

APPLICATION FOR RESOURCE CONSENT: NOTIFICATION REPORT IN ACCORDANCE WITH SECTIONS 95-95E OF THE RESOURCE MANAGEMENT ACT 1991

Council Reference:	RC2024-31
Applicant:	Te Pou Oranga O Whakatōhea
Proposal:	Establish and operate a Residential Care Facility
Site address:	19A Baird Road, Opōtiki
Legal description and Area:	Lot 2 Deposited Plan 8225, 33,484 m ²
Zone and Notations:	Rural zone. Class 2w2 highly productive land/versatile soils
Activity Status:	Discretionary
Date Application Received:	Revised application received 20/6/2024
Site Visit:	6/3/2024
Date Further Information Requested:	
Date Further Information Received:	
Reporting Planner:	Laura Swan, Consultant Planner
Notification Recommendation:	Public Notification

1.0 PROPOSAL

- 1.1 The application seeks resource consent to establish a rehabilitation and wellness centre within the existing three-storey dwelling on the site. This will include ancillary office and support activities. The activity best meets the definition of Residential Care Facility under the Opōtiki District Plan (ODP).
- 1.2 The proposed facility will provide accommodation for up to eight residents who will stay at the site for up to 12 weeks. They will receive support (assessment, counselling, education) by staff prior to, or after, attending an off-site drug rehabilitation program. The residents attend the facility voluntarily and are not confined to the property.
- 1.3 The eight residents will be accommodated in bedrooms on the first floor of the building. The proposed floor plan shows this level re-configured to provide separate areas for male and female residents.
- 1.4 The main ground floor level of the building will have a central kitchen and lounge area, as well as a reception, meeting rooms and offices. The facility will typically operate with 3-4 support staff.
- 1.5 The north-western wing of the building will contain two 'parents rooms', each with en-suite. It is understood that these bedrooms will be utilised for visiting whanau members and up to four family members may be accommodated on the site. Other day visitors are permitted by prior arrangement.
- 1.6 On-site security will be provided 24/7 by two security staff. The second (top) level of the building will accommodate the security staff.

- 1.7 In summary, the site could have a total of 18 people staying or working on-site at any one time. This excludes any other day visitors.
- 1.8 Plans showing the proposed building alterations and floor layouts are in Figures 1-2 below. The proposal does not involve the construction of any new buildings. It does not involve the use of any of the unconsented accessory buildings located on the site.
- 1.9 In terms of access, the activity will utilise the existing right of way to Baird Road. This right of way is over the adjoining lot to the west, 19 Baird Road (Lot 1 Deposited Plan 8225). It is sealed and has a formed width between 2.5 and 3m. The applicant does not propose to change or widen the formation of the accessway.
- 1.10 The existing dwelling is connected to an on-site wastewater system. This system will need to be upgraded to service the proposed development and resource consent will be required from the Bay of Plenty Regional Council (BOPRC). A report has been prepared by Waterflow NZ Ltd that details how and where a new system could be provided on the site. It is noted that it must be located on ground that is not subject to flooding in a 20% Annual Exceedance Probability (AEP) flood event. Alternatively, the applicant could extend the existing public wastewater system to service the site. The applicant is currently determining which is the preferred option and working through the technical and financial aspects of each option.
- 1.11 The site has a connection to council's reticulated water supply which will be utilised.

Figure 1: Ground Floor Plan

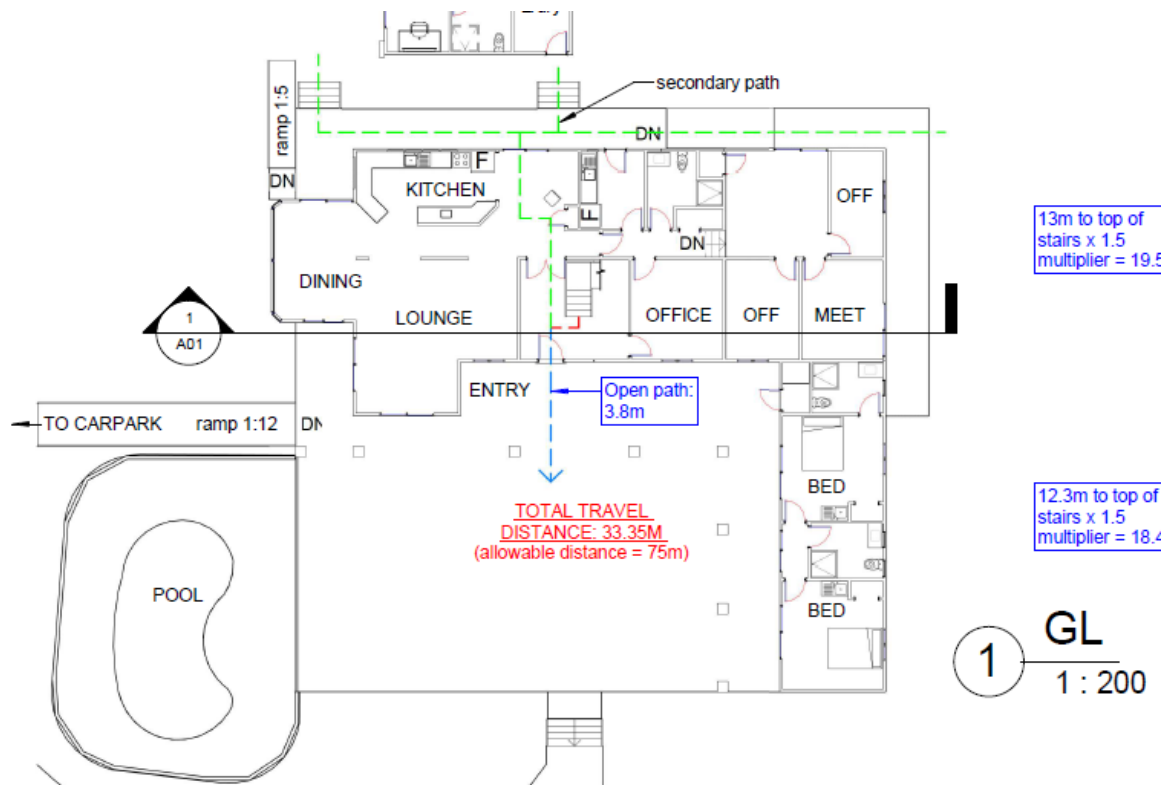
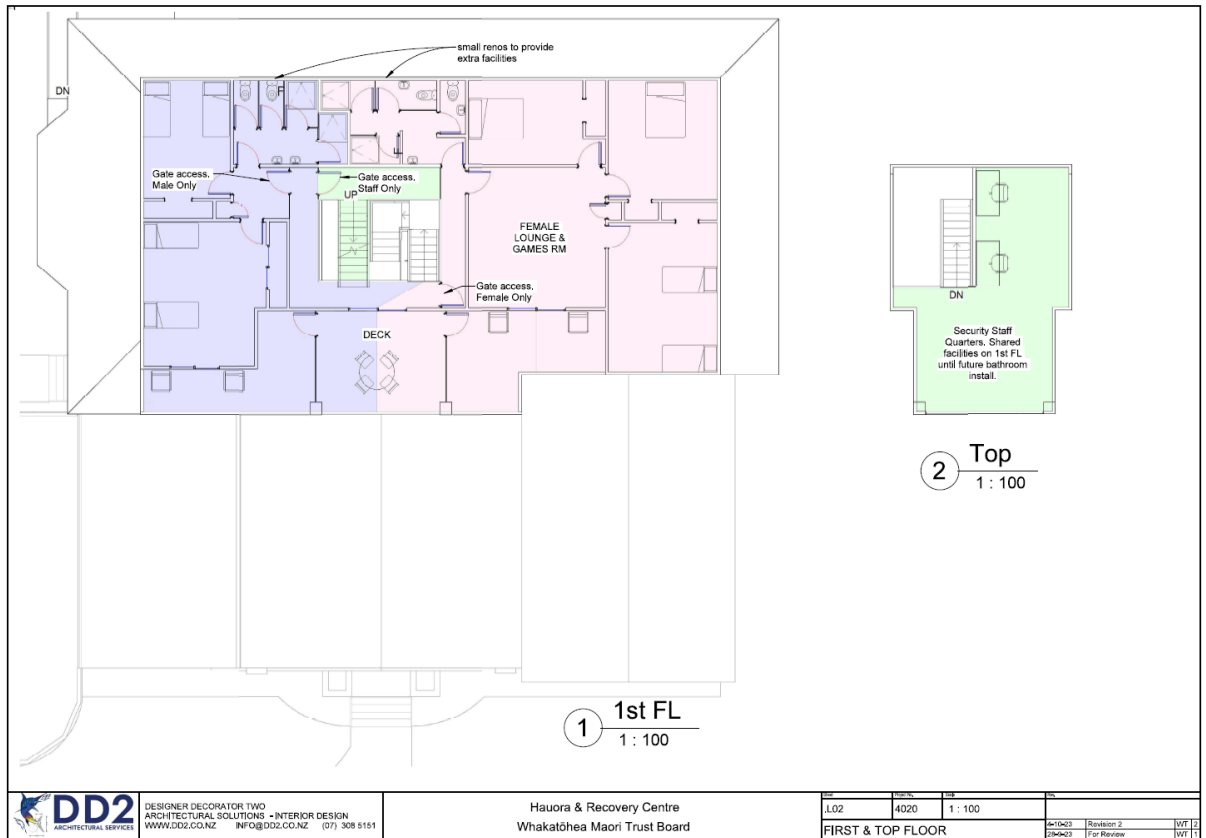


Figure 2: First Floor and Top Floor Plan



1.12 Signage is proposed and Figure 3 is a photo of the sign that has been installed at least partly on the road reserve near the site's entrance on Baird Road. It measures approximately 1m by 1m and is approximately 2.3m high.

Figure 3: Signage for proposed activity



2.0 SITE DESCRIPTION

- 2.1 The site is a rural property located on the southern side of Baird Road, and west of State highway 2 (SH2). It has frontage to the state highway, but physical access is via a right of way to Baird Road. Baird Road is a no-exit road that terminates some 480m past the site's entrance.
- 2.2 The site contains a large 7-bedroom dwelling. Council's records indicate this was constructed on the site in circa 1994 following a fire which destroyed the previous dwelling which had been relocated to the site.

Most of the ground floor level of the dwelling has a finished floor level about 800mm above existing ground level. However, the section on the southwestern corner of the building that is proposed to be converted to meeting and offices, is lower, being approximately 250mm above existing ground level. This space is about 48m². No survey data has been provided to confirm exact levels. Refer Figures 4-6.

Figure 4: Photograph of the northern elevation of the dwelling and central courtyard. Western wing and proposed 'parents rooms' are on the right of the image.



Figure 5: Photograph looking down the western elevation of the dwelling towards south-west corner of the building which has the small, covered veranda and is lowest level of the building.

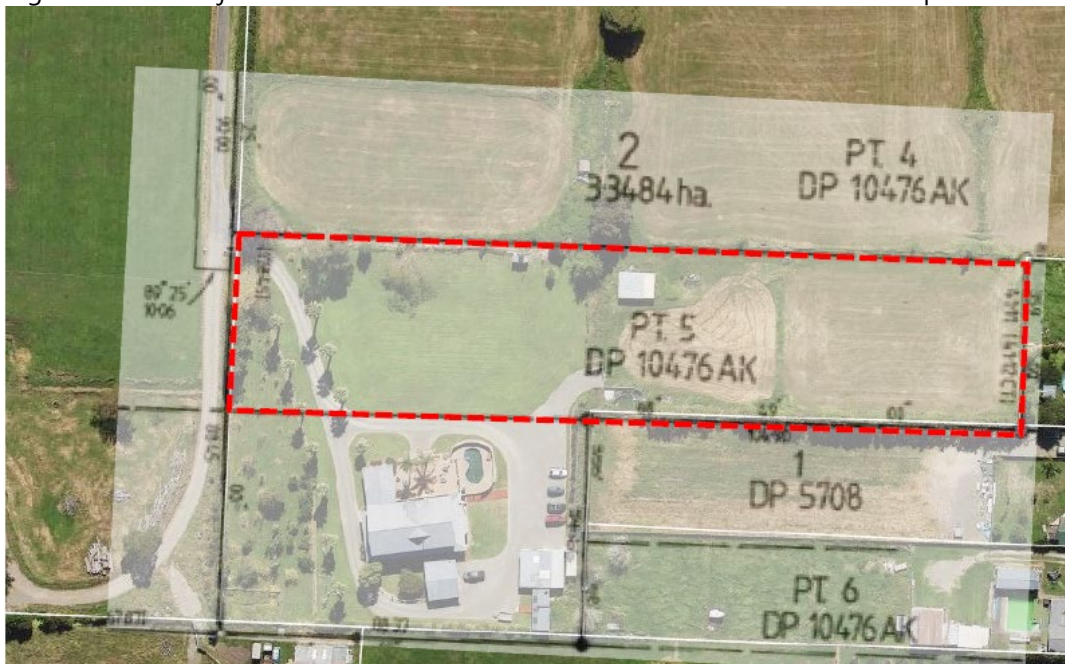


Figure 6: Photograph of ground and floor levels in the south-west corner of the building which is at the lowest level.



- 2.3 There are also three other smaller buildings on the site. Review of council's records confirms that none of these buildings have building consent and therefore none are legally authorised. Two of the buildings are referenced in council's file un-consented garages, one with a lean-to. Further works appear to have been undertaken in the past to these buildings to convert them from garages to other uses, such as bedrooms or office spaces, and to add plumbing. None of this work is consented. The other unconsented building located on the southern boundary is understood to be a two-bedroom cabin.
- 2.4 The dwelling and other unconsented buildings are all located near the southern extent of the application site, and the rest of the lot is utilised as grazing land or for hay production. There is a private land covenant that prevents construction of buildings on the middle part of the site. Refer Figure 7.

Figure 7: Area subject to land covenant identified in red outline: Source AEE report.



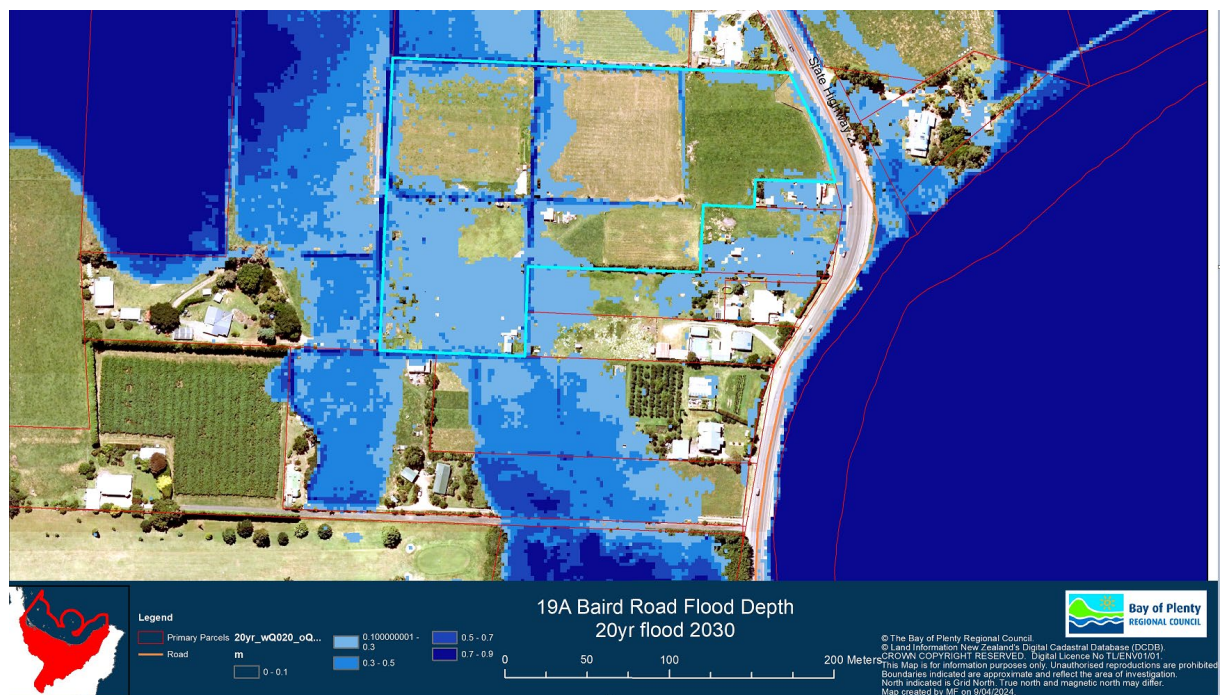
- 2.5 All of the site is relatively flat and very low lying. Ground level in the vicinity of the dwelling is 1.8m according to BOPRC lidar data. As a rural property, there is no stop bank protecting the site or surrounding land from flooding from the Waioeka River. It is within an area which BOPRC's

flood model shows is already subject to flooding, and where the flood levels will be significantly affected by climate change and future sea level rise. So, the extent of flooding on the site will increase significantly over time.

2.6 Figure 8 below depicts what is considered to be the current day 1 in 20-year Average Recurrence Internal (ARI) flood event. This is also known as the 5% Annual Exceedance Probability (AEP) flood event and has a 5% chance of occurring in any one year.¹ The mapping does not account for any freeboard components or estimate imprecision. It is showing between 0.1 and 0.3m of water depth around the existing dwelling. The map shows that at the northern end of the access there would be 0.3-0.5m of water depth (outside of the drain).

2.7 It is BOPRC and ODC's usual practice to add a further 0.5m to 2% or 1% AEP flood level data to account for either freeboard components (such as modelling imprecision, wave generation from vehicles) or estimate imprecision and phenomena not explicitly included in the calculations. With such factors added to a 5% AEP event, the depth of water would be greater than the depths shown in Figure 8. So, under current climate conditions, the rooms in the south-west corner of the building are at risk from flooding, and vehicle access to and from the site may be restricted.

Figure 8: Current 20-year flood (5% AEP in the year 2023) with no freeboard or estimate imprecision. Property identified in light blue outline.



2.8 BOPRC have provided a range of other flood event scenario maps and levels based on various timeframes. Some of these are discussed further below. But, the flood scenario that is normally considered under the ODP in rural area is the larger, less frequent 2% AEP event with climate change allowance to 2135. This equates to a 1 in 50 year ARI event. BOPRC advise that this flood level is 4.3m RL (Moturiki Datum 1953) and it includes estimate imprecision and phenomena not

¹ AEP: Probability of exceeding a rainfall event within a year. A 1% AEP flood flow has a 1%, or 1-in-100 chance of occurring in any one year, and a 10 per cent chance of occurring in any 10 year period.

ARI: Average time between exceedances of a given rainfall total over a specific duration. For example a 100-year ARI flow will occur on average once every 100 years.

explicitly included in the calculations. This flood level is some 2.5m above the existing ground level of the site.

- 2.9 In relation to previous uses of the site, there are no existing, lapsed or expired resource consent for any activity. It is understood that the site was previously used as both a dwelling, and for visitor accommodation and was known as Kukumoa Lodge. Up to four visitors may be accommodated on a site as a permitted activity and there was a similar rule under the previous district plan.
- 2.10 The AEE report refers to the site having been used for Recognised Seasonal Employee (RSE) or seasonal worker accommodation. Council does not have any specific records to confirm this use. However, there are permitted activity criteria rules in the ODP that govern this activity. Up to 12 people may be accommodated on a site, for part of the year only, to meet demand for labour in the horticultural sector.

3.0 RECEIVING ENVIRONMENT

- 3.1 The site is located in a rural environment on the western outskirts of Ōpōtiki township. There are a number of smaller residential or lifestyle lots in the immediate area, particularly adjoining State Highway 2 (SH2). The Waioeka River is located east of SH2.
- 3.2 The adjoining rural lots are utilised for grazing, with orchards and dairy farms being located in the wider area. Ōpōtiki Golf Club is also located further to the south.
- 3.3 Of the adjoining lots, some are theoretically large enough to establish additional dwellings (or accessory buildings) as a permitted activity. However, due to the low-lying nature of the land and applicable flood levels, this is not considered likely or credible. A 40m setback from State Highway 2 would also restrict location of buildings. Visitor accommodation for up to four people could occur within existing buildings.
- 3.4 A range of rural production activities are permitted, as well as ancillary activities such as crop protection structures, frost fans, bird scaring devices.
- 3.5 The state highway is a visual feature in the landscape and traffic using it generates noise. The dwelling on the site is visible at times from the State Highway and from Baird Road.
- 3.6 As such the receiving environment comprises the road network, existing buildings, residential and small-scale visitor activities within existing buildings, golf club and rural production activities.
- 3.7 The site and surrounds are shown in Figure 9.

Figure 9: Aerial photograph of the site and surrounds. Property identified in yellow outline.



4.0 RELEVANT RULES/ACTIVITY STATUS

Operative Opotiki District Plan (ODP)

- 4.1 The property is zoned Rural in the ODP. It is located on land classed as having versatile soils, being Class 2w2. No other planning overlays or notations apply.
- 4.2 The following rules trigger the need for resource consent:

Rule	Requirement	Activity Status
8.3.4.1.19 Discretionary activities: Residential Care facility	The proposed activity best fits within this definition which is: <i>Means an activity providing residential accommodation for eight or more people who need physical, medical, or psychiatric support and who are unable to live independently.</i>	Discretionary activity
8.3.4.1.5 Discretionary activities: Activities and buildings accessory to Discretionary activities	The associated office activities that are proposed fall within this category.	Discretionary activity
8.3.4.1.16 Discretionary activities Signs	The sign is not provided for as a permitted activity so requires consent.	Discretionary activity Sign is located within the Baird Rd road parcel.

- 4.3 The activity is a **discretionary activity**.
- 4.4 Rule 8.3.4.1 advises that the zone standards in rule 8.6 will be used as a guideline for assessing a discretionary activity. There are also discretionary criteria in section 1.12.3 of the ODP.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

- 4.5 Although the proposal is a change of use of part of the site, the site is not currently being used, has not been used in the past, or is unlikely to have been used for an activity described on the HAIL. The site is not identified in Council records or by BOPRC as a HAIL site. The NESCS does not apply to that part of the land that is remaining in rural production either.
- 4.6 Therefore, the NESCS does not apply.

Other NES

- 4.7 There are eight other National Environmental Standards that have been prepared under Sections 43 and 44 of the Act and are in force as regulations. These cover storage of tyres, air quality, human drinking water, marine aquaculture, freshwater, production forestry, telecommunications facilities and electricity transmission.
- 4.8 None of these other NES apply.

5.0 CONSULTATION AND WRITTEN CONSENTS

- 5.1 No written consents have been provided. As such, there are no effects to disregard under S95D(e).
- 5.2 The applicant has provided a summary of a meeting they held with neighbours and other interested parties on 22 March 2024. According to those notes, 15 parties attended the meeting, including the mayor. Addresses of the attendees are not specified. A range of topics and concerns were discussed. Council staff received up to six phone calls or emails from concerned parties following that meeting.
- 5.3 It is understood that the applicant has consulted with one of the owners of elevated land at the western end of Baird Road in relation to emergency evacuation. It is also understood that they have consulted with representatives from Maromahue Marae on Waitohe Valley Road regarding possible evacuation to that site as well. No correspondence from any of these parties has been provided.
- 5.4 The applicant has also engaged with council's engineering department regarding the possible wastewater connection and an in principal agreement has been reached to enable this. However, there is no evidence of consultation with council regarding the placement of the sign on the road reserve.
- 5.5 A meeting was also held between the applicant, agent, reporting planner, and BOPRC staff to discuss flooding and to better understand the modelling and source of flooding.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Assessment Framework

- 6.1 Section 7 below sets out the steps related to the notification decision. However, this section of the report contains the assessment of relevant matters and considers if the effects relate to the

wider environment or specified persons and will inform the conclusions reached in Section 7 in this report. "Effect" is defined in Section 3 of the RMA as:

3 Meaning of effect

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.

6.2 Positive effects are not relevant in terms of the notification decision.

Assessment Matters

6.3 As a discretionary activity, any relevant matter can be considered in this assessment. Rule 8.3.4.1 advises that the zone standards in rule 8.6 will be used as a guideline for assessing a discretionary activity. There are also assessment matters in section 1.12.3 of the ODP.

Permitted Baseline

6.4 Sections 95D(b) and 104(2) of the RMA enable the consent authority to disregard an adverse effect of an activity if a rule in the district plan or national environmental standard permits an activity with that effect. It is not a mandatory consideration for the consent authority. The permitted baseline does not apply to the applicant's own assessment of effects.

6.5 The reporting planner does not concur with the assessment of permitted baseline in the AEE report. Whilst the subject site is over 1 hectare in size, provision of a second dwelling (or other accessory buildings) is considered fanciful given the minimum platform level that would apply to any new building is some 2.3-2.5m above current ground level. Even if land adjoining SH2 road is slightly higher, the required minimum yard setback from the painted highway road edge is 40m for a dwelling. There is a covenant over part of the land that prevents buildings.

6.6 Seasonal worker accommodation for up to 12 people is permitted under the Rural zone rules. The site can only be used for part of the year however. In addition, visitor accommodation for up to four persons is also permitted within the existing dwelling. The use of the existing dwelling for these two uses is the only credible permitted baseline for the assessment of effects.

6.7 Effects from the use of building as a residential dwelling, for small scale visitor accommodation or seasonal worker accommodation would generate some traffic (variable for each use), could involve permitted signage on the site up to 0.5m², and would generate some noise. Services would be required. Effects associated with these permitted activities should be, and have been, disregarded and are discussed further below.

S95D

6.8 This section of the RMA requires:

A consent authority that is deciding, for the purpose of [section 95A\(8\)\(b\)](#), whether an activity will have or is likely to have adverse effects on the environment that are more than minor—

- (a) must disregard any effects on persons who own or occupy—
 - (i) the land in, on, or over which the activity will occur; or
 - (ii) any land adjacent to that land; and

- 6.9 In relation to the term "minor" this is also not defined in the RMA and is a matter of fact and degree. In *Progressive Enterprises Ltd v Northshore City Council*, Judge Baragwanath said "*Minor*" is not defined. The dictionary definitions of "minor" include "petty" and "comparatively unimportant" relatively small or unimportant... of little significant of consequence."

S95E

- 6.10 Section 95E(1) of the RMA states that "*a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but not less than minor).*" The phrase "less than minor" has been defined by the courts to mean an effect which is insignificant in the overall context and so limited that it is objectively acceptable and reasonable in the receiving environment and to potentially affected persons.²

Effects on Amenity and Privacy

- 6.11 The application site is in a rural area but there are a considerable number of small lots and lifestyle lots around the site. There are 13 dwellings within 300m of the dwelling on the subject site. As previously noted, most are located close to the state highway or Baird Road. In total nine properties bound the subject site.
- 6.12 The RMA states that amenity values "*means 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*". Whilst factors that contribute to amenity can be assessed, there is also a variable personal element.
- 6.13 Whilst aspects of the proposed activity are similar to standard residential activities, seasonal worker accommodation or visitor accommodation, there is also an administration or more 'commercial' element associated with staff being on-site and the provision of the support services the facility offers.
- 6.14 It is also understood that some neighbours have raised concerns about security and safety due to the centre's purpose being related to drug rehabilitation. The application notes that two trained security guards will be present 24 hours a day, and it is also understood that there will be CCTV security cameras all around the property. Whilst such measures will help maintain staff and resident safety, the need for such measures confirms the nature of the effects that surrounding residents have expressed concern about and potentially reduces the character and pleasantness of the area. It also highlights a difference in the nature of the activity when compared to permitted activities.
- 6.15 Despite having a residential element, the proposed activity will be different from that of a dwelling and so neighbourly relationships, where residents/occupiers of neighbouring dwellings may interact and form mutually beneficial relationships, will be unlikely, or certainly different. This may affect the amenity values of the area for some adjacent residents.
- 6.16 The total occupancy of the proposed building is also greater than would occur through permitted activities. There will be 18 people present on the site during the day, plus any visitors. Up to 14 people may stay overnight. Whilst people will often be inside the building, there will still be a greater level of activity on the site and this may result in increased noise, and a reduction in privacy for surrounding occupants when they are utilising their land. The actual and potential effects from increased traffic are discussed below.
- 6.17 The proposed activity is different from seasonal worker accommodation as it will operate year-round, and staff and residents will be on-site all day and night (as opposed to going off-site to

² Davidson J in *Gabler v Queenstown Lakes District Council* (2017) 20 ELRNZ 76 (HC) at [94].

work in orchards or packhouses). Furthermore, the proposed activity has no link or connection to the rural environment and does not need to occur in this location and it does not contribute to rural production or character.

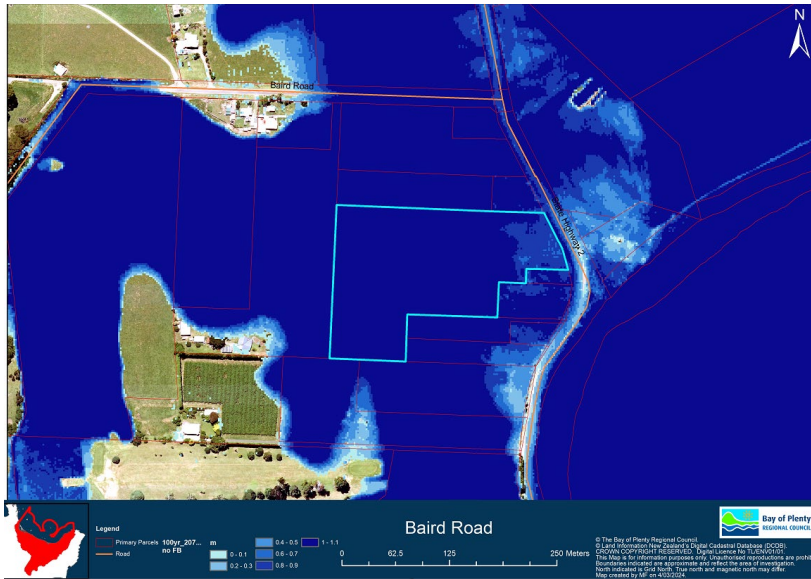
- 6.18 In conclusion therefore, effects on adjacent properties are at least minor. Limited notification is required at least. As elements of amenity are personal, providing an opportunity for owners and occupiers of adjacent land to submit will enable the actual effects on the amenity of the immediate area, and those residents, to be fully understood.
- 6.19 The application also acknowledges on page 12 *"In summary, taking into account the nature of the proposed activity, the limited physical changes proposed to the existing buildings, and the separation from neighbouring dwellings, it is considered that the amenity effects will be, at most, minor."*

Effects from Flooding

- 6.20 As noted above, the site is subject to flooding. BOPRC staff have confirmed that sea level rise and climate change contribute significantly to the flood model predictions. It is normal planning practice to consider the 100-year planning horizon when making resource consent decisions, particularly for subdivision or for development in the Coastal Environment. This site is outside of the Coastal Environment, but flooding on the site is influenced by coastal process.
- 6.21 In this case we are dealing with an existing building that is already some 30 years old. BOPRC staff were asked to provide other flood level scenarios that might better reflect the actual life of the building³ and activity and enable the flood risk to be better understood. Figure 8 above shows the 5% AEP event under current climate conditions. As noted, there is already some flooding of the site that would affect access and the lowest rooms in the existing dwelling.
- 6.22 Figure 10 below is the 1% AEP flood event in the year 2070. The modelling includes 0.45m of sea level rise, but no freeboard or estimate imprecision components have been added yet. The depth of water shown on the site is an unspecified depth over 1.1m. This scale flood event would readily inundate the ground floor levels of entire building and prevent access to and from the site. Other properties in the area would also be impacted.

Figure 10: 1% AEP event in the year 2027 (no freeboard or estimate imprecision)

³ The economic life of a building in NZ is 75-80 years. Source: Natural Hazard Provisions Guidance on complying with Sections 71 to 74 of the Building Act 2004 VERSION 1 OCTOBER 2023 [natural-hazard-provisions-guidance.pdf \(building.govt.nz\)](#)



- 6.23 As noted earlier, the 2% AEP flood figure (climate change adjusted to the year 2135) is 4.3m Moturiki Datum, some 2.5m above existing ground level. This is the flood level that would have been used to determine a minimum platform level if any new buildings had been proposed.
- 6.24 For the purpose of making a notification decision and considering effects on the wider environment, effects on the owners and occupiers of the application site cannot be considered. So, effects resulting from flood damage to the building, its contents, personal property of residents, and risk to life itself, cannot be considered at this stage in the resource consent process. However, such effects will need to be considered as part of making the substantive decision under Section 104 of the RMA, which will be the overall consideration of whether this activity is appropriate on this site. It is noted that the applicant proposes to address such matters through enactment of an Emergency Response Plan and site evacuation procedures. This includes possible evacuation to Maromahue Marae on Waitoatahe Valley Road.
- 6.25 However, flood events have wider effects beyond just physical damage to a particular building, contents and site. There are significant economic effects, social and emotional effects that impact the wider community, region and country (dependant on scale). It is common for the government or other agencies to have to direct or re-direct money into flood recovery. This additional support may be because of factors such as any insurance not covering all reinstatement works (if a site has or can get insurance to start with), resources such as machinery and builders needing to be re-directed from other jobs and deployed to assist. Productivity is reduced if people cannot work or do not have resources they need to work from alternative sites, transportation routes can be disrupted, temporary or alternative accommodation may be needed. The latter puts pressure on existing housing resources and community facilities such as Marae. People may also have to leave the area to find accommodation or alternative work. Insurance premiums are affected not only for the property in question but across the wider industry. All of these factors contribute to stress on people and have negative overall effects on communities and the economy.
- 6.26 So, enabling new activities and new investment in flood prone areas, like this site, has adverse effects on the wider environment. The effect is cumulative as well as this will not be the only site and building that would be impacted, particularly in a larger flood event.
- 6.27 In this case, the proposed facility would provide an important and a much-needed service for the community. If the building is damaged due to flooding and is not able to be used for say 6 months while re-instatement works were completed, there will be a direct adverse effect on potential future residents and the wider community that is suffering harm from the effects of drug use. As

this would be the only such facility in this community, the wider impact of a flood is greater than if the building was just used as a standard dwelling. The application addresses this to some extent on page 16, noting that support facilities (the office functions) could be provided from other sites. However, the residential care facility component of the facility could not occur on another site without resource consent.

- 6.28 As such, there is a potentially more than minor effect on the community from enabling further investment in flood prone site and establishing this sort of specialist facility on a site that is prone to flooding now, and to an even greater extent in the future. Public notification would enable the views of the public to be understood.

Transportation Effects

- 6.29 The AEE report includes a description of the existing sealed right of way and parking area on the site. The right of way is over the adjoining lot the west and the carriageway is not compliant in terms of width with the Council's Engineering Code of Practice as it is not 4m wide. The applicant does not propose to widen the existing formation. The right of way is straight and good sightlines are available along its length. Refer Figure 11.

Figure 11: Northern section of right of way looking north towards Baird Road. Drain along eastern edge of right of way and large hedge on adjoining lot to the east.



- 6.30 In terms of vehicle movements, the assessment that the activity may generate between 20-30 vehicle movements. It is expected these will mainly cars as opposed to heavy vehicle movements. In lieu of a specialist traffic assessment, the estimate is considered reasonable. However, the applicant's assessment that the permitted baseline includes two dwellings is not accepted for reasons detailed above. The permitted baseline is considered to comprise a dwelling and visitor accommodation for up to 4 people, or seasonal worker accommodation. As such, vehicle movements from permitted activities are more likely in the vicinity of 20 per day⁴.
- 6.31 In lieu of any specialist transportation assessment and written consent, effects on the owners and occupiers of 19B Baird Road from increased vehicle movements and the under-width formation cannot be concluded to be less than minor. Understanding whether previous activities that have

⁴ 10 vmpd from a dwelling and 10 vmpd for 4 person visitor accommodation. Seasonal worker accommodation would likely generate less as they tend to utilise vans to convey staff to and from the job sites.

occurred on the site have resulted in adverse effects on the users at 19B Baird Road would be beneficial when formulating any potential conditions regarding the right of way.

- 6.32 The application also notes that the vehicle entrance to Baird Road is suitable and does not propose upgrading it. However, it is not compliant with council's standards and the former seal has largely degraded to lose gravel. The eastern splay area and edge of the road is also degraded. Refer Figure 12. Given the potential increase in vehicle movements, sealing of the crossing would be necessary to avoid further adverse effects on the road edge seal and migration of gravel onto the road surface.

Figure 12: Double vehicle crossing that serves site and #17 Baird Road. The part of the crossing on the left of the photo technically serves the site.



- 6.33 Whilst there is no specialist transport assessment, council's engineers have not raised concerns about wider effects on the public road network or state highway network. Whilst there will be additional movements, these are minimal when compared to the volumes carried on the state highway network. Effects are not considered to be more than minor.
- 6.34 Noise and general disturbance from increased traffic can also contribute to a reduction in overall amenity. The right of way is close to the dwelling at 17 Baird Road, and also 25 Baird Road. Whilst there is a large shelterbelt separating 17 Baird Road from the right of way, the applicant cannot rely on this as visual or privacy mitigation as it is not within their site. Vegetation does not mitigate or reduce noise, hard reflective surfaces such as fences are required for that purpose. The increase in traffic contributes to the conclusion above that effects on adjacent properties related to amenity and privacy are not less than minor.

Visual effects and effects from Signage

- 6.35 As the activity proposes to utilise the existing dwelling only, there will be no significant changes in terms of visual effects. New services will be placed below ground and will have no adverse visual effects.
- 6.36 A new site identification sign is proposed and is already located the road entrance, within the public road boundary. It is approximately 1m² in size. Whilst larger than a permitted on-site sign, it does not significantly detract from the surroundings or overall amenity. It does not adversely affect sight lines for vehicle exiting the site. Signs are not un-common in rural areas, particularly

site identification of hazard related signs. The viewing audience for the proposed sign is limited to the relatively small number of users of Baird Road and visitors to the site.

6.37 Any visual effects or effects from signage are less than minor.

6.38 Landowner approval from council will be required for the sign if resource consent is obtained.

Reverse Sensitivity

6.39 Reverse sensitivity effects may occur when a new, more sensitive activity, establishes in an area and it results in constraints on the lawful operation of existing activities.

6.40 There are already both rural production and residential activities occurring within the area. Any rural production activities must already take into account the presence of dwellings and associated residential activities. The site has an established use for residential and visitor accommodation and these activities are permitted, albeit the occupancy would be less than is now proposed. Seasonal worker accommodation is also permitted, albeit an activity directly associated with rural land uses.

6.41 No additional buildings are proposed and use of the unconsented buildings does not form part of the application. As such, no buildings or proposed activities will be occurring any closer to external boundaries.

6.42 Rule 8.6.19 relates to the establishment of noise sensitive activities relative to state highways. It requires acoustic treatment of buildings housing "noise sensitive activities" that are located within 80m of the state highway. In this case, the existing building is located approximately 180m from SH2 so it complies with the standard. Complaints about noise from vehicles on the state highway are not expected.

6.43 On this basis, I consider that the proposed activity is unlikely to result in reverse sensitivity effects on adjoining activities that are minor or more than minor.

Other Effects

6.44 The application has addressed other matters such as versatile soils/highly productive land, waterbodies, biodiversity, habitats, cultural matters and archaeology, and services. I concur with, and adopt, the applicant's assessment of these matters and consider that effects on the wider environment and other persons will be less than minor.

6.45 In relation to services, if a new On-site Effluent Treatment (OSET) system is chosen as the preferred option, this will require regional consent. Effects related to that system would be addressed through that process.

Conclusion regarding scale of effects

6.46 Overall, the effects of the proposal on the environment, particularly those related to the impact of flooding, are more than minor.

6.47 Effects on the owners and occupiers of adjacent properties are at least minor.

7.0 NOTIFICATION ASSESSMENT AND DECISION

Public Notification of Consent Applications

7.1 The steps a consent authority must follow in order to determine whether to publicly notify an application are set out in Section 95A of the RMA.

7.2 In relation to Step 1, public notification is not mandatory because:

- a. The applicant has not requested public notification.

- b. Public notification is not required under Section 95C as all relevant information has been provided as part of the application.
- c. The application does not involve the exchange of recreation reserve land.

7.3 In relation to Step 2, public notification is not precluded because:

- a. The District Plan does not preclude public notification.
- b. The application is for a discretionary activity.

7.4 In relation to Step 3, public notification is required because:

- c. The assessment in Section 6 above demonstrates that the adverse effects of the activity in on the environment will be more than minor.

In making the assessment and in considering s95D:

- Effects on persons who own the land and adjacent land shown in Figure 13 have been disregarded. These parties are also the 'affected persons' in relation to Regulation 10 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.
- The permitted baseline has been considered as described above.
- The activity is not for a restricted discretionary activity so all relevant matters can be considered.
- Trade competition effects are not relevant.
- No written consents have been provided so no effects have been disregarded.

Figure 13: Adjacent land marked with orange star



7.5 A determination under Step 4 – Special circumstances, is not required as Step 3 determined that public notification is required.

Recommendation Regarding Notification


7.6 Therefore, it is concluded that the application requires public notification.

Notification decision

7.7 Acting under delegated authority and as recommended in section 7.6 above, resource consent number 2024-31 shall be processed on the following basis:

- Non-notified
- Limited Notified
- Notified

Notice shall be serviced on the prescribed persons in accordance with Regulation 10 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003. It shall include service on the affected persons as identified in Figure 13, BOPRC, Whakatōhea Māori Trust Board, Te Ūpokorehe and NZTA.

Signed:  Date: 22/07/2024

Annette Munday
ACTING PLANNING AND REGULATORY GROUP MANAGER