

<b>Date:</b>	13 June 2023	<b>App Number:</b>	LU/0133/22
<b>Reporting Planner:</b>	Craig Inskeep	<b>Site Visit on:</b>	27 June 2022

<b>Applicant:</b>	New Zealand Motor Caravan Association Inc
<b>Application received</b>	9 June 2022
<b>Property Address:</b>	Pirongia Road Te Awamutu 3800
<b>Legal Description:</b>	PT ALOT 317 MANGAPIKO PSH Lot 3 SO 62851
<b>Site Area:</b>	Lease Area Associated with Proposal: <b>0.83ha</b>  The land parcel has a total area of <b>3.9ha</b>
<b>Activity Status:</b>	Non Complying – Non farming Activity
<b>Zoning:</b>	Rural
<b>Policy Area(s):</b>	Cultural Landscape Area Alert – Mangapiko Stream, Flood Hazard area  Cultural Landscape Area Hingakaka (northern extent of parcel only does not relate specifically to the area of the proposal)
<b>Other notations</b>	HAIL Site area - Te Awamutu closed landfill.
<b>Designation(s):</b>	D80 – Closed Landfill  Processing and disposal of waste materials - Te Awamutu Landfill & Effluent Disposal Site (Closed) – Pirongia Rd, Alexandra St
<b>Proposal:</b>	Establish and operate a motor caravan park in the Rural Zone

## 1 INTRODUCTION

### 1.1 Introduction

The New Zealand Motor Caravan Association Inc (NZMCA) has applied for consent to establish and operate a motor caravan park for temporary accommodation. The motor caravan park will be open exclusively to NZMCA members allowing them to temporarily stay overnight on site in their vehicles (motor caravans and caravans). All NZMCA motorhomes and caravans using the site need to be self-contained with on-board freshwater tanks, wastewater tanks, and an accessible toilet. The park has

a maximum occupancy of 75 vehicles however is expected to operate at significantly lower levels for the majority of the year.

The proposed activities do not fall under 'Residential Based Visitor Accommodation' or 'Visitor Accommodation' as the definition of both in the District Plan explicitly exclude camping or caravan sites. Thus, the activity will fall under a 'Non-Farming Activity' within the Rural Zone, which would result in the activity being a non-complying activity under Rule 4.4.1.5(b) and requiring consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations (NESCS) for a change in use of a HAIL site (closed landfill) as a controlled activity.

## **1.2 Description of the Site**

The subject site is a rear site located on the northern side of Pirongia Road, Te Awamutu. Access to the site is via a long driveway adjacent to 4 Pirongia Road

The site is currently a vacant paddock with the northern portion of the land used for grazing purposes. It is irregular in shape due to the boundary with the Mangapiko Stream, The topography of the land is generally flat with low lying land and established riparian planting located along the Mangapiko Stream to the north.

To the east of the site is an esplanade reserve (Daphne Street Gully) which contains thick bush vegetation and provides a vegetative screen from the properties to the east

The site is situated on a portion of the closed Te Awamutu landfill site, this has since ceased with the site being capped.

The land parcel has a total area of 3.9ha with a legal description Lot PT Alot 317 Mangapiko PSH Lot 3 SO 62851 and is owned by Waipā District Council. NZMCA will operate as a lease agreement for approximately 0.83ha of the land area.

There is currently no built development on the subject site. Figures 1 – 4 below provide a visual reference for the subject site.

Surrounding properties to the south-west are residential in nature with three lifestyle properties adjoining the subject site.



*Figure 1: Aerial photograph of the Subject Site as indicated by the orange outline (Source Waipa DC GIS)*



*Figure 2: Subject site looking towards 4 Pirongia Road (Source Applicants AEE)*



*Figure 3: Subject site looking northwest from end of the site access ( Source Site Inspection)*



*Figure 4: Subject site looking west towards the Mangapiko Stream ( Source Site Inspection)*

### 1.3 Legal interests in the property

There are no interests registered on the Record of Title SA15B/1092 for PT ALOT 317 Mangapiko Parish, Lot 3 SO 62851, however the site is considered a utility allotment, held in a survey office plan in favour of Waipā DC.

### 1.4 Historical consents

Waipā DC records show that two consents have been approved by Waikato Regional Council in relation to the closed landfill site :WRC references:940123 and 940126 these consents will continue to be administered by Waipā DC as the landowner.

## 2 Proposal

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Pursuant to Section 88 of the Resource Management Act 1991 ('the Act'), New Zealand Motor Caravan Association Inc have applied for a landuse consent to establish and operate a motor caravan park to be used by NZMCA members only for temporary overnight accommodation in their self-contained vehicles.

The applicant's application provides the following description(abridged) of the park proposed to be established at Pirongia Road.

*The NZMCA currently operates a nationwide network of parks and are looking to establish another site in the Waikato region. The site will enable NZMCA members travelling in certified self-contained vehicles to temporarily park in a safe and secure place for overnight accommodation. NZMCA parks accommodate a range of self-contained vehicles including small motorhomes and caravans (4 – 6m) to long fifth wheelers (12m+).*

*All NZMCA members are bound by a Membership Code of Conduct and need to follow site specific rules whilst staying at NZMCA Parks. These rules require members to register their membership and vehicle details upon entry to the site at the registration kiosk. The short duration of stay reflects NZMCA's objective for providing parks for short term use only. Members will be permitted to stay on site on a temporary basis. No semi-permanent or permanent residence will be allowed. Adherence to site rules is monitored by fellow members and volunteer local park custodians who visit the site on a regular basis to monitor compliance and respond to any issues. The site management regime works well for NZMCA parks and is a similar approach adopted by the Department of Conservation. The contact details for the main custodian can be obtained via the NZMCA Travel App, NZMCA website and will be provided on site should an issue arise. During the busier periods of the year, e.g. summer months and special events, NZMCA may appoint a temporary site caretaker who would be stationed on site to provide additional site management support.*

*The layout of the site has been designed to safely accommodate up to 75 self-contained motorhomes and caravans (including tow vehicles). As such, the preference is to have parking bays without*

demarcating each individual parking site, although the proposed site layout will help ensure members park in a uniformed manner and help manage site capacity. The site will comprise of the following features and amenities and be consistent with the proposed layout (included in Figure 6 below):

- *Rubbish bins to be emptied by a local contractor on a regular basis;*
- *Potable water;*
- *Fencing of the site*
- *Dump station for wastewater disposal The dump station will be built to NZS 5465 requirements with a water trap to prevent the release of foul odours*
- *Information and registration kiosk (non-habitable structure up to 10m<sup>2</sup>)*
- *Gravelled access and parking areas and*
- *Informational and directional signage*
- *Earthworks for the access, ring road and parking areas ( <1000m<sup>2</sup>)*



*Figure 5: Example of an NZMCA caravan park with raised planting ( source NZMCA application and AEE)*

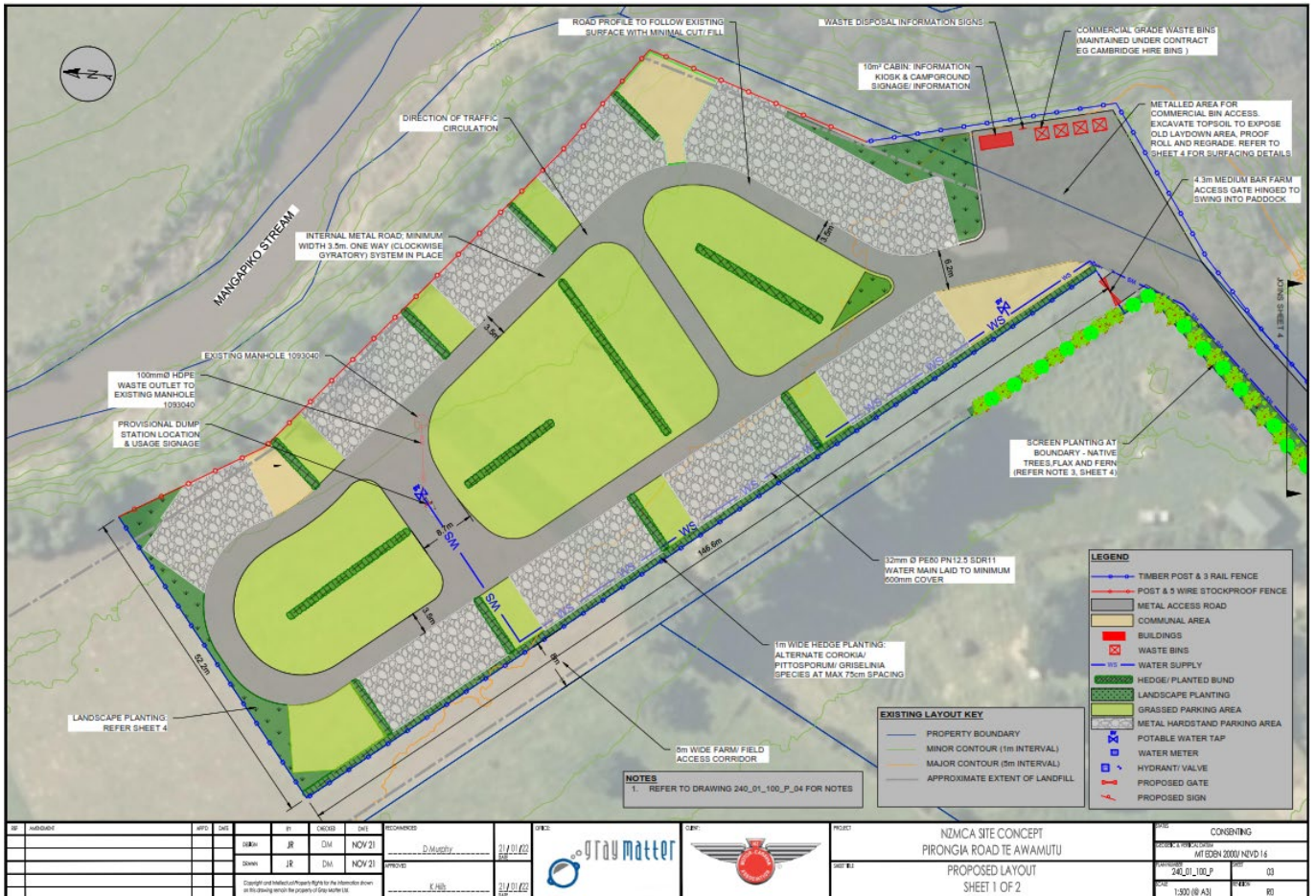


Figure 6: Layout plan (source NZMCA Application)

### 3 REASON FOR THE APPLICATION

A land use consent as described under Section 87A of the Act is required for the reasons set out below.

#### 3.1 Waipa District Plan Rule Assessment

An assessment of the proposal's compliance with the relevant rules of the District Plan has been completed. In summary, Table 3 below outlines the relevant rules relating to the proposed activity.

Rule #	Rule Name	Status of Activity	Comment
Rule 4.4.1.5(b)	All other activities	Non-complying	Campgrounds are not provided for in the rural zone. The activity is not listed in tables 4.4.1.1 to 4.4.1.4 and not listed as a prohibited activity and is therefore a Non complying activity.

Rule 4.4.2.44	Signs	Discretionary	The proposal is unable to comply with Rule 4.4.2.44 as the proposed signage exceeds 1.2m <sup>2</sup> visible in any one direction with a maximum area of 2.4m <sup>2</sup> . Multiple signs are proposed as part of the application however only 2 will be visible from Pirongia Road.
Rule 26.4.2.1,	23m setback from lakes and water bodies	Restricted discretionary	The proposal is unable to comply with Rule 26.4.1.1 (e) which includes the setback from lakes and water bodies which is 23m. The proposed activity will consist of earthworks and parking bays within 23m of the Mangapiko Stream.
Rule 25.4.1.2	Cultural Landscapes	Controlled	Controlled Activity for earthworks and the installation of wastewater treatment systems is required in cultural landscapes area which includes Mangapiko Stream overlay and Hingakaka for the site.  For the purposes of this rule, earthworks includes any filling and cutting deeper than 1m below the soil surface and/or greater than 500m <sup>3</sup> , for any activity but excludes fencing, tile drainage, and maintenance of existing tracks and tree planting; and 'building' does not include additions to existing buildings

**Table 3:** District Plan rule assessment

As outlined in the table 3 above, the application is deemed to be a Non-complying Activity being the highest status indicated by the above rules.



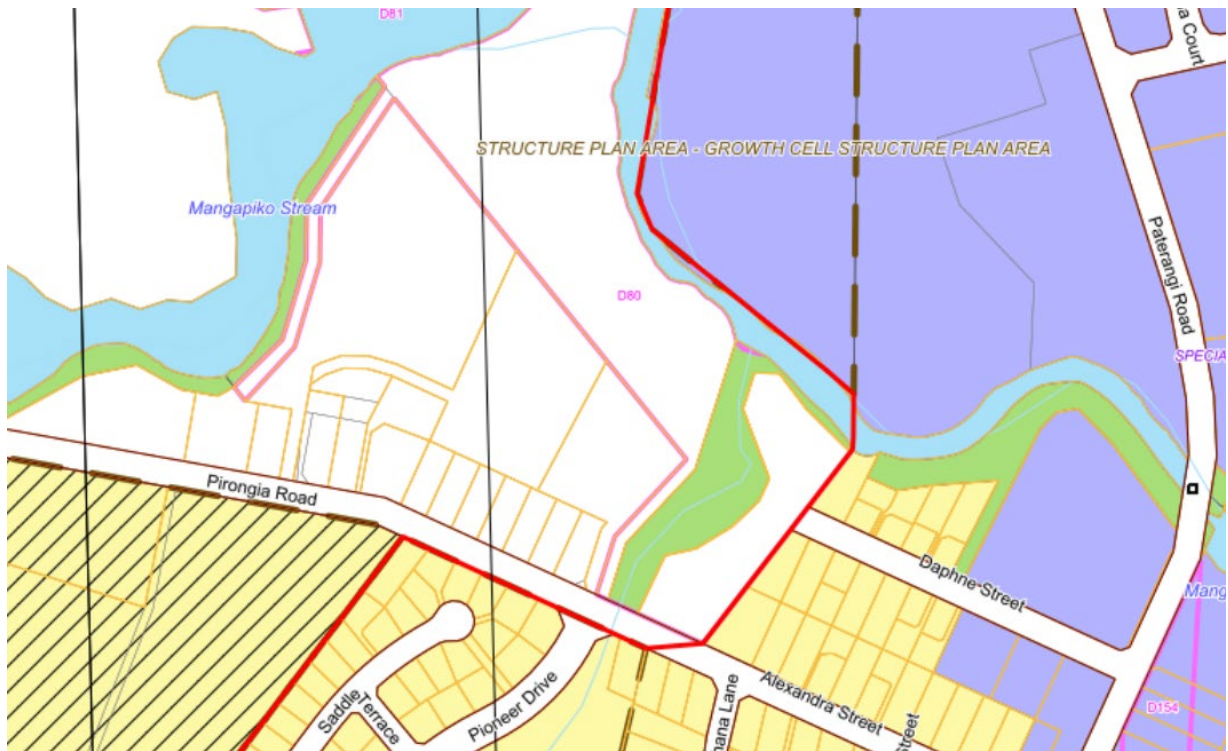


Figure 7: Waipa District Planning Map

### Other Planning Policy Areas/ Notations

- Policy Areas Cultural Landscape Area Alert Mangapiko stream
- Cultural Landscape Area Battle Site, Hingakaka
- Hazard Areas Within a flood hazard area
- Designation D80. The site was previously used as the Te Awamutu Landfill and Effluent Disposal Site and has a designation for processing and disposal of waste materials. This facility is no longer in use.

### 3.2 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS)

These regulations came into force on 1 January 2012 and apply when a person wants to do an activity described in Regulation 5(2) to 5(6) on a piece of land described in Regulation 5(7) or 5(8). Following a review of the historical aerial photographs contained within Council’s records, a HAIL activity (G3 – Landfill Sites) is confirmed to have occurred at the Site and consent is therefore required as a Controlled Activity under Regulations 9(1) and 9(3) due to the disturbance of contaminated soils and change in use to a recreational facility. As discussed in the latter sections of this report a further assessment of Landfill gas and an assessment of the potential for the proposed work to compromise the landfill cap has been undertaken as part of the further information with a technical report by Hd geo determining that no further consent is required under Clause 8(3)(g).

## 4 STAFF COMMENTS

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Please note, the below comments in section 4 relate to the initial review by the various Council specialists. Refer to sections 5 and 6 of this report in relation to the applicant's response to the requested information and corresponding final review by the Council specialists.

### 4.1 Environmental Health

Council's Environmental Health Officer, Mr Glynn Jones has provided the following comments on the application:

*The application proposes a park designed to accommodate up to 75 self-contained motorhomes and caravans for overnight accommodation. The site will comprise of the following features and amenities:*

- *Rubbish bins to be emptied by a local contractor on a regular basis;*
- *Potable water;*
- *Dump station for wastewater disposal; and*
- *Information and registration kiosk.*

*The site rules require members to register their membership and vehicle details upon entry to the site at the registration kiosk. Adherence to site rules is monitored by fellow members and volunteer local park custodians who visit the site on a regular basis to monitor compliance and respond to any issues.*

*The proposal does not identify any compliance with the Camping-Grounds Regulations 1985 . Requirements include a camp plan clearly showing dimensions and compliance with minimum requirements, provision of adequate lighting and potable water, provision of facilities for toilets, cooking, and washing etc. These facilities have not been proposed to enable this site to be registered under the above regulations.*

*It is therefore recommended that the applicant explains how they are proposing to comply with the legislative requirements. It does not appear that there are any grounds for exemption for compliance under the regulations for this site.*

Noise

*Potential noise sources are:*

- *Peoples voices .*
- *Dogs barking*
- *Vehicle movements*
- *Generators running*

*Nearest noise sensitive sites are the adjacent residential properties at:*

- 4 Pirongia Road
- 5/28 Pirongia Road

*The noise report provided with the application relates to Weedons Park which appears to be an unmanned caravan park in the Christchurch area. This report has some useful information about the type of noise that could be anticipated at a park of this type. However, it is not considered that this report is specific enough to this application site to be entirely relevant.*

*There is no continuous supervision proposed on site by the operator, which means that there is a high degree of reliance on customers voluntarily complying with the site rules. This does not provide a high degree of confidence that the anticipated noise from people and their activities will be not be exceeded. If the applicant is proposing to register a camp ground for the proposed activity, it is recommended that a more specific noise report is provided by an acoustic engineer*

Applicants Planners response (per coms Rayya Ali 1 August 2022):

As the NZMCA requires paid membership and self-containment status for their members campervans and vehicles utilising the site, there is no intention for this to operate as a camp ground in the full extent as no toilet facilities/ other amenities are provided and therefore the camping ground regulations will not apply and, do not form part of the application for consent. The site will not be open to the general public. These aspects will be enforced by the custodian for the park and although not on site continually, this will provide an effective level of oversight for the property.

Self-containment status is a formal certification process requiring that the vehicle meets the ablutionary and sanitary needs of the occupants for a minimum of three days, without requiring any external services or discharging waste in accordance with the New Zealand Standard for Self-Containment of Motor Caravans and Caravans, NZS 5465:2001.

Members are typically of an older demographic and recreational activities are generally low key and unlikely to result in a disturbance to surrounding properties. In relation to noise generation the applicant anticipates that the rural noise standards of 50dBA (Leq) during the Day time (7.00am to 10.00pm), and 40dBA (Leq) during the night-time hours (10.00pm to 7.00am), can be reasonably achieved based on experience from other similar properties operating nationwide as per the evidence provided and a condition to this effect is anticipated. The conditions may also include the restriction of the use of generators, although typically use of these is only as an auxiliary power supply and is consciously moderated by individuals such as to protect the amenity of other site users.

The NZMCA code of conduct with respect to use of parks will be provided to Council with Further Information.

## 4.2 Contaminated Land – Technical Assessment

Council’s Environmental Health Team Leader, Mr Anish Chand has engaged Ms Samantha Iles Senior Environmental Consultant from 4 Sight Consulting to undertake a technical review of the application and associated assessments included with the application including the DSI. Ms Iles notes the following:

- *The New Zealand Motor Caravan Association is proposing to establish a motor caravan park including 75 parking spaces, a dump station, gravel access road and landscaping*

- *The WSP DSI was submitted in support of a consent application to establish a motor caravan park at Pirongia Road, Te Awamutu (the site).*
- *The information has been reviewed with reference to the requirements of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations (NESCS) (Ministry for the Environment (MfE), 2011) and the Contaminated Land Management Guidelines (CLMG) No. 1 & 5 (MfE, updated 2021).*
- *The site is the location of the Te Awamutu Closed Landfill which ceased operations in 1992 and is now used for stock grazing. The DSI provides very little information about the sites history including operational landfill management, landfill contents, capping and ongoing closed landfill management. The Assessment of Environmental Effects (AEE) notes biannual groundwater monitoring of the former landfill has been undertaken since 2003 but there is no mention of any groundwater monitoring in the DSI.*
- *No field notes or records of the landfill gas monitoring results undertaken during the DSI were provided. Therefore, limited reliance can be placed on this information. The DSI recommended further investigation of landfill gas risk. Due to the absence of information about the contents of the landfill, 4Sight agree with the recommendations in the DSI that further assessment of landfill gas should be undertaken;*
- *No analysis of soil samples for polycyclic aromatic hydrocarbons (PAHs) was undertaken. PAHs are a common contaminant of concern associated with landfills;*
- *Soil disturbance is required for the excavation of the dump station area which is likely to involve excavations into the landfill material beneath the capping layer. 4Sight agrees with the DSI recommendations that this work should be overseen by a SQEP to ensure that potentially contaminated landfill material is handled appropriately. Any material excavated from beneath the landfill cap should be reburied beneath 0.7 m of clean capping material or disposed of off-site at a licenced landfill facility.*
- *Based on the recorded site observations of consistent lithology across the 11 hand auger locations, the number of hand auger locations is considered adequate;*
- *The DSI concludes that the proposal is a permitted activity under the NESCS as soil disturbance volumes are below permitted activity limits and no soil is to be disposed of off-site. However, it is considered that the change from agricultural to recreational land use constitutes a change in land use under the NESCS and is therefore a Controlled Activity under Regulation 9(3), subject to the adequacy of the DSI. The DSI calculated the permitted soil disturbance volume based on an area of 3.8 ha. However, the AEE defines the site as the lease area of 0.83 ha. The AEE details an anticipated 534 m<sup>3</sup> of soil disturbance for earthworks associated with construction of the ring road and metalled parking areas. It does not detail the excavation required for the dump station. Based on an area of 0.83 ha, the permitted soil disturbance volume would be 415 m<sup>3</sup>*

- *A cut and fill plan should be provided to allow for a more accurate calculation of soil disturbance volumes and assessment of whether the soil disturbance complies with the permitted activity threshold in the NESCS. Based on the information provided to date, the soil disturbance is a Controlled Activity under Regulation 9(1), subject to the adequacy of the DSI.*
- *As the proposal includes excavation into the landfill cap, there is a potential that the integrity of the cap may be compromised. 4Sight recommend that an assessment against Clause 8(3)(g) of the NESCS be undertaken to identify whether the proposed work will affect the landfill containment.*

### Recommendations for Further Information

*4Sight recommends that the following information gaps are addressed prior to granting consent to ensure the requirements of the NESCS and CLMGs no. 1 and 5 are met:*

- 1. An assessment of landfill gas should be undertaken to assess the risk to site users. An assessment of potential PAH contamination in capping soil should also be undertaken;*
- 2. A cut and fill plan should be provided, detailing the areas of excavation and anticipated excavation volume;*
- 3. An assessment of the potential for the proposed work to compromise the landfill cap should be undertaken to determine whether the proposal triggers a consent under Clause 8(3)(g); and*
- 4. A consent should be sought in accordance with the NESCS due to the change in land use from agricultural to recreational.*

## 4.3 Development Engineering Assessment

Council's Development Engineer, Yu Hu, has reviewed the application and notes the following:-

### **Infrastructure Assessment:**

#### **Earthworks:**

*The site is expected to have earthworks less than 1000m<sup>3</sup>. Some earthworks will be required for the establishment of the ring road and metalled parking areas. All appropriate erosion and sediment control measures will be implemented throughout the duration of the works. Erosion and sediment control and CMP conditions will be imposed.*

#### **Roading/ Access:**

*The site access is Pirongia Road. The road is a collector with high traffic volume according to the ITA in the application. Up to 151 one-way movements per day are estimated peak and on average less than 75 vmpd. Vehicle movements will mainly occur from 9am to 4pm. Movements will be at low speed on a gravel ring road.*

*The vehicle crossing has good sightlines on both sides of Pirongia Road. It is proposed to upgrade the crossing. A 3.5m wide ring road is to be built with areas between 3.5 to 8.7m wide waiting bays to provide more visibility. Conditions of upgrading and maintaining the entrance and the private road will be imposed to suit. According to the traffic assessment, DE agrees that peak movements up to 151 will only occur during special events and public holidays. Timing of the vehicle movements will have a negligible impact on the commuter peak hours and the trip generation on general bases can be absorbed into the current road networks.*

**Water Supply:**

*The site is connected to the council's reticulated water network. Water is proposed to be supplied from the council's reticulation. Conditions of design, construction, and QA will be imposed to suit.*

**Wastewater:**

*The site is connected to the council's reticulated wastewater network. A dump station and connection to the existing manhole have been proposed. Conditions of wastewater connection will be imposed.*

**Stormwater:**

*The site has no council's reticulated stormwater network. The proposed design will retain the existing surface water soakage technique and the existing dense grassed paddock will be retained between the proposed park. DE agrees with the stormwater management measures.*

**Foundation:**

*N/A.*

#### **4.4 Reserves Assessment**

Reserves Planning Team Leader, Hannah Divehall has engaged Xyst Consultants, Ms Anna McElrea, Senior Consultant to provide an assessment of the application.

Following a site visit on the 28 June 2022 undertaken in conjunction with council's Biodiversity Planner, Hilary Webb, Ms McElrea has provided the following comments:

*The key issue with the proposed layout is its proximity to the Mangapiko Stream and also the stream through the Daphne St Gully Reserve and the effects of the camping activity itself rather than the development on this significant biodiversity corridor. The adverse effects are primarily associated with movement, noise, artificial light and potential for cats and dogs to accompany campers.*

*The riparian margin along the Mangapiko Stream appears to be between 15-18m wide in most areas and sparsely planted. It appears that there has been a some recent riparian planting undertaken by the Waikato RiverCare Restoration Project (partners shown on photo of sign on gate) which is great but there is still the need for more infill planting and some targeted weed control within this area. Stock have recently been in this fenced off riparian area where there is supposed to be full stock exclusion.*

*The Mangapiko Stream is a major tributary of the Waipā River. The Ngā Wai o Maniapoto (Waipā River) legislation was enacted in 2012 to include the upper catchment of the Waipā River through to its junction with the Pūniu River. Te Ture Whaimana o Te Awa o Waikato – Vision and Strategy for the Waikato River now applies to the whole of the Waikato and Waipā river catchments. The stream's headwaters extend up to Maungatautari. The esplanade reserve network along the riparian margins is not contiguous with large gaps along the Mangapiko Stream and the Mangaohoi Stream as it moves to the eastern edge of the town. The OWDP identifies both streams as biodiversity corridors and requires a 23m building setback. Both streams have been identified as important existing and/or future flyways for bats. Council has committed to significant funding to restore the riparian margins within the Te Awamutu urban boundary and the Maungatautari to*

*Pirongia Ecological Corridor Project has received substantial DoC funding to work with landowners to restore the remainder of the corridor.*

*We need to confirm Council is approving an activity on its own land that supports these identified environmental priorities, which is consistent with the District Plan and which demonstrates best practice to developers that we are asking the same of. We think there is an easy way to achieve this that will also enhance the amenity of the proposed camping area and potentially also protect and enhance the stream’s water quality and reduce the risk of flooding and erosion impacting the integrity of the landfill capping. We think the proposed changes will only slightly lower the total number of vehicles that can use the facility and note that they only expect to be full for a short duration over the peak season.*

*We are happy to support the proposal if:*

- The layout is reconfigured to set back the development 23m from the stream edge, with fencing moved back to this boundary and the riparian planting widened (on mounds where required to protect the capping integrity)*
- There is targeted weed control*
- All stock grazing of the riparian area is stopped*
- The proposed metalled area with the bins and kiosk is reduced and pulled back from the bank crest*
- There is a ban on NZMCA members camping with pets*
- There is mana whenua engagement and mana whenua confirm their support*

**5 Further Information Requests and Responses**

In accordance with section 92 of the Resource Management Act 1991 (RMA), the following information was requested via correspondence dated 7 July 2022 and 19 July 2023 to be provided in relation to the application:

The following table summarises the information requested and the applicants responses.

Information Requested	Applicants Responses
<p><u>Information Requested, 7 July 2022</u></p> <p>The proposed layout is in proximity to the Mangapiko Stream and also the stream through the Daphne St Gully Reserve. The application proposes a portion of the activities within the area immediately adjacent to this significant biodiversity corridor.</p> <p>Waipa DC Parks and Reserves have requested that the proposal be modified slightly to achieve the following:</p>	<p><u>Partial Response received via Applicants Agent dated 3 August 2022</u></p> <p>RE: S92 Further Information Partial Response for Resource Consent Application LU/0133/22 at Pirongia Road, Te Awamutu</p> <p>Thank you for your letter dated 7 July 2022 requesting further information regarding NZMCA’s resource consent application to establish and operate a motor caravan park on</p>

<p>1. The proposed metallised area with the bins and kiosk is reduced and pulled back from the bank crest to provide separation to the gully area.</p> <p>2. For the area around the bins please confirm that a bait station will be installed and monitored to prevent the attraction of pests and rodents.</p> <p>3. That landscaping be modified to extend to include infilling current gaps in the riparian planting strip along the Mangapiko Stream (Landscaping on mounds shall be undertaken where required to protect the capping integrity) and that maintenance of landscape planting be undertaken on an ongoing basis including targeted weed control with the site and adjoining riparian areas.</p> <p>4. The riparian areas be maintained as a stock exclusion zones and current stock access/grazing of the fenced area be prevented. Any breaks in the fencing shall be repaired and or replaced to maintain the stock exclusion.</p> <p>5. All vehicles/ site development (excluding landscaping) shall be at least 27 m from the stream edge to allow for ongoing maintenance of the 23 m setback and prevent activities impacting the waterways. Any new fencing on the eastern side of the site shall be at least 23m from the stream with the area between the stream and fencing be incorporated into the riparian zone where this does not currently achieve 23m.</p> <p>6. Both streams have been identified as important existing and/or future flyways for native bats and birds. Due to the ecological significance of the adjoining areas, the application be modified to prevent pets accompanying NZMCA members utilising the facility.</p> <p>The integrity of the landfill cap remains of high importance for this site in this regard please provide the following further information to support the proposal</p> <p>7. Please provide an assessment from a suitably qualified person around the stability of the landfill capping given the static loading associated with</p>	<p>the closed landfill site at Pirongia Road in Te Awamutu.</p> <p>I have responded to the points raised in your letter below.</p> <p>1. <i>The proposed metallised area with bins and kiosk is reduced and pulled back from the bank crest to provide separation to the gully area.</i></p> <p>The proposed bin area is located on an existing gravel hardstand area constructed by the Pioneer Village Wastewater Project. The proposal includes improving the existing area with minor earthwork as required. These works will not go over and beyond what the already existing in this area.</p> <p>2. <i>For the area around the bins, please confirm that a bait station will be installed and monitored to prevent the attraction of pests and rodents.</i></p> <p>The NZMCA can address this concern by installing bait stations and monitoring them.</p> <p>3. <i>That landscaping be modified to extend to include infilling current gaps in the riparian planting strip along the Mangapiko Stream (Landscaping on mounds shall be undertaken where required to protect the capping integrity) and that maintenance of landscape planting be undertaken on an ongoing basis including targeted weed control with the site and adjoining riparian areas.</i></p> <p>We have observed that the existing vegetation on the riparian strip alongside the Mangapiko Stream is substantial and well established. However, NZMCA can undertake infill gap planting (if required) only along the planting strip located adjacent to the length of the park boundary.</p> <p>4. <i>The riparian areas be maintained as a stock exclusion zones and current stock access/grazing of the fenced area be prevented. Any breaks in the fencing shall be repaired and or replaced to maintain the stock exclusion.</i></p> <p>There is already existing fencing between the land parcel and the riparian area of the</p>
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<p>parking of vehicles and whether this requires any additional monitoring with respect to settlement and land fill gas.</p> <p>8. Please provide a methodology for Monitoring of land fill gasses around the dump station to be undertaken during construction and on an ongoing basis.</p> <p>Further comments are also anticipated from Environmental Health/ Contaminated lands assessments in relation to the application and should these result in any further information we will advise via email.</p> <p><u>Reasons for the Request</u></p> <p>A. The Mangapiko Stream is a major tributary of the Waipā River. The Ngā Wai o Maniapoto (Waipā River) legislation was enacted in 2012 to include the upper catchment of the Waipā River through to its junction with the Pūniu River. Te Ture Whaimana o Te Awa o Waikato –Vision and Strategy for the Waikato River now applies to the whole of the Waikato and Waipā river catchments. The stream’s headwaters extend up to Maungatautari. The current esplanade reserve network along the riparian margins is not contiguous with large gaps along the Mangapiko Stream and the Mangaohoi Stream as it moves to the eastern edge of the town which council is working with Department of Conservation and other groups to improve. The OWDP identifies both streams as biodiversity corridors and enhancement of the ecology and biodiversity of these is encouraged and should be enhanced with betterment achieved wherever possible.</p> <p>B. Maintaining the integrity of the landfill cap allows council to continue to meet its compliance obligations in relation to the closed landfill. This is directly relevant also to the use of the site with a change of use as is proposed by the application to maintain the personal health and safety of the users.</p>	<p>Mangapiko stream. The NZMCA will put a fence around the park boundary and no stock/grazing will be permitted within the park. It should be noted that WDC may have other leaseholders who actually use the remaining portion of the land parcel for grazing purposes. The responsibility to ensure stock does go within the riparian areas falls upon the other leaseholders as opposed to NZMCA.</p> <p>5. <i>All vehicles / site development (excluding landscaping) shall be at least 27 m from the stream edge to allow for ongoing maintenance of the 23 m setback and prevent activities impacting the waterways. Any new fencing on the eastern side of the site shall be at least 23m from the stream with the area between the stream and fencing be incorporated into the riparian zone where this does not currently achieve 23m.</i></p> <p>The proposal cannot meet this standard. Hence why resource consent for restricted discretionary activity is sought. There is already existing fencing located along the strip of riparian planting onsite. The NZMCA will install new fencing around the park and as per the site plan, members will have the ability to park on grassed areas close to this fence line.</p> <p>6. <i>Both streams have been identified as important existing and/or future flyways for native bats and birds. Due the ecological significance of the adjoining areas, the application be modified to prevent pets accompanying NZMCA members utilising the facility.</i></p> <p>All pets will be on leads at all times and signage will be installed to remind members of this rule. It should be noted that the site is located within the rural zone with neighbouring property owners having dogs, cats and other domestic animals located on their properties.</p> <p>7. <i>Please provide an assessment from a suitably qualified person around the stability of the landfill capping give the static loading associated with parking of vehicles and whether this requires any additional monitoring with respect {sic.} to settlement and land fill gas.</i></p>
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	<p>8. Please provide a methodology for Monitoring of land fill gasses around the dump station to be undertaken during construction and on an ongoing basis.</p> <p>Landfill capping concerns raised in point #7 &amp; 8, and further information request received via email dated 19 July 2022, will be addressed at a later stage in consultation with the contaminated land specialist</p>
<p><u>Further Information Request 19 July 2022</u></p> <p>A second Further Information request was send via email on the 19<sup>th</sup> of July relating to the specific aspects Identified by the contaminated lands assessment being:</p> <ol style="list-style-type: none"> <li>I. A cut and fill plan should be provided, detailing the areas of excavation and anticipated excavation volume;</li> <li>II. A consent should be sought in accordance with the NESCS due to the change in land use from agricultural to recreational use.</li> <li>III. An assessment of landfill gas should be undertaken to assess the risk to site users. An assessment of potential PAH contamination in capping soil should also be undertaken; and</li> <li>IV. An assessment of the potential for the proposed work to compromise the landfill cap should be undertaken to determine whether the proposal triggers a consent under Clause 8(3)(g);</li> </ol>	<p><u>Applicants 2<sup>nd</sup> responses 30 November 2022 and 15 December 2022</u></p> <p>Following a meeting with Council Staff and the consultant planner on the 29<sup>th</sup> of November 2022, A review of the site history and southern landfill assessment was provided by NZMCA affiliated Retired Engineer Ray Talbot as an assessment title 'Southern Landfill Assessment Report number NZMC RT03 dated 29 November Refer to report for details . in summary the information provided a review of available site records and monitoring reports relating to the southern portion of the landfill. Appended to report was information relating to the proposed wastewater dump station and NZMCA code of conduct. On the 15<sup>th</sup> of December a further copy of this information together with cross sections relating to landscaping an sight lines from residential properties was also provided as a formal response to the further information .</p> <p><b>Comments Refer commentary below in section 6 regarding adequacy of the information provided , Formal Landfill gas assessment still considered necessary by Council Technical Advisor.</b></p>
	<p><u>Applicants 3<sup>rd</sup> response dated 18 May 2023</u></p> <p>The applicant submitted as technical report from HD Geo titled Te Awamutu South Closed Landfill Gas Technical Report REV 1dated 11 May 2023. which covers the landfill gas investigation for 4 Pirongia Road Te Awamutu. The report assessing the residual risks associated with landfill gases on the closed landfill site and responds to outstanding s92 matters.</p>

This investigation has been unable to find any presence of CH<sub>4</sub> and found that other likely landfill gases such as CO<sub>2</sub> were present at levels representative of atmospheric conditions (see p.9). In arriving at these results HD Geo undertook 10 bore samples including one (HA 05) adjacent to a wastewater pipe running through the site (see bore plan Appendix E) where it might be expected that landfill gases may accumulate.

This report also includes (at Appendix I) a proposed site management plan for monitoring landfill gases during and following the proposed works required to establish the vehicle based campsite. This includes works required for the proposed dump station. Key findings from the HD Geo report are:

*HD Geo prepared this report to evaluate the presence of landfill gases originating from the Te Awamutu South Closed Landfill, and to evaluate the potential risk to human health from landfill gases, relating to the proposed construction works and the proposed final land use. From our desktop investigation, site visit and landfill gas sampling, we have concluded that:*

- *historic aerial imagery suggests the landfill on the site has operated from the early 1960's to the early 1970's*
- *it is unlikely the landfill is producing significant concentrations or volumes of gases after being closed for more than 50 years*
- *groundwater and surface water monitoring events undertaken on the site have demonstrated generally consistent results, with no evidence of leachate production (and hence waste decomposition and associated landfill gas production) and full compliance with discharge resource consents*
- *available historical landfill gas sampling events in monitoring bores show no CH<sub>4</sub> and negligible CO<sub>2</sub>*
- *no evidence of landfill material, vegetation dieback, liquid or gas emissions were noted during the site walkover*
- *our sampling showed gases generally representative of atmospheric conditions, with no CH<sub>4</sub> detected*
- *there is no evidence to suggest a risk to human health from landfill gas should the*

	<p><i>proposed development be undertaken, provided the site is properly managed during development, and continues to be properly managed for the final proposed landuse (motor caravan parking site)</i></p> <ul style="list-style-type: none"> <li><i>• this report has determined that it is highly unlikely that there is a risk posed to human health by landfill gas, but the DSI investigation shows soil contaminants exceed background concentrations. As such we consider that the proposal is a controlled activity under the NESCS</i></li> <li><i>• the proposed shallow excavation for installation of the dump station will not provide new pathways for contaminant migration in accordance with NES:CS Reg 8(3)(g), as there is no evidence of landfill gas production, the landfill cap appears to have a depth of at least 1m at this location and the cap will be reinstated.</i></li> </ul> <p><u><i>We have recommended that:</i></u></p> <ul style="list-style-type: none"> <li><i>• the site management plan (SMP) included in Appendix I is utilised during intrusive site development works, including the monitoring of landfill gas during the dump station excavations</i></li> <li><i>• this report is supplied to WDC in support of the proposed development.</i></li> <li><i>• Procedures for protection and regular inspection of the landfill cap; and</i></li> <li><i>• Any ongoing landfill monitoring required in accordance with existing closed landfill management consent conditions.</i></li> </ul>
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## 6 ASSESSMENT FOR THE PURPOSE OF PUBLIC NOTIFICATION

### 6.1 Adequacy of information

Initial responses from the applicant in relation to the aspects raised through the requests for further information were considered by Council staff, the consultant planner and relevant technical experts acting on behalf of Council.

#### 6.1.1 Initial Application and AEE

The application by NZMCA is sufficient to understand the nature of the proposal, the proposed layout including vehicle parking areas and the provision of some facilities including a site kiosk and wastewater dump station, landscaping proposed, directional and site signage and access configurations to Pirongia Road / within the site. The change in use from Rural to Recreational has

been assessed by the Applicant as part of the AEE included with the application. Areas where further information is considered necessary based on technical assessments undertaken on behalf of Council has been outlined in section 5 above.

### **6.1.2 Points of clarification**

Further responses received in relation to the clarification that a camping ground in accordance with the camping ground regulations was not proposed were considered sufficient given the responses pertaining to NZMCA members only and the need for self-containment when utilising the site. These can be considered via consent conditions limiting occupancy to NZMCA members only. A condition imposing compliance with the rural noise standards of the district plan is also recommended.

### **6.1.3 Further Information - Reserves**

In relation to aspects relating to the further information relating to reserves and the importance of biodiversity in the area and based on feedback received from Ms McElrea, Senior Reserves Consultant, a series of conditions can be considered to require monitoring and pest control, restricting animals to dogs on leads only. Weed control, stock management and infill planting within the riparian zone will be managed via Council as the landowner and other leases for grazing.

Compliance with the 23m setback to retain an effective riparian zone along the stream margin remains an aspect where if the consent is granted further relief will be sought through conditions requiring a change in layout as no change has been proposed through the applicant's application.

### **6.1.4 Further Information DSI /Landfill Assessment**

The Southern landfill assessment report by Mr Talbot assisted with some of the site background for the site and closed some of the information gaps relating to monitoring of the Landfill. Ms Isles of 4sight acting as Councils technical reviewer for contaminated land aspects provided comments on the review and concluded however that the assessment was not considered a suitable technical assessment. The assessment does not provide a sufficient level of response on risk, particularly in relation to the assessment of the HAIL site and the possible presence of Landfill gasses and maintaining the integrity of the land fill cap during excavations. The DSI as submitted with the application also recommend further assessment of Landfill gasses and did not include sufficient detail to base an assessment on or, satisfy the further information request.

Additional information was considered necessary to give Council confidence that any risks are appropriately managed in relation to human health and possible exposure pathways and further consideration by a Suitably Qualified and Experienced Contaminated land Practitioner with expertise in landfill assessment and landfill gas management. This aspect is identified by the NECES legislation through the guidance notes and is needed to support the application and additional NESCS consent. The SQEP assessment should also include an assessment against clause 8 (3)(g) of the NESCS and, confirm no new pathways for migration of contaminant are generated through the development. The SQEP will complete an assessment of how landfill gasses will be considered at the site based on the historic details of the closed landfill, consideration of any excavations (location and depth) and volume of materials and provide recommendations for how these will be managed and monitored at the site and what trigger are appropriate (if required).

### **6.1.5 Further Information received - Te Awamutu Closed Landfill Gas Technical Report – prepared by HD Geo**

4Sight Consulting Ltd (4Sight) was engaged by Waipa District Council (WDC) to conduct a technical review of the response to a Section 92 request for further information provided in relation to consent LU/0133/22 , these comments are provided below and I agree with these conclusions in relation to the technical report provided.

*The New Zealand Motor Caravan Association (NZMCA) propose to develop a section of the Te Awamutu South Closed Landfill (the site) for use as a motor caravan parking site.*

*A previous detailed site investigation (DSI) by WSP recommended that further investigations should be undertaken to better characterise the risk of landfill gas. Further reviews were undertaken by 4Sight Consulting (4Sight) on behalf of Waipa District Council (WDC) which concurred that an additional assessment of landfill gas should be undertaken to assess the risk to future site users. These recommendations were taken onboard by WDC and formalised in an email from a resource consent consultant.*

#### *Adequacy of the Landfill Gas Assessment (HD Geo)*

*The assessment completed by HD Geo included a desktop review of the site history and previous reports, a site inspection and limited on-site gas sampling. The investigation was completed appropriately and adequately assessed the potential risk from fugitive gases from the former landfill to site users.*

*Based on the information provided, 4Sight agree with the conclusions that the risk to human health from landfill gases is low and that the excavation for installation of the dump station is unlikely to provide a pathway for contaminant migration.*

#### *Recommended Conditions*

4Sight recommends the following consent conditions:

- All intrusive site development works shall be completed in accordance with the Site Management Plan by HD Geo;
- In the event of contamination discovery e.g., visible staining, waste material, odours and/or other conditions that indicate soil contamination, work must cease until a suitably qualified and experienced practitioner (contaminated land) has assessed the matter, advised of the appropriate remediation and/or disposal options for these soils and notified Waipa District Council;
- Any excavation to a depth greater than 0.7 m bgl shall be overseen by a SQEP;
- Any soil removed from the site shall be disposed of at a suitably licenced landfill facility; and

- Following completion of the development, an Ongoing Site Management Plan (OSMP) shall be developed by a SQEP detailing ongoing management procedures to protect site users from contaminated material. The OSMP shall be prepared in accordance with Contaminated Land Management Guideline No. 1 (MfE, 2021) and shall contain the following, at a minimum:
  - Identify areas of historic landfill material and relevant background information;
  - Procedures for protection and regular inspection of the landfill cap; and
  - Any ongoing landfill monitoring required in accordance with existing closed landfill management consent conditions.

## 6.2 Overall Conclusion on Adequacy of Information

It is my opinion that the information contained within the application and subsequent responses is substantially suitable and reliable for the purpose of making a recommendation of and decision on notification. The information within the application is sufficient to understand the characteristics of the proposed activity as it relates to provisions of the District Plan, for identifying the scope and extent of any adverse effects on the environment, and to identify persons who may be affected by the activity's adverse effects.

## 7 Assessment of Environmental Effects

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### 7.1 Permitted Baseline

The Rural zone of the Waipā District Plan provides for various rural landuses including residential dwellings, farm buildings and ancillary structures. These have little direct relevance to the activities proposed by this consent and therefore the permitted baseline does not apply.

### 7.2 Change in Landuse - Rural to Recreation and Associated Amenity Effects

#### Receiving Environment

The applicant has provided an assessment of the current site context which, following a site inspection I generally agree with.

*The park will be located on a portion of the total land parcel which will mostly remain vacant and occasionally used for grazing purposes. There are large trees located along the western boundary of the land parcel shared between 4 Pirongia Road property.*

*The park itself will not be visibly prominent from the main road and is mostly screened from the public viewpoint as it is located to the rear of 4 Pirongia Road property and can only be accessed via a long driveway off Pirongia Road. The Mangapiko stream is located to the North East of the site with riparian planting vegetation providing a thick layer of screening from the stream. To the east*

*of the site is an esplanade reserve (Daphne Street Gully) which contains thick bush vegetation and provides a thick layer of screening from the properties to the east.*

*The bulk of the site will not be visible from public viewpoints as it is hidden behind the residential rural properties and due to the distance from the main road, topography of the site and existing vegetation. Residential properties located at 4 and 5/28 Pirongia Road may have some views of the park.*

### Proposal

The proposal involves the establishment and operation of a motor caravan park as a recreational activity in an area that is currently utilised for rural grazing. The area of the site immediately adjacent to the Mangapiko Stream given the sites history and previous landuse of a closed landfill would be reasonably anticipated to be remain generally vacant of development.

### Assessment

The change in landuse proposed by the application, constitutes a change in the visual appearance of the site and provides for motorhomes and caravans using the site with the movement of vehicles utilising the access and loop road to park. This change will be most notable for the immediately adjacent properties who previously have had an unobstructed view across rural land to the planting associated with the Mangapiko Stream. Wider effects associated with visual amenity are not anticipated by the proposal given the context of the site as indicated above.

The activity by nature is described in the Applicants AEE as being transitional with changing views with vehicles parked in different areas of the site. Occupancy rates will vary and likely be seasonally dependant. Estimates provided by the NZMCA based on other similar sites within the wider Waikato region suggest that the park is expected to operate at 50% or less capacity for the majority of the year, at the lower occupancies the change in visual amenity is considered to be moderate . During peak periods the capacity of the park will provide sufficient area for up to 75 vehicles which is considered the spatial maximum within the parking bays proposed, and the associated concentration of people with the motorhomes/ campers which will have an notable effect on the visual appearance / amenity of the immediate rural zone. The regular movement of vehicles will also be a distinct change in context to the current quite access used infrequently as part of the farming activities. These aspects are considered to have a minor effect on the rural character and amenity of the site and adjoining properties.

### Mitigation Proposed

The configuration of parking areas as specified by the applicant indicate that the vehicles would be parked more than 9m away from the property boundaries to the west being 4 Pirongia Road and 5/28 Pirongia Road, which may be partially offset by the landscaping proposed, however as the site is a rear site, the movement of vehicles to access the site will create additional effects to the residential property at 4 Pirongia Road.



There will also be some grassed parking bays and landscaped areas located around the peripheral of the park which will contribute to improved landscape and increased amenity values for the site. Fencing is also proposed around the boundary of the park which includes shallow post and rail type fencing along the northern and western boundaries of the park with batten and wire fencing along the eastern boundary. Landscape planting forms part of the application and has been proposed to mitigate the effects to the adjoining properties which is to be established in accordance with the Landscaping Plan provided with the application and summarised here for ease of reference.

Landscaping is proposed along the western boundary of the park to provide additional screening of the activity from the neighbouring properties located at 4 and 5/28 Pirongia Road and to enhance the overall amenity of the site. The application proposed the use of Native trees which will be planted around the park boundary (for amenity and screening purposes) and planted mounds providing visual enhancement of the parking areas proposed within the site. Irrigation will be provided to planted areas to ensure the plants remain healthy over drier months and during summer periods as required. Planting on raised mounds also serves to maintain the landfill capping integrity.

This landscaping as proposed seems appropriate in the context of the site development and from the information provided will provide an increase in overall amenity and soften the site by providing amenity planting and screening. Additional information around sight lines and cross sections provide further information around the likely effectiveness of landscaping and planted mounds. It is acknowledged that amendments have been made to the layout and landscaping to accommodate concerns of neighbouring parties. I also agree with the applicant that the mitigation planting as well as measures to minimise development of structures onsite will assist in the visual integration of the development into its rural environment. Whilst these aspects will go some way to reducing the level of effects, in my view there is still a residual effect on rural amenity which is considered minor.

#### Consideration of Affected Parties

With regards to the adjoining properties the proposal could impact on their ability to enjoy the rural character and amenity of their sites and surrounding area. In my view, the two adjoining parties included below will be adversely affected to a minor degree and are therefore considered affected parties under s95E due to the change in landuse within the rural zone which changes the occupancy of the area for a recreational activity, and the increase in vehicle movements associated with the site and as such affected party approvals should be sought in support of the application.

Parties identified:

- 4 Pirongia Road – Lot 1 DPS 62851, John D Bosson & Jean P Bosson
- 5/28 Pirongia Road – Lot 2 DPS 92516 Colin Old

No other persons are considered to be adversely affected due to their orientation, separation distance from the proposed activity and the landscaping as proposed by the applicant as part of the proposal .

The applicant has since advised affected parties approvals have not been obtained in relation to the proposal.

### **7.3 Landfill Gas**

Based on the technical assessment and conclusions in the Technical Assessment titled Te Awamutu Closed Landfill, Landfill gas Technical Report dated 11 May 2023 undertaken by HD Geo dated and supplied in support of the Application, there is no evidence to suggest a risk to human health from landfill gas should the proposed development be undertaken, provided the site is properly managed during development, and continues to be properly managed for the final proposed landuse (motor caravan parking site).

This assessment has been reviewed by Ms Isles in her technical capacity relating to contaminated sites on behalf of Council who agrees with the methodology and findings of the technical report. I agree with Ms Isles assessment and as such consider that the potential effects of landfill gas is unlikely and therefore less than minor. Conditions relating to the use of a site management Plan and overseeing of deeper excavations associated with the installation of the wastewater dumpstation have been recommended and in my view are appropriate for the management of the site establishment phase and ongoing monitoring.

### **7.4 Earthworks**

Earthworks are considered relatively minor in scale and required for the gravelled ring road around the site and some of the parking areas located around the peripheral of the site. The ring road will need to be undercut to remove topsoil 0.1 to 0.25m below existing ground level and allow the placement of a gravel surface.

The applicant has estimated the following earthworks volume based on an area of 1517m<sup>2</sup> for the ring road, the expected volume of soil disturbance is between 151.7m<sup>3</sup> and 379.25m<sup>3</sup>. The metalled parking areas will result in land disturbance of approximately 534m<sup>3</sup>.

The proposed earthworks will comply with District Plan Rule 4.4.2.75 for the rural zone which permits earthworks to not exceed a total volume of 1000m<sup>3</sup> in a single activity, however the earthworks and soil disturbance relates to a contaminated site with soils sampling showing contamination above background levels and therefore the provisions of the NESCS apply. Based on the area of the site a consent is required for soil disturbance on a contaminated site under Regulation 9(1) as a controlled Activity.

The proposed earthworks will be near surface excavations to maintain the landfill cap integrity with the exception of the wastewater dumpstation installation which will be overseen by a SQEP.

Planted landscaping mounds will be built up within the loop road utilising additional soil located within the site and will likely mean all soil can be accommodated within the site without the need for disposal off site. Should disposal of excess material be required, this will require disposal at an authorised facility.

On the basis of the above I consider that the adverse effects of the earthworks proposed as part of the application are less than minor.

## 7.5 Noise

I generally agree with the applicants assessment in relation to noise effects. *The proposal is for a passive recreational activity within the rural zone. The principal activity is quite in nature with noise primarily generated from vehicle movements, members conversing and interacting with each other and the occasional use of gas-powered generators. NZMCA parks are characterised by their generally passive and quiet environment which reflects the attractiveness of these facilities for members wanting to camp in safe and peaceful locations.*

*To maintain the rural environment and limit night-time disturbances, generators will only be used onsite between the hours 8.00am and 8.00pm for limited periods of time.*

The closest point of the property at 4 Pirongia Road is located at least 45m from the location of the park boundary and there is approximately a 10m distance between the driveway of 4 Pirongia Road and usable accessway of the park.

Under the District Plan, noise generated from activities in the rural zone has a threshold of 50dBA (Leq) during the Day time (7.00am to 10.00pm), and 40dBA (Leq) during the night-time hours (10.00pm to 7.00am), with night-time single noise event being 70dBA (Lmax). NZMCA have indicated in the application that they operate a number of parks around the country with several located with the rural zone of the various district plans. The Applicant has indicated that compliance with noise standards have been achieved at other locations. Moreover NZMCA members are obligated to comply with the membership code of conduct and environmental care code. These set out expectation that members treat others with respect, courtesy and avoid causing visual and noise pollution. Given the demographic of people likely to utilise the NZMCA park, I agree that noise generated from the activity on site are likely to be associated with more passive recreation activities such as smaller social interactions including person to person communications and small gatherings over a short duration and will likely be able to meet the limits under the District Plan and likely to be less than minor. Councils Environmental Health Officer initially raised concerns around the property operating as a formal camping ground open to the public has advised that the compliance with the noise standards will require self-monitoring to be effective.

As such compliance with the rural noise standards is recommended as a condition including limits on the operation of generators within the site.

## 7.6 Signage

NZMCA signage will be located at the Pirongia Road accessway which directs members to the location of the park, at the park gates and within the site. A total of seven signs are proposed

- Up to 2m<sup>2</sup> directional signage located on a 2m high pole at the corner of Pirongia Road and the park entrance;

- Up to 2m<sup>2</sup> welcome sign located next to the main entrance gate;
- 1 x 0.2m<sup>2</sup> sign located at the gate reminding visitors that access is restricted to NZMCA members only;
- 1 x 0.5m<sup>2</sup> hazard sign located next to the main entrance gate;
- 1 x 2m<sup>2</sup> information sign affixed outside the kiosk;
- 1 x 0.4m<sup>2</sup> 'one way' directional sign positioned at the intersection of the driveway and ring road advising members to turn left as they enter the park. The maximum height from the ground will be approximately 2m; and
- 1 x 0.2m<sup>2</sup> sign near the entrance inside the gates of the park reminding members leaving the park to watch for pedestrians. This sign will not be visible from the road. The maximum height from the ground will be approximately 2m.

The level of signage and size proposed for mainly directional/ informational signs visible from within the property. Outward facing signage whilst unable to meet the permitted activity standard is considered in keeping with surrounding context and not considered visually obtrusive and is therefore considered less than minor.

## 7.7 Transportation Effects

The applicant has provided an ITA and references an Opus Report commissioned for occupancy and indicative vehicle movements from observations at other NZMCA Parks, peak movements at this frequency will only occur during special events, public holidays and intermittently throughout the peak season. We anticipate the park will operate at less than 50% max capacity for the majority of the year and therefore the park should generate, on average, less than 75 vmpd.

Council's Development Engineer has reviewed the application and advises of the following, I agree with this assessment and consider the effects of the traffic associated with the proposal to be less than minor on the road network.

*The vehicle crossing has good sightlines on both sides of Pirongia Road. It is proposed to upgrade the crossing. A 3.5m wide ring road is to be built with areas between 3.5 to 8.7m wide waiting bays to provide more visibility. Conditions of upgrading and maintaining the entrance and the private road will be imposed to suit. According to the traffic assessment, DE agrees that peak movements up to 151 will only occur during special events and public holidays. Timing of the vehicle movements will have a negligible impact on the commuter peak hours and the trip generation on general bases can be absorbed into the current road networks.*

Within the site the access traverses down the length of the adjoining property which will have an amenity effect which has been considered above in relation to the change in use.

## 7.8 Stormwater

The proposal may result in minor increase in the rate of stormwater discharge from the site. The existing grassed paddock will be retained surrounding the park. The granular metalled ring road and some of the gravel parking areas around the site has potential to generate an increase in stormwater.

I agree with the Applicants assessment of stormwater and agree that design of the proposed park is relatively low impact with respect to stormwater and existing grassed areas and parking bays located within the site boundaries will provide surface water soakage.

Overall, stormwater can be adequately managed onsite without the need for additional stormwater management devices and adverse stormwater runoff effects from the site is expected to be less than minor and as overland flow rather than a specific point discharge to the Mangapiko Stream. Filtration via ground and through the planted riparian zone will also provide some treatment of water prior to discharging as groundwater.

## **7.9 Water and Wastewater**

The application advises *All NZMCA motorhomes and caravans using the site need to be self-contained with on-board freshwater tanks, wastewater tanks, and an accessible toilet. This ensures that all toilet and grey water waste is contained within the vehicle with no permitted discharge. A new dump station will be installed onsite for members use only. Members are required to empty their toilets and waste tanks at approved dump station.*

*We understand the site may have water available and is currently being investigated with Council's property services team. Members will have access to proper drinking water once we have established whether water can be drawn from the existing water source.*

The enforcement of self-containment by patrons will avoid other negative effects than can otherwise be associated with freedom camping and the inappropriate use of grounds in the absence of toilet facilities. The Park is also to be restricted to members of the NZMCA only.

## **7.10 Effects on Cultural values**

The general area where the site sits is partially located within the cultural landscape alert area. This is an area of significance to the Iwi Ngā Iwi Tōpū O Waipā. NZMCA will be leasing a portion of the land parcel from Waipā District Council. The scale of the earthworks will only be to the extent of locating the gravel ring road and providing some hardstand parking bays around the peripheral of the park.

Additional planting will be undertaken within the park boundaries (trees planted around the park and within the parking bays of the ring road) to provide improved and enhanced landscaping of the site. Infrastructure which includes waste disposal dump station and potable water will be connected to Council's reticulated mains. Fencing is proposed around the boundary of the park to prevent people from going and driving beyond the park boundaries. It will also prevent people from going beyond the site particularly towards the Mangapiko Stream.

Ngā Iwi Tōpū O Waipā were advised of the application from WDC to obtain feedback and initial comments relating to the project. No further comments were received.

## 7.11 Summary of Effects

Taking into consideration the proposed methodologies and appropriate management of the activity onsite in relation to historic landfill, adverse effects associated with this proposal will be generally less than minor with the exception of the minor localised amenity effects associated with the change in use. Noise effects can be mitigated through the use of conditions to enforce the rural noise standards of the District Plan. The effects on the transportation network are considered to be less than minor with the increase in vehicle movements unlikely to affect the safe and efficient operation of the roading network.

The proposal to establish a motor caravan park in Te Awamutu will have localised effects associated with change from rural to recreational and introduce a change in visual appearance and amenity which has a minor effect on the localised rural character. The applicant has proposed visual mitigation through landscape planting which in the context of the site is considered appropriate however the adjoining properties will still experience a reduction in overall amenity and rural character from the parking of motor vehicles and their associated movements accessing the property.

## 8 Notification

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### 8.1 Mandatory Public Notification - Section 95A(2) & (3) – Step 1

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, none of the above situations apply, therefore public notification is not required under Section 95A(2) and 95A(3).

### 8.2 Public notification precluded – Section 95A(5) – Step 2

The application is for a Non-complying activity within the Rural Zone under the operative Waipā District Plan and controlled activity under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health and there are no rules in a National Environmental Standard or the District Plan relevant to this proposal that preclude public notification.

### 8.3 Public notification required in certain circumstances – Section 95A(8) – Step 3

Council must publicly notify the resource consent where:

- a) The application is for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification; or
- b) The consent authority decides, pursuant to Section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

In this instance, public notification is not required by a rule or a national environmental standard. Refer to Section 6 of this report for Council’s assessment of the effects. The effects of the activity are not considered to be more than minor for the purposes of public notification.

## **8.4 Effects that may or must be disregarded – Section 95D(a), (b), (d) and (e)**

Pursuant to Section 95D, if a rule or national environmental standard permits an activity with that effect the adverse effect of that activity may be disregarded.

### **8.4.1 Permitted Baseline**

Pursuant to Section 95D, a Council may disregard an adverse effect of the activity on the environment if the plan or a national environmental standard permits an activity with that effect (i.e. the Council may consider the ‘permitted baseline’). The permitted baseline is a concept designed to disregard effects on the environment that are permitted by a plan or have been consented to with regard to who is affected and the scale of the effects.

In the context of the this proposal the permitted baseline is not applied.

### **8.4.2 Land excluded from the assessment**

For the purpose of assessing an application to establish whether public notification is required, effects on owners and occupiers of the subject site and adjacent sites, and persons whom have given written approval **must** be disregarded.

Although the application provides evidence of consultation and engagement with adjoining and adjacent landowners, no written approvals were provided with the application.

## **8.5 Assessment of Adverse Environmental Effects – Section 95D**

Part 2 of the Act explains the purpose is to “*promote the sustainable management of natural and physical resources*”. In addition, it is noted the meaning of ‘effect’ is defined under the Act as:

*In this Act, unless the context otherwise requires, the term **effect** includes—*

- (a) any positive or adverse effect; and*
- (b) any temporary or permanent effect; and*
- (c) any past, present, or future effect; and*
- (d) any cumulative effect which arises over time or in combination with other effects — regardless of the scale, intensity, duration, or frequency of the effect, and also includes—*
- (e) any potential effect of high probability; and*

(f) any potential effect of low probability which has a high potential impact.

With the definition of 'effect' in mind, it is considered appropriate to further examine the effects of the proposed activity relating to character and amenity, use of contaminated site, traffic, and noise effects, refer to section 7 of this report. The conclusion of the Assessment of Effects is while there may be some localised effects to amenity that are minor, there are no wider effects which would warrant public notification of the proposal.

## **8.6 Special Circumstances – Section 95A(9) – Step 4**

Council must make a determination as to whether special circumstances exist in relation to the application that warrant public notification of the application and publicly notify an application if it considers that special circumstances exist. In effect, special circumstances 'trumps' other notification provisions. Special circumstances have been defined as circumstances that are unusual or exceptional, but may be less than extraordinary or unique. Special circumstances provide a mechanism for public notification of an application which may otherwise appear to be routine or uncontroversial or minor in its effects.

The purpose of considering special circumstances requires looking at matters that are beyond the plan itself. The fact that a proposal might be contrary to the objectives and policies of a plan is not sufficient to constitute special circumstances. Special circumstances must be more than:

- where a Council has had an indication that people want to make submissions;
- the fact that a large development is proposed; and
- the fact that some persons have concerns about a proposal.

In this instance, the proposal is not considered to have unusual or exceptional circumstances warranting public notification.

## **8.7 Summary of Public Notification Assessment**

Pursuant to Section 95A, the application has been assessed to determine if public notification is required. In this instance, and for the reasons outlined in Sections 4.1 to 4.7 above, it is not considered that the proposal warrants public notification. For this reason the application is required to be assessed pursuant to Section 95B for limited notification.

## **9 ASSESSMENT FOR THE PURPOSES OF LIMITED NOTIFICATION**

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Pursuant to Section 95B(1), where a consent authority decides that public notification is not required under Section 95A of the Act, an assessment is required to determine whether limited notification of an application is required.



### **9.1 Affected Customary Rights or Marine Title Groups – Section 95B(2)- Step 1**

The property subject to this application is not within a protected customary rights group area or a customary marine title area as defined by the Marine and Coastal Area (Takutai Moana) Act 2011.

### **9.2 Statutory Acknowledgment Area – Section 95B(3) – Step 1**

Pursuant to Section 95B(3)(a), the Council is required to determine whether the proposed activity is on, or adjacent to, or may affect, land that is the subject of a statutory acknowledgment made in accordance with an Act specified in Schedule 11. The property subject to this consent is not within a Statutory Acknowledgement Area.

### **9.3 Limited Notification Precluded in Certain Circumstances – Section 95B(6) – Step 2**

There are no rules in a National Environmental Standard or in the District Plan relevant to this proposal that preclude limited notification (Section 95B(6)(a)).

The application is not a controlled activity requiring consent under the District Plan (Section 95B(6)(b)).

There are no circumstances relevant to this proposal that preclude limited notification under Section 96B(6) (Step 2).

### **9.4 Certain other affected persons must be notified – Section 95B(7) – Step 3**

Step 3 required Council to determine whether, in accordance with Section 95E whether the following persons are affected:

- In the case of any other boundary activity, an owner of an allotment with an infringed boundary.

The proposal is not a boundary activity (Section 87AAB), so there are no owners of with an infringed boundary that are affected, so there are no parties to notify in this report.

### **9.5 Assessment of adversely affected persons - Section 95B(8) – Step 3**

Assessment is now required under Section 95B(8) to determine whether a person is an affected person in accordance with Section 95E. Under Section 95E, a person is an affected person if the consent authority decides that the activity's adverse effects on a person are minor or more than minor (but are not less than minor).

Section 7 above provides an assessment of the adverse effects on the potentially affected persons.

Council's consultant planner considers the following parties to be affected by the proposal in relation to amenity effects.

- 4 Pirongia Road – Lot 1 DPS 62851 John D Bosson & Jean P Bosson
- 5/28 Pirongia Road – Lot 2 DPS 92516 Colin Old

Affected party written approvals have not been obtained from these parties and as such limited notification is required.

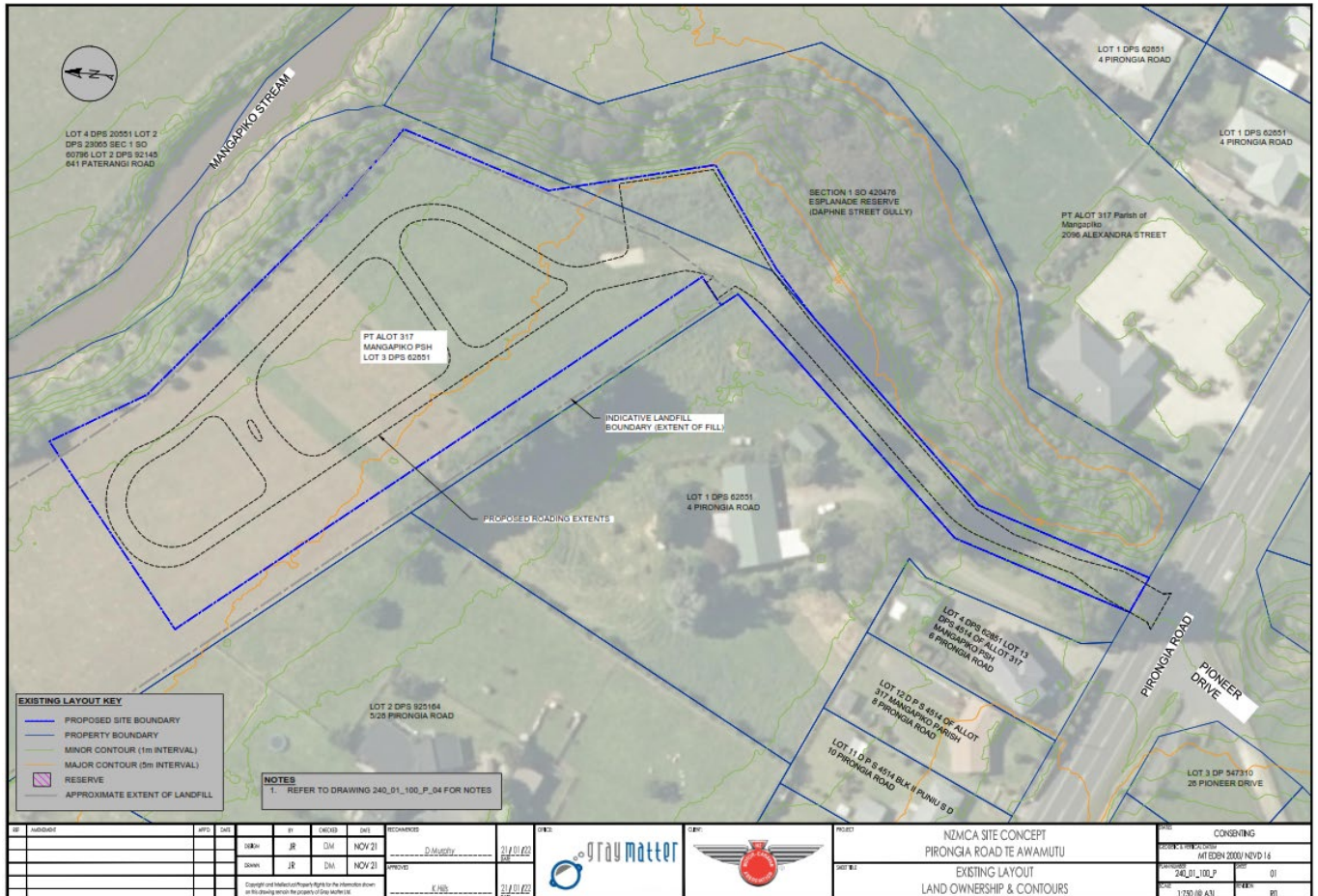


Figure 8: Proximity of the Site to adjoining properties ( NZMCA application)

### 9.6 Special Circumstances – Section 95B(10) – Step 4

Pursuant to Section 95B(10), the Council must limit notify an application, to any other persons not already determined to be eligible for limited notification, if it considers that special circumstances exist in relation to the application. The reasons set out in Section 4.7 above are also relevant here and are not repeated. It is my opinion that there are no special circumstances applicable that would warrant the application being notified to any persons.

### 9.7 Summary of Limited Notification Assessment

Pursuant to Section 95B, the application has been assessed to determine if limited notification is required. In this instance, and for the reasons outlined in above, it is considered that the proposal warrants limited notification .

## 10 SECTION 95 NOTIFICATION RECOMMENDATION AND DECISION UNDER DELEGATED AUTHORITY

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Pursuant to section 95 A & B application LU/0133/22 for the establishment and operation of a motor caravan park at PT ALOT 317 MANGAPIKO PSH Lot 3 SO 62851 shall proceed on a **Limited Notified** basis to the parties identified below for the reasons discussed above in Section 7:

- 4 Pirongia Road – Lot 1 DPS 62851, John D Bosson & Jean P Bosson
- 5/28 Pirongia Road – Lot 2 DPS 92516 Colin Old

**Reporting Officer:**

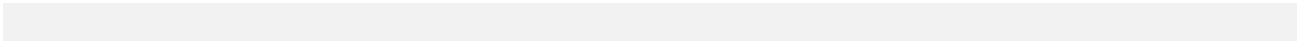


**Craig Inskip**  
**Senior Consultant Planner**  
**Dated: 12 June 2023**

**Reviewed for Release By:**



**Quentin Budd**  
**Consents Team Leader**  
**Dated: 20 June 2023**



## Decision under delegated authority

I have been appointed by the Waipa District Council to make the notification decision on the application by the New Zealand Motor Caravan Association Inc (NZMCA) to establish and operate a motor caravan park for temporary accommodation in the Rural Zone on Pirongia Road in Te Awamutu.

I have read relevant documents including:

- NZMCA's 'Resource Consent Application Form';
- NZMCA's 8 June 2022 AEE titled "Assessment of Environmental Effects, Proposal, Prepared for Waipā District Council, Prepared by New Zealand Motor Caravan Association" and its technical appendices;
- Council's 'Infrastructure Assessment' dated 30 June 2022;
- Council's 'Parks and Reserves Assessment' dated 11 July 2022;
- Email comments from xyst consultant Anna McElrea dated 21 July 2022 and 21 October 2022;
- The 4 Sight technical review dated 18 May 2023;
- Craig Inskeep's s95 Recommendation Report dated 13 June 2023.

My assessment and decisions follow.

### Regarding public notification:

Under RMA s95D(a), for this part of my assessment I must disregard any effects on persons who own or occupy land adjacent to the site. On the evidence available I agree that public notification is not required because (amongst other reasons as detailed in the body of Mr Inskeep's s95 Recommendation Report):

- The Council's s92 requests for further information have been satisfactorily responded to;
- The NZMCA site will not be open to the general public;
- NZMCA vehicles are required to be self-contained in accordance with the New Zealand Standard for Self-Containment of Motor Caravans and Caravans, NZS 5465:2001;
- With regard to on-site noise generation, based on experience with other NZMCA sites, the evidence is that it is likely that the District Plan rural noise standards of 50dBA ( $L_{eq}$ ) during the day time (7.00am to 10.00pm) and 40dBA ( $L_{eq}$ ) during the night-time (10.00pm to 7.00am) will not be exceeded;
- The proposed minor earthworks for the site can be managed with routine erosion and sediment control measures; together with the necessary consent for a change in use of a HAIL site required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations;
- Diffuse site stormwater discharges are unlikely to generate adverse effects on the adjacent Mangapiko Stream;
- Effects on Mangapiko Stream riparian vegetation can be managed by way of setbacks, fencing and weed control (to be determined as part of the subsequent s104D and s104 decision-making processes);
- Vehicle movements to and from the site will have negligible effects on existing commuter traffic on Pirongia Road and the wider roading network;
- Potable water will be supplied from the Council's reticulated network and an on-site wastewater dump station will be connected to Council's reticulated wastewater network;
- In terms of the potential landscape, character and amenity effects; the activity will be situated on a rear site and proposed landscape planting with indigenous vegetation will shield the site from the view of passing motorists and the wider surrounds;
- Proposed signage will not be unduly visually intrusive;

- While the site is a historical landfill that operated until the early 1970's, technical assessments and peer reviews have concluded that the risk to human health from landfill gases is low and that excavation for the installation of the wastewater dump station is unlikely to provide a pathway for contaminant migration;
- Ngā Iwi Tōpū O Waipā were advised of the application but elected not to comment; and
- There are no special circumstances that require public notification.

In overall terms I find that adverse effects of the activity on the environment are unlikely to be more than minor.

**Regarding limited notification:**

I note that no written approvals were provided.

I agree with Mr Inskeep that the owners and occupiers of the following adjacent residential properties should be limited notified for the reasons that he outlines:

- 4 Pirongia Road
- 5/28 Pirongia Road

In terms of proximity to the site, I consider that the owners and occupiers of the property to the north-west of 5/28 Pirongia Road (28 Pirongia Road) will also be potentially affected insofar as they would appear to have clear sightlines to the site. I find they should also be limited notified.

I observe that the driveway into the site will be subject to a significantly higher number of vehicle movements than presently occurs, with associated potential visual and noise effects<sup>1</sup>. Relevantly, the vehicles will be large and highly visible campervans, which in my experience are usually painted white. They may also arrive and depart at night and so there may be effects from headlight glare. I consequently considered whether the properties adjoining the driveway should also be limited notified.

The property to the west (6 Pirongia Road) appears to have reasonably unrestricted sightlines to the driveway and so may well be affected by its increased use. The property to the east (2096 Alexander Street) is shielded from the driveway by the vegetated Daphne Street Gully and so it may not be subject to the same level of potential effect. However, on the available evidence I am unable to conclude that either of these properties will be subject to effects that are only less than minor, so I find that they should also be limited notified.

I therefore determine that the owners and occupiers of the following properties should be limited notified:

- 4 Pirongia Road
- 5/28 Pirongia Road
- 6 Pirongia Road
- 28 Pirongia Road
- 2096 Alexander Street

This decision is made under delegated authority by:



Rob van Voorthuysen  
Independent Hearings Commissioner  
**21 June 2023**

<sup>1</sup> From the ITA I understand this will remain a gravel driveway.