix G, Application Document

¹⁷ Section 11.18, Section 42A Report

101. Likewise, no adverse effects on ecosystems, landscape features or cultural and historic features are anticipated. As such, I consider the proposal to be consistent with the aforementioned objectives and policies.
102. Objective 2, Section 7 of the PDP and associated policies recognise the importance of maintaining the amenity and function of adjacent zones.
103. I have acknowledged throughout my evidence that some adverse amenity effects are anticipated as a result of the proposal, most notably the generation of noise over and above permitted levels and some temporary fencing of the reserve. However, as we have heard from Mr Hegley, the temporary and limited noise generation means that those effects are acceptable. Likewise, the partial and temporary fencing of the reserve will not adversely impact on the function of the adjoining zones. Some adverse visual amenity effects may arise from temporary fencing, however, measures have been proposed to mitigate this as far as possible. Residual adverse effects are temporary in nature and to a large extent form part of the existing environment.

RESERVE MANAGEMENT PLAN

104. An assessment of the proposal against the RMP has been included in the application document¹⁸ and in the s. 42A Report¹⁹.
105. In addition, I have included some discussion regarding the appropriateness of temporary fencing in light of the RMP in paragraphs 49-61 of this evidence. As such, I will not repeat that assessment in full here.

¹⁸ Section 10, Application Document

¹⁹ Section 12, Section 42A Report

106. However, by way of summary, it is my opinion that the temporary and limited restrictions to full public access arising from three ticketed events per year are appropriate and consistent with the direction provided by the RMP for Whangamata.

OVERALL ASSESSMENT UNDER PART II RMA

107. Part II of the RMA requires an overall judgement as to the whether the purpose of the RMA is better served by granting or declining an application.

108. The granting of a consent for the ongoing use of Williamson Park for a range of events, the majority of which have been undertaken for a number of years, will provide opportunities for the community as a whole to engage in a variety of recreational activities, thus providing for social and cultural wellbeing. At the same time the provision of events contributes to the economic wellbeing of the town and contributes to the vibrancy of the District as a whole. Lastly, adverse effects associated with events can be avoided and mitigated through the provision of the conditions proposed.

109. As such, it is my opinion that the purpose of the RMA will be better served by the granting of consent.

110. In addition, I note that the proposal will not offend any matters of national importance as outlined in Section 6 of the RMA, any of the 'other' matters listed in Section 7, or any of the principals of the Treaty of Waitangi.

SUMMARY

111. The application has been applied for to ensure Williamson Park can continue to utilised for a wide variety of events throughout the year without the need for existing use right certificates and/or additional resource consents.

112. The key area of contention is the inclusion of ticketed events, which will result in some temporary restrictions to public access over portions of the Park.
113. In order to reduce those restrictions, the Applicant proposes: limiting ticketed events to no more than three per year, restricting the area of fencing, and reducing the time that fencing can be in place.
114. Effects relating to noise, amenity and anti-social behavior can, where necessary, be controlled through the implementation of a Management Plan to ensure they are acceptable.
115. The proposal is, in my opinion, consistent with the objectives and policies of the Proposed and Operative District Plan and the Reserve Management Plan for Whangamata.
116. When considered overall, the proposal is consistent with the purpose and principles outlined in Part 2 of the Resource Management Act 1991.
117. As such consent can be granted under both the Operative and Proposed District Plans.

1 October 2018

Christina Walker
SENIOR PLANNER
KTB PLANNING CONSULTANTS LIMITED

Appendix A – Community Board Policy

 <p>THAMES COROMANDEL DISTRICT COUNCIL</p>	<p>Policy on use of Williamson Park in Whangamata</p>
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1 Objectives

The objective of this policy is to establish additional parameters to the 15 year Williamson Park resource consent and conditions to enable staff to engage with community groups and event promoters on the type of events and the frequency and timing of the events that can be held in Williamson Park in Whangamata.

2 Background

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 Whangamata Community Board is lodging a resource consent for events in Williamson Park that attract over 500 people to conform with the Council's new District Plan. Whangamata has a large number of festivals and events that have been traditionally held at the park that attract over 500 people. The new District Plan requires that noise and traffic movements generated by an event or festival and the duration of festivals and events are controlled through resource consent conditions for events and festivals with more than 500 people at the event or festival (this number is the threshold for events and festivals for recreation passive reserves).

The traditional events held in recent years at Williamson Park include the following (not all of these events attract over 500 people):

- Anzac Dawn service (1 day)
- Brits at the Beach (1 day)
- Sporting events (3 days currently - paddle board, adventure racing event for prize giving, tri series event)
- Beach Hop (5 days)
- Surf club events (3 days - Billabong Grom Series, Surf Club Carnival and North Island Surf Champs)
- Whanga week sporting and cultural events as fundraise for Surf Club (7 days)
- Thundercats boat racing competition and prize giving (2 days)
- Whangamata Summer Festival events (9 days/2 nights)
- Matariki festival (1 night)

The Community Board wishes to protect the current events and festivals and provide scope to host additional events and festivals throughout the 15 year timeframe of the consent.

The resource consent application includes few constraints on the events/festivals in order to allow as much flexibility as the community desires in future years. The application constrains the following matters:

- The total number of daytime events to 20 days
 - Day events will be within the hours of 7am - 7pm
- The total number of evening events to 7 nights
 - New Years' Eve events will be within 4pm - 12.30am
 - Other night events will be within the hours of 4pm - 11.15pm (with music finishing at 11pm)
- Sale of liquor at an event will require the event promoter to obtain 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.

- Up to 6,000 people may attend each event, with the exception of one event, which will provide for up to 10,000 attendees.

The Whangamata Community Board will provide further limits and boundaries to staff about the type of events and festivals that can be given permission to be held on the park through this policy on the use of Williamson Park.

3 Policy statement

The allocation of 20 day events and 7 night events will be firstly utilised for the following events/festivals that have been traditionally held in Williamson Park:

- Anzac Dawn service (1 day)
- Brits at the Beach (1 day)
- Sporting events - (2 days)
- Beach Hop (5 days)
- Surf club events and Whanga week (4 days)
- Summer holiday events (5 days, 3 nights)
- Matariki or community festival (1 night)

Staff may allocate the following day events and night events to concerts that are delivered to a high professional standard through promoters/organisers with a proven track record:

- Concerts (2 days, 3 nights)

Should any of the above events/festivals not be required in a 12 month period (advised in writing by the community organisation) then the staff may reallocate days or nights that become available (within the Council's resource consent) to community organised non-profit events.

An event for New Year's Eve for 2018, if to be held at all, will involve family oriented entertainment (attractive for parents, teenagers and children). The Whangamata Community Board will retain the approval of the type of event to be held on New Year's Eve and approval of any Community Board budget to be applied to the event or associated services.

Any concerts, and associated services delivered to manage the effects of a concert, organised by professional promoters/organisers will be delivered with no ratepayer contribution.

There will be no concerts delivered by professional promoters over the period 25 December to 4 January. Professionally delivered concerts by promoters will be held outside of this timeframe as the township is already at capacity over this period and concerts can be utilised to attract more visitors in the off peak and shoulder seasons.

Concerts booked for the park will not target solely the youth age group.

4 Review

This policy will be reviewed by the Community Board on an annual basis and can be reviewed at any time through a Community Board meeting. Events that have been contractually committed will not be affected by a change in the policy.

Appendix B – Revised Indicative Plans



WILLIAMSON PARK – Example Only

01 October 2018

-  Security Fencing During Events
-  Security Fencing Between Events

Appendix C – Recommended Conditions of Consent

APPENDIX C

RMA/2018/0203

Recommended Conditions of Consent – Applicants Edits

The consent holder/landowner shall comply with the following conditions:

1. This consent holder shall not give effect to this consent (or any part thereof) until such time as the following charges have been paid in full:
 - (a) All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA) including a consent compliance monitoring fee of \$190 (inclusive of GST); and
 - (b) All additional charges imposed under section 36(3) of the RMA to enable the council to recover its actual and reasonable costs in respect of this application.

The Council's administrative charges for receiving and processing this application in accordance with Section 36 of the Act, must be paid in full within 15 working days of receipt of the invoice for this decision, unless otherwise agreed in writing with the Development Planning Manager. The consent compliance monitoring fee shall be paid as part of the resource consent fee and the consent holder/landowner will be advised of any further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

- ~~2. Prior to physical works commencing the consent holder/landowner is to notify Council, in writing, of their intention to begin works a minimum of three days prior to the commencement of the proposed works by completing the "Notice of Commencement of Works", attached to this decision and post, fax or email it to the Council's Monitoring Officer.~~
3. That a copy of this consent is to be held on site at all times that the works which the consent relates to are being carried out.
4. That the development proceeds in accordance with the plans and information provided as part of the application, namely:
 - Resource consent application and supporting attachments prepared by KTB Planning Limited entitled "Comprehensive consent for 20 day time and 7 night events per year, for 15 years, at Williamson Park, Whangamata" dated 27 June 2018(v2);
 - Indicative Site Plans entitled "Indicative Site Plan (larger event)" and "Indicative Site Plan (smaller event)", signed and dated by Council [XXXX];
 - Thames-Coromandel District Council "Policy on use of Williamson Park in Whangamata";
 - Email from Lachlan Muldowney dated Thursday, 13 September 2018 11:31 AM, Subject: "RMA/2018/203 Williamson Park".

Unless otherwise superseded or modified by a condition of this resource consent.

5. This consent shall expire on [XXXX – 15 years following approval] unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.
6. Amplified music associated with the 7 night events provided for is restricted to the hours between 4pm to 12.30am on 31 December to 1 January (New Year's Eve) and 4pm to 11pm on all other days.

Ticketed events

7. Ticketed concerts/events restricting public access to the reserve shall be limited to ~~one~~ three events annually, occurring outside of the period of 25 December to 4 January, and catering for a crowd of no more than 6,000 people.

Fencing

8. Temporary fencing associated with ticketed concerts shall be erected no earlier than 24 hours before the commencement of the concert.
9. Fencing shall be restricted to a maximum area of 2 hectare. Provided that additional security fencing may be installed around the surf club and/or blackies café as required.
10. The consent holder shall ensure all security fencing and temporary structures established solely to accommodate the concert are removed from the reserve by 4pm the following day. Provided that:
 - a) The timeframe for removal may be extended as required in the event adverse weather conditions make it unsafe to dismantle and remove structures;
 - b) In the event that two or more events are to be held within 14 days, visually permeable fencing may be retained in the immediate surrounds of any infrastructure (including, but not limited to stage, marquees, portable toilets) so that a total area not exceeding 1600m² in retained inside security fences.
 - c) Fencing between events shall not encroach on internal roadways.
11. Williamson Park is to be clear of concert attendees ~~and staff~~ 30 minutes after the finishing of the music.
12. Lighting systems shall not be directly aimed at any residential properties.
13. Lighting systems are to be shut down ~~30 minutes~~ as soon the site is clear of attendees and it is safe to do so.
14. The consent holder shall ensure Williamson Park reserve is left in a clean and tidy state. Within 200 metres of the reserve all litter and any broken bottles/glass within the road reserve; the beach reserve; footpaths; and pedestrian reserves that will be used by the public the following day should be in a clean and tidy state. All rubbish collection shall be undertaken and streets tidy by 10am the following day at the latest following a concert.
15. A suitably qualified person shall prepare a temporary traffic management plan that shall be submitted for approval to the Council's Roading Department 4 weeks prior to each concert event occurring. The traffic management plan shall address but not be limited to the following:

- a) Expected vehicle movements;
- b) How car parks will be allocated and by who (i.e. on-site staff numbers);
- c) Timeframes for vehicles to be removed from the reserve and how the timeframes will be implemented;
- d) Ability to accommodate any overflow car parking in the local streets;
- e) Whether public buses and pick up areas are proposed and how this traffic aspect is to be managed;
- f) Any other traffic matter considered appropriate such as access to the Surf Club and other activities that utilise the reserve.

The recommendations of the traffic management plan shall be implemented for each concert and any recommendations associated with monitoring condition 17.

16. The consent holder shall liaise with Council, Emergency Services and the Whangamata Surf Lifesaving Club staff in the development of a Site Management Plan. The site management plan shall address (but not be limited to) the following matters:

- a) waste management, both within and beyond the site;
- b) provision for emergency services;
- c) communication strategy for residents, emergency services and Council;
- d) set up and pack up details;
- e) measures to maintaining efficient operation of the Surf Club;
- f) security management plan;
- g) provision of temporary toilets (portaloos);
- h) efficient entry and egress from the site;
- i) fencing design;

The final Site Management Plan shall be submitted to the Council's Planning Manager for approval no later than 4 weeks prior to the any ticketed concert event. The recommendations of the Management Plan shall be implemented.

17. The following acoustic conditions shall be met:

- (a) 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;
- (b) For up to six 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;
- (c) On New Year's Eve 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;
- (d) 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;
- (e) No event shall exceed 12 consecutive hours;
- (f) The noise shall be measured in accordance with the requirements of NZS6801:2008 Acoustics - Measurement of Environmental Sound; and
- (g) 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 appended to the application for resource consent] 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.

18. Within 2_5 working days after a ticketed concert, the consent holder shall prepare a monitoring report detailing any complaints and/or problems (if any) relating to the concert and any recommendations that are required to mitigate these potential effects (if feasible) prior to subsequent concerts. The monitoring report shall be submitted to the Council's Monitoring Manager.
19. To avoid Powerco's underground street light cables, no excavation or installation of marquee / tent pegs shall occur within 2m from the edge of the internal road through Williamson Park.
20. Pursuant to Section 128 of the Resource Management Act 1991, the Council may serve notice on the consent holder of its intention to review the noise, traffic management and public access conditions of this consent for the purpose of ensuring the adverse effects on amenity values on surrounding residential properties are adequately mitigated. All costs associated with any review shall be met by the consent holder.

Recommended Advice Notes

1. Pursuant to section 125 of the Resource Management Act 1991, this consent lapses 5 years after the date it is granted unless:
 - (a) The consent is given effect to; or
 - (b) The council extends the period after which the consent lapses.
2. The consent holder shall ensure that all activities and temporary structures maintain safe separation distances from electricity infrastructure at all times, in accordance with the New Zealand Code of Practice for Electrical Safe Distances NZECP 34:2001.
3. Where works are proposed in close proximity to any overhead or below ground electrical cables or streetlights, individuals are advised to contact the Network Owner to discuss the works.