

Hastings District Council

Civic Administration Building
Lyndon Road East, Hastings

Phone: (06) 871 5000

Fax: (06) 871 5100

WWW.hastingsdc.govt.nz

OPEN A G E N D A

HEARINGS COMMITTEE MEETING (KAHUNGUNU HEALTH SERVICES)

Meeting Date: **Friday, 13 September 2019**

Time: **10.00am**

Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Committee Members	Panel Members Rostered on for this hearing: Chair: Councillor Lyons Councillor Lawson and Mr P Kay Other Hearings Committee Members (not rostered on for this hearing): Councillors Barber, Heaps, Kerr (Deputy Chair), Redstone and Schollum
Officer Responsible	Environmental Consents Manager – Murray Arnold
Reporting Planner	Environmental Planner (Consents) – Liam Wang
Democracy & Governance Advisor	Christine Hilton (Ext 5633)

Hearings Committee – Terms of Reference

Fields of Activity

The Hearings Committee is established to assist the Council by hearing and determining matters where a formal hearing is required under the provisions of the:

- Resource Management Act 1991
- Building Act 2004
- Health Act 1956
- Dog Control Act 1996
- Litter Act 1979
- Hastings District Council Bylaws
- Local Government Act 1974
- Local Government Act 2002
- Gambling Act 2003

Membership (7 including 6 Councillors)

Chairman appointed by the Council from the membership of 6 Councillors

Deputy Chairman appointed by the Council from the membership of 6 Councillors

4 other Councillors

1 externally appointed member with relevant qualifications and experience

Quorum* –

- a) All members including the Chair (or Deputy Chair, in the Chair's absence) sitting on a hearing must be accredited (as of 12 September 2014).
- b) A maximum of three members including the Chairperson (or Deputy Chair, in the Chair's absence) to meet for any one hearing, except for Council Initiated Plan Change hearings where all members may attend and take part in the decision making process.
- c) For Hearings other than Council Initiated Plan Change hearings the quorum shall be two members.
- d) For Council Initiated Plan Change Hearings the quorum shall be three members.
- e) Members to sit on any hearing other than a Council Initiated Plan Change Hearing shall be selected by agreement between the Chair (or Deputy Chair, in the Chair's absence) and the Group Manager: Planning and Regulatory Services.
- f) For the purpose of hearing any objection in respect of the matters detailed under the Dog Control Act 1996 the Hearings Committee will consist of any three members selected by the Chair.

*In the case of hearings under the provisions of the Resource Management Act 1991 the quorum is to meet the obligations contained in section 39B of the Act.

Delegated Powers

HEARINGS COMMITTEE

1. RESOURCE MANAGEMENT ACT 1991

Pursuant to Section 34(1) of the Resource Management Act 1991 the Hearings Committee of Council is delegated power to:

- | | |
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| 1) Hear, consider and decide upon any Resource Consent application or any other application made to Council under the Act (including private plan change requests). For the avoidance of doubt, this includes the use or exercise of any powers vested in the Council under the Act to process, hear and decide upon any such application. | Decide on Applications and Private Plan Change requests. |
| 2) Hear, consider and recommend to the Strategy, Planning and Partnerships Committee or Council as it considers appropriate, on submissions made on any proposed plan or any Council initiated change to the District Plan or variations to the Proposed Plan. | Submission on Council Plan Changes. |
| 3) Appoint a Commissioner or Commissioners to hear, consider and decide on any Resource Consent application or any other application made to Council under the Act. This | Appoint Commissioner for Resource Consents. |

delegation is subject to the requirement that any Hearings Commissioner(s) appointed shall hold a valid certificate of accreditation under section 39A of the Act.	
4) Appoint a Commissioner or Commissioners to hear, consider and recommend to the Strategy, Planning and Partnerships Committee or Council as it considers appropriate, on any submissions made on any proposed plan or any Council or privately initiated change to the District Plan. This delegation is subject to the requirement that any Hearings Commissioner(s) appointed shall hold a valid certificate of accreditation under section 39A of the Act.	Appoint Commissioner for Proposed District Plan and Council or Private Plan Changes.
5) Extend any time limits or waive compliance with any requirement specified in the Act or Regulations in respect of any matter before it under the Act and pursuant to the above delegations pursuant to Section 37 of the Act.	Extend Time Limits and Waive Compliance.
6) Hear and determine any objection made pursuant to Section 357, 357A, 357B, 357C and 357D of the Act	Review of Decisions made under Delegation.
7) Make an order, pursuant to Section 42 of the Act, relating to the protection of sensitive information in respect of any matter before it.	Protection of Sensitive Information.
8) Waive, pursuant to Section 42A(4) of the Act, compliance with Section 42A(3) of the Act relating to the receiving of officers' reports in respect of any matter before it.	Waive Time for Receipt of Officers' Reports.
9) Determine, pursuant to Section 91 of the Act, not to proceed with a hearing of an application for Resource Consent where it considers additional consents under the Act are required in respect of any application before it.	Defer Application Where Other Consents Required.
10) Require, pursuant to Section 92 of the Act, further information relating to any application before it and postpone notification, hearing or determination of the application.	Require Further Information.
11) The above delegations shall apply with all necessary modifications to:	
i) Any notice of review of Consent conditions issued by Council pursuant to Section 128 of the Act or by any committee or officer or the Council having delegated authority to do so.	Review of Consent Conditions.
ii) Any submissions on any requirement for a designation or alteration to a designation made pursuant to Sections 168, 168A or 181 of the Act.	Hear Submissions on Designations.
iii) Any submissions on any requirement for a Heritage Order made pursuant to Section 189 and 189A of the Act.	Hear Submissions on Heritage Orders.
12) Consider and make recommendations on any requirement for a designation or alteration to a designation pursuant to Section 171 of the Act.	Recommendations and Designations.
13) Consider and decide on any amendments to Council's District Plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors pursuant to Clause 16(2) or 20A of Part 1 of the First Schedule to the Act.	Amend District Plan.

2. HEALTH ACT 1956

Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002 and Section 23 of the Health Act 1956 the Hearings Committee is delegated authority to:

i) Hear explanations against a notice to revoke registration issued pursuant to Clause 9 of the Health (Registration of Premises) Regulations 1966.	Explanations Registration Should Not be Revoked.	Why
ii) Hear and determine any appeal against a direction or decision of any officer acting under delegated authority and any application or objection made pursuant to Clause 22 of the Housing Improvement Regulations 1974.	Determine Applications or Objections to Requirements Under Housing Improvement Regulations.	Appeals,

3. DOG CONTROL ACT 1996

Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to hear and determine any objections lodged against any decision of an officer acting under delegated authority or any notice issued by a Dog Control Officer pursuant to the following Sections.

Decide on objections under the Dog Control Act 1996

Section 22	Objection to the classification as a probationary owner.
Section 26	Objection to disqualification from being an owner of a dog
Section 31	Objection to the classification of a dog as a dangerous dog
Section 33B	Objection to the classification of a dog as a menacing dog under section 33A.
Section 33D	Objection to the classification of a dog as a menacing dog under section 33C as it is believed to belong to 1 or more classified breeds.
Section 55	Objection to the issue of an abatement notice for a barking dog.
Section 70	An application for the return of a barking dog seized under section 56 for causing distress.
Section 71	An application for the release of a dog that is being held in custody under section 71(1) and (2) for threatening public safety.
Section 71(1)(a)	To be satisfied that a dog seized under section 15(1)(c) because the dog was without access to proper and sufficient food, water or shelter, will be given access to proper and sufficient food, water, or shelter if returned to the land or premises from which it was removed.
Section 71A(2)(a)(i)	To be satisfied that the owner of a dog seized under section 33EC (because the owner failed to comply with his obligations in respect of a dog classified as menacing), or of a dog classified as a menacing dog seized under section 33EB (because the owner failed to have the dog neutered), has demonstrated a willingness to comply with the relevant requirements".

4. LITTER ACT 1979

Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to hear and decide on any objection lodged pursuant to Section 10 of the Litter Act 1979 against a notice issued under that section.

Decide on Objections to Notices Issued by a Litter Control Officer.

5. Building Act 2004

Pursuant to Section 67A of the Building Act 2004 the Hearings Committee is delegated authority to grant a waiver or modification to section 162C(1) or (2) (which requires residential pools to have means of restricting access by unsupervised children) the requirements of the Act (with or without conditions) in the case of any particular pool.

Grant Exemptions to Pool Fencing Requirements.

6. HASTINGS DISTRICT COUNCIL BYLAWS

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated

authority to:

- | | | |
|-----|--|---|
| i) | Hear and determine any application for a review of any decision of a duly authorised officer pursuant to any part or provision of the Hastings District Council Bylaws. | Review of Delegated Decisions. |
| ii) | Consider and determine any application under Clause 1.5 of Chapter 1 of the Hastings District Council Consolidated Bylaw for a dispensation from full compliance with any provision of the Bylaws. | Dispensations from Bylaws Requirements. |

7. LOCAL GOVERNMENT ACT 1974

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002 the Hearings Committee is authority to hear and recommend to Council on any objections to any proposal to stop any road pursuant to Section 342 and the Tenth Schedule to the Local Government Act 1974.

Hearing Objections to Road Stopping.

8. GAMBLING ACT 2003

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to:

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| i) | Hear, consider and determine in accordance with section 100 of the Gambling Act 2003, applications for territorial authority consent required under section 98 of that Act, as required by the Hastings District Council Class 4 Gambling Venue Policy. | Hear and Decide on Applications for Territorial Authority Consent. |
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HASTINGS DISTRICT COUNCIL

**A HEARINGS COMMITTEE MEETING WILL BE HELD IN THE COUNCIL
CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION BUILDING,
LYNDON ROAD EAST, HASTINGS ON
FRIDAY, 13 SEPTEMBER 2019 AT 10.00AM**

1. APOLOGIES

At the close of the agenda no requests for leave of absence had been received.

2. KAHUNGUNU HEALTH SERVICES

DOCUMENTS CIRCULATED FOR HEARING - COMPILED AS ONE DOCUMENT

<u>Document 1</u>	The covering administrative report	Pg 1
Attachment A	Hearing Report - reporting planner	Pg 5
Attachment B	Description of Proposal and Assessment of Environmental Effects	Pg 45
Attachment C	s95 Notification decision	Pg 123
Attachment D	Submission on the Application - 145 Waitangi Road	Pg 141
Attachment E	Excerpt from Development Plans - prior to the amendment of the building consent ABA20171619	Pg 153
Attachment F	Excerpt from Development Plans - after the amendment of the building consent ABA20171619	Pg 171
Attachment G	S92 Further Information Required Letter	Pg 183
Attachment H	Response to Further Information Request (Part 1)	Pg 185
Attachment I	Response to Further Information Request (Part 2)	Pg 191
Attachment J	Response to Further Information request (Part 3)	Pg 199
Attachment K	HDC Development Engineer's Comments	Pg 203

REPORT TO: HEARINGS COMMITTEE

MEETING DATE: FRIDAY 13 SEPTEMBER 2019

FROM: DEMOCRACY AND GOVERNANCE ADVISOR
CHRISTINE HILTON

SUBJECT: KAHUNGUNU HEALTH SERVICES

1.0 PURPOSE AND SUMMARY - TE KAUPAPA ME TE WHAKARĀPOPOTOTANGA

- 1.1 This is a covering report relating to an application made by Kahungunu Health Services for conversion of an incomplete implement shed to a habitable building at 151 Waitangi Road, Waimarama to expand a current place of assembly.
- 1.2 The reporting planner's report is attached to this covering report and contains the details regarding this application.
- 1.3 For ease of reference the recommendation and associated conditions from the attached planning report are set out below.

2.0 RECOMMENDATIONS - NGĀ TŪTOHUNGA

That pursuant to Rule NH10, RZ27 and TP2 of the Proposed Hastings District Plan (As Amended by Decisions 15 September 2015) and Sections 104, 104B and 108 of the Resource Management Act 1991, resource consent as a Noncomplying Activity is GRANTED to Kahungunu Health Services to convert a near-complete implement shed located at 151 Waitangi Road, Waimarama to a habitable building used as part of the existing “place of assembly” on a site legally described as Waipuka 2T3 BLK X Kidnappers SD.

SUBJECT TO THE FOLLOWING CONDITIONS:

GENERAL

1. *That unless otherwise altered by the conditions of this consent, the development shall proceed in accordance with the plans and information submitted as part of the resource consent application RMA20180494 (PID 59548):*
 - a. *The application and assessment of environmental effect titled “Resource Consent Application for Land Currently Occupied at 151 Waitangi Road, Waimarama”, dated 22 November 2018, prepared by Development Nous Limited. (HDC reference: 59548#0288)*
 - b. *Development plans submitted as part of the building consent ABA20171619 (HDC reference: 59548#0274)*
 - c. *Any other information submitted as part of this application*

Tsunami Evacuation Plan

2. *That the consent holder shall submit a Tsunami Evacuation Plan to the Environmental Consents Manager, Hastings District Council (or nominee) for approval.*

Management of Environmental nuisance

3. *That the consent holder shall ensure that the proposed activity will comply with the following performance standards contained within the Proposed Hastings District Plan at all times:*
 - a. *Section 25.1.6D of the Proposed Plan outlining the maximum noise limit for activities in Rural Zones; and*
 - b. *Section 5.2.5D of the Proposed Plan outlining the lighting*

and glare requirements for activities in Plains Production zone.

That in addition to the environmental nuisance effects identified in the condition above, the consent holder shall also ensure, on a continuous basis, that no environmental nuisance as defined under Section 29 of the Public Health Act 1956 will be generated by the activity.

Visual screening

- 4. That all windows and doors with direct sightline to any part of 145 Waitangi Road shall use frosted glass or other types of glazing that are non-transparent;*
- 5. That a wall, or other type of visual screening shall be erected on the northwestern face of the first floor deck so that there is no direct line of sight between the deck and the dwelling at 145 Waitangi Road;*
- 6. That the existing vegetation between the proposed building and the common boundary with 145 Waitangi Road shall be enhanced so that there is no direct line of sight between any parts of building and the dwelling located on 145 Waitangi Road prior to occupation of the building.*
- 7. That when established the vegetation screening as required by the condition above shall be maintained to a minimum height of 6 metres*

Note: Maintained means the ongoing replacement of any dangerous, dead or dying matter, the replacement of any trees that are lost or are otherwise defective and the general preservation of the shelterbelt to a healthy standard. Any dead trees shall be removed and replaced within the next growing season.

Review condition

- 8. Pursuant to Sections 128 and 129 of the Resource Management Act 1991, the Council may review the conditions of this consent at any time(s) from one month after operations commence, to address:*
 - a. effects arising from noise generated by the activity;*
 - b. effects arising from lighting and glare emanating from the site;*
 - c. effects on the safety and efficiency of the access road.*
 - d. Amenity effects on the adjoining site*

9. *That Council's ability to review the consent conditions shall be limited to the following aspects:*

- a. The level of noise generated by proposed activity;*
- b. Traffic, both the volume and types of traffic generated by the proposed activity;*
- c. Privacy effects to the immediate adjoining properties.*

Monitoring

10. *A monitoring deposit of \$230 (including GST) shall be payable to cover the reasonable costs of monitoring compliance with the consent conditions in accordance with Council's schedule of charges. In the event of non-compliance being detected by monitoring or justified complaint and/or the costs of monitoring the consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fees.*

Attachments:

A	Hearing Report - reporting planner	59548#0313
B	Description of Proposal and Assessment of Environmental Effects	59548#0288
C	s95 Notification decision	59548#0302
D	Submission on the Application - 145 Waitangi Road	59548#0311
E	Excerpt from Development Plans - prior to the amendment of the building consent ABA20171619	59548#0323
F	Excerpt from Development Plans - after the amendment of the building consent ABA20171619	59548#0324
G	S92 Further Information Required Letter	59548#0291
H	Response to Further Information Request (Part 1)	59548#0318
I	Response to Further Information Request (Part 2)	59548#0319
J	Response to Further Information request (Part 3)	59548#0320
K	HDC Development Engineer's Comments	59548#0321

**REPORT ON NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER THE
RESOURCE MANAGEMENT ACT 1991 (RMA)****Item 2****REPORT TO: HEARING COMMISSIONERS****HEARING DATE: 13 September 2019****FROM:** Liam Wang
ENVIRONMENTAL PLANNER – CONSENTS**SUBJECT:** A LIMITED NOTIFIED APPLICATION FOR LAND USE
RESOURCE CONSENT TO CONVERT OF AN
INCOMPLETE IMPLEMENT SHED TO A HABITABLE
BUILDING AS PART OF THE EXISTING “PLACE OF
ASSEMBLY” ACTIVITY ON SITE.**NOTE:** This report is not the decision on the application. This
report sets out the advice and recommendation of the
reporting planner. This report has yet to be
considered by the hearing commissioners delegated
by Hastings District Council to decide this resource
consent application. The decision will be made by the
hearing commissioners only after they have
considered the application and heard from the
applicant, submitters and Council officers.**Attachment A****1.0 APPLICATION DESCRIPTION****1.1 Application and Property Details**

Application Number: RMA20180494
Applicant's Name: Kahungunu Health Services
Site Address: 151 Waitangi Road, Waimarama
Legal Description: Waipuka 2T3 BLK X Kidnappers SD
Total Site Area: 1.0739 ha
Lodgement Date: 11 November 2018
Notification Date: 27 June 2019
Submission Period Closed: 2 August 2019
Number of Submissions Received: 1 submission opposing the entirety
of the application.

1.2 Application Documents

The list of application documents and plans are set out in the recommendation forming part of this report.

1.3 Adequacy of Information

The information submitted with the application is sufficiently comprehensive to enable the consideration of the following matters on an informed basis:

- The nature and scope of the proposed activity for which resource consent is sought;
- The extent and scale of the actual and potential effects on the environment;
- Those persons and/or customary rights holders who may be adversely affected; and
- The requirements of the relevant legislation.

One formal request for further information under section 92 of the Resource Management Act 1991 (RMA) was made in relation to this application for resource consent on the following date:

Date s92 Request Made by Council	Date Response Received from Applicant
1. 5 December 2018	Partial response received 30 April and 6 May 2019

1.4 Report and Assessment Methodology

I have undertaken a separate and independent assessment of the proposal, avoiding undue repetition of descriptions or assessments from the application where appropriate, with technical aspects having been reviewed by independent experts engaged by the Council as needed. Where there is agreement on any descriptions or assessments in the application material, this is identified in this report.

Where professional opinions differ, or additional assessment and/or consideration is needed for any reason, the relevant points of difference of approach, assessment or conclusions are detailed. Also, the implications of any professional difference in findings in the overall recommendation is provided.

This report is prepared by: Liam Wang

Environmental
Consents

Planner

-

Item 2

Signed:



Date:

23 August 2019

Reviewed and approved for release by: Murray Arnold
Environmental Consents Manager



Signed:

Date:

23 August 2019

Attachment A

1.0

EXECUTIVE SUMMARY - *TE KAUPAPA ME TE WHAKARĀPOPOTOTANGA*

- 1.1 The applicant is seeking to convert a near-complete implement shed located at 151 Waitangi Road, Waimarama to a habitable building used as part of the existing “place of assembly” on site (the proposal).
- 1.2 The subject site is zoned “Rural” under the Proposed Hastings District Plan (the Proposed Plan). The proposal requires resource consent for a Non-Complying activity due to its non-compliance with the minimum boundary setback requirement and being located within a tsunami hazard zone. Additionally, “place of assembly” is not provided for in the rural zone.
- 1.3 Council limited notified one affected party, identified through its Section 95 notification report, on the grounds of potential adverse effect on the amenities that the party will enjoy.

Address / Legal Description	Owner	Council PID
145 Waitangi Road, Waipuka 2T4 BLX X KIDNAPPERS SD	Mangu Matthews, Myda Matthews and Pehitane Potaka	58265

- 1.4 One submission was received by the Council. The submission, from the owners of 145 Waitangi Road (the submission) opposes the application and requested to be heard.

Recommendation

- 1.5 Having considered all the information provided through the application, submission and further information request, it is recommended that the Council **approve** this application, subject to conditions outlined in Section 9.0 of this report.

Reporting Planner

- 1.6 My full name is Liam Wang. I am currently employed as an Environmental Consents Planner with the Hastings District Council.
- 1.7 I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court’s Consolidated Practice Note (2014), and I agree to comply with it as if this hearing were before the Environment Court. I confirm that the issues addressed in this hearing report are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2.0 BACKGROUND – *TE HOROPAKI*

Attachments

2.1 The following table identifies the various attachments to this report.

Attachment B	Applicant's assessment of environmental effects 59548#0288
Attachment C	Section 95 notification report and decision 59548#0302
Attachment D	Submission from owners of 145 Waitangi Road 59548#0311
Attachment E	Development plans – prior to the amendment to the building consent ABA20171619 59548#0245
Attachment F	Development plans – after the amendment to the building consent ABA20171619 59548#0274
Attachment G	Section 92 further information Request 59548#0291
Attachment H	Response to further information request (Part 1) 59548#0292
Attachment I	Response to further information request (Part 2) – Traffic assessment 59548#0294
Attachment J	Response to further information request (Part 3) Tsunami Risk 59548#0295, #0298
Attachment K	Hastings District Council Development Engineer's Comments 59548#0289, #0312

The Application

2.2 The Council received the application to convert an incomplete implement shed to a habitable building as a “place of assembly” on 22 November 2018. The applicant's Assessment of Environmental Effect is included as Attachment B of this report. The application is summarised as below.

2.2.1 The applicant seeks resource consent for a new 543.5m² place of assembly building within an inundation zone that infringes the side yard setback in the Rural zone, as the proposed place of assembly building has been located 5 metres from the property boundary. The 2.5900 hectare lot is contained in Register of title (RT) HB154/77 at 151 Waitangi Road, Waimarama.

- 2.2.2 Two place of assembly buildings are already established on the site, which consists of accommodation, cooking, and ablution facilities housed within an existing whare and wharenui (meeting house). These existing buildings infringe on the side yard setback being 6.1 metres from the boundary at the closest point.
- 2.2.3 The subject site is currently leased by Kahungunu Health Services, a Charitable Trust who manage all the bookings for all of the events held onsite. The events currently held on site consist of a not for profit camp for school groups, corporate events such as team building, cultural groups/events, Te Reo Maori classes and the occasional family hui.
- 2.2.4 Accommodation at the site is currently provided in the Whare in the form of four bunk rooms which each sleep 12 people (44 people), a modern ablution block, a large open plan kitchen and an outside decking area. The wharenui (meeting house) also provides space for inside recreation, meeting space and has accessible ablution facilities.
- 2.2.5 The applicant proposes to utilise the new building onsite as an extension of the existing place of assembly activity. This will allow for extended community, education and cultural camp activities to occur on site. It is proposed that the new building would sleep up to 40 people and provide space for indoor activities for the educational, cultural and community activities to take place in times of bad weather. The requirement for additional inside space and additional ablution facilities has been identified and requested by visiting groups.
- 2.2.6 The building was originally granted building consent as a non-habitable implement shed under building consent ABA20171619. The applicant later applied for an amendment to the building consent to add a kitchen, ablutions (showers, toilets, handbasins) and laundry facilities to the building and change the use of the building. The proposed development plans, both before and after the amendment, are attached as **Attachment E and F** of this report.
- 2.2.7 There are also other commercial interests on the site being four visitor accommodation units. A primary residential building and supplementary residential building are also present on the site.

Notification decision

- 2.3 **Attachment C** (Section 95 report) outlines the background information in relation to this consent. The report includes the reasons for consent and Council's initial consideration on the potential level of adverse effects. A summary is provided below:
- 2.3.1 The proposed activity required consent for the following reasons:

2.3.2 **Rule NH10** states that any of the following activities (Visitor accommodation, non-residential care facilities, education facilities, early childhood centres, homes for the aged, places of assembly, emergency service facilities, camping grounds, health care services, retirement villages) located within a Tsunami Hazard Zone as identified in Appendix 58 and on planning maps must be assessed as a **Restricted Discretionary activity**.

2.3.3 **Rule RZ27** states any activity which is not provided for as a permitted, controlled, restricted discretionary or discretionary activity (or in rules NP18-NP21) shall be a **Non-Complying activity**. A place of assembly that does not comply with the minimum yard setback requirement is not provided for in the Rural Zone.

2.3.4 The proposal is therefore being assessed as a **Non-Complying activity** overall.

2.3.5 The report then proceeded to consider a range of potential effects that may arise from the activity. It was identified that the proposal will be unlikely to have a more than minor effect on the wider environment.

However, it was identified the proposal may have a minor effect to 145 Waitangi Road. Based on the issues identified by the report. Under authority delegated by the Council, the Environmental Consents Manager, Murray Arnold, limited notified the consent to the owners and occupiers of 145 Waitangi Road on the grounds that the proposal will result in a loss of amenity and the overall level of adverse effect is likely to be minor.

Submission

2.4 A submission from the owners of 145 Waitangi Road was received by the Council on 2 August 2019. The submission is included as **Attachment D** of this report.

2.4.1 The submission has expressed concerns on a range of potential effects being more than minor, including:

- Visual amenities and privacy effects;
- Noise; and
- Traffic;

2.4.2 The submission also offered its interpretation of relevant standards and objectives and policies of the Proposed Plan.

2.4.3 Particularly, the submission has identified that the private road which the proposed activity relies on does not meet the minimum standards set in Table 26.1.6.1-1 (rural zone private road serving 7-20 household

units) of the Proposed Plan, and therefore the addition of an extended place of assembly would not have safe and efficient access.

- 2.4.4 The assessment of the extension to the place of assembly would fall under table 26.1.6.1-2 commercial and industrial and **other** activities which requires a 5m wide formation width for up to 20 sites and 5.5m width for 21-200 sites.
- 2.4.5 I concur with the assessment that this underwidth formation non-compliance requires consent and should be covered as part of this assessment. The non-compliance is considered a Restricted Discretionary activity in accordance with **Rule TP2** of the Proposed Plan. However the overall activity status of non-complying as identified in the section 95 notification report, remains unaffected.
- 2.4.6 The submitters requested the Council to decline the consent application and have the uncompleted building removed from the site, or the building only be permitted to be used as an accessory building for the permitted residential and rural use of the site.

DISCUSSION - TE MATAPAKITANGA

The following sections will assess the proposal in accordance with Section 104 of the Resource Management Act 1991.

3.0 STATUTORY CONSIDERATIONS

3.1 In considering any application for resource consent, the council must have regard to the following requirements under s104(1) - which are subject to Part II (the purpose and principles):

- (a) any actual and potential effects on the environment of allowing the activity; and
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
- (b) any relevant provisions of—
 - (i) a national environmental standard:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:
 - (vi) a plan or proposed plan; and
- (b) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

3.2 As a Non-Complying Activity, Section 104B of the Resource Management Act 1991 states that Council may grant or refuse the application. If it grants the application, it may impose conditions under s108. In considering the application, the Council can take any effects that may arise from the proposed activities into account.

4.0 ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT - s104(1)(a) and s104D(1)(a)

4.1 Effects that must be disregarded

4.1.1 Any effect on a person who has given written approval to the application - s104(3)(a)(ii)

No written approvals have been provided.

4.1.2 Effects that may be disregarded - Permitted baseline assessment - s104(2)

When considering any actual or potential effects, the council (as consent authority) may disregard an adverse effect on the environment if a national environmental standard or the plan permits an activity with that effect (the permitted baseline). The Council has discretion whether to apply this permitted baseline.

An accessory building (implement shed) of this size and shape has been built in this location as a permitted activity.

The visual effects of an implement shed of this size and height in this location have been disregarded in the following assessment.

4.2 The following potential adverse effects were considered relevant to the proposal.

Visual and Privacy effects

4.3 I have concluded that the overall level of visual effect associated with the proposal will **be no more than minor**. The reasons are outlined as follows.

4.3.1 The structure was originally designed for an implementation shed. Such structure is classified as an “accessory building”, which can be located at 5 metres away from the common boundary (Rule 5.2.5B(3) of the Proposed Plan).

4.3.2 The building plan was subsequently amended to include a kitchen, ablution and laundry facilities. This has resulted in the need for the resource consent, as the minimum boundary setback of 5m only applies to accessory buildings. The Proposed Plan has not specified any setback requirement for buildings used for “Place of assembly”, as the activity itself is not provided in this zone. (Rule 5.2.5B(1)). The overall profile, shape and footprint of the existing accessory building has not changed in this proposal and is largely comparable to a complying activity under Rule 5.2.5B(3). (Refer to building plans attached in appendix A)

4.3.3 The main noticeable change to the building exterior, compared with the “permitted baseline” (non-habitable implement shed), is that the building will now include more than 10 windows. Approximately half of the windows will be facing to the centre of the site, however some of them

will be facing 145 Waitangi Road, and some of those will be for the first floor.

4.3.4 Whilst the Proposed Plan does not restrict the number of windows an implement shed can have, accessory buildings like the shed that was originally applied for are generally designed for storage, workshop and other non-habitable uses. As such they do not usually require a large amount of glazing, and use of a shed usually means that the likelihood of overlooking into adjoining sites is low. The number of windows on the proposed building is not consistent with the character generally expected for an implement shed.

4.3.5 Additionally, the deck on the first floor is generally associated with habitable uses and is not commonly found on non-habitable accessory buildings.

4.3.6 The proposed extra windows and deck are generally associated habitable spaces that have a higher need for glazing and recreational space. This can potentially lead to a loss of privacy and loss of the sense of separation generally expected in the rural zone. The submitter was considered affected on the grounds that the proposal will result in a loss of amenity and the overall level of adverse effect is likely to be minor, which includes the building being located only 5 metres away from the shared boundary.

4.3.7 In order to ascertain the level of potential effect associated with this aspect, I have taken the following matters into account:

- The building is not a dwelling (residential building) and will only be occupied when there is a gathering or event or use by a group such as a school.
- Half of the windows facing the common boundary will function as glazing for kitchen, laundry and toilet facilities. Those spaces will only be used during certain times of the day or sparsely used throughout the day.
- The applicant has proposed to retain and enhance the existing vegetation along the boundary. A condition can be imposed to require the vegetation to be maintained to a height similar to the building (6 metres) and
- The submitter's dwelling is located approximately 30 metres away from the building.
- Mezzanine windows on the northwestern side and deck facing the submitter will be directly overlooking into the submitter's site and towards their house. There will be a direct sightline

between the submitter's first floor deck and the proposed building.

4.3.8 I have also considered the potential types of conditions which the Council can impose to mitigate the effects:

- Requiring non-transparent (opaque) glazing on windows facing other sites (northwestern and southwestern sides in particular);
- Visual screening in the form of trees and hedges;

4.3.9 In case of the first floor deck, visual screening in the form of physical barrier or screen on the northwestern side, I consider those conditions appropriate as to address any privacy issues. The overall effect can therefore be reduced to a level comparable to a permitted activity.

4.3.10 For those reasons, I have concluded that the level of visual and privacy effects can be managed and controlled to the level that is comparable to a complying activity.

Amenity and Cumulative Effects

4.3.11 I acknowledge the submitter's concern on the potential level of cumulative effects expressed in the submission, in particularly on page 2 where a comparison was made to a range of permitted activities in the Rural zone.

4.3.12 In response, I note that the existing "place of assembly" activity has been legally established as a permitted activity under the Operative District Plan of that time. A place of assembly does not have to be contained within a building. In case of the existing wharenuī, it is not uncommon to have gatherings, ceremonies and events outside of the physical building. There was no restriction on how far such activity must be away from the boundaries.

4.3.13 I agree that the proposal will result in adverse effects in addition to those already permitted on site. However, cumulatively the proposal will be unlikely to significantly change the nature of the existing legally established "place of assembly".

4.3.14 Previous paragraphs have already established that the existing building would be otherwise permitted (accessory building) if it is not used for "place of assembly", which is part of the permitted baseline which has been applied..

4.3.15 Previous paragraphs have also established that the existing, legally established place of assembly activity does not have to be confined within the buildings. Outdoor activities have also been established on site as of right. This can continue to happen with or without the proposed building.

- 4.3.16 As such, the main effect associated with the proposal is limited to the amenity and privacy effects associated with activities inside the building. With conditions requiring visual screening those effects can be reduced to less than minor.
- 4.3.17 Also, the proposed dwelling will not result in significant effect to the visual amenities that the submitter will enjoy.
- 4.3.18 It is noted that the Proposed Plan does not protect any views from the existing dwelling on 145 Waitangi Road. While the proposed building will partially block the view from the adjoining dwelling to the shoreline, such reduction in visual amenity is considered acceptable under the Proposed Plan, and is part of the permitted baseline.
- 4.3.19 Furthermore, the bulk of the proposed building has been disregarded as part of the permitted baseline. A building of same size and scale can be built at the current location as of right. The only matter triggering consent requirement is its intended use.
- 4.3.20 Cumulatively, the proposal will not significantly change the visual characteristics of the area. The proposed building is currently partially screened by the existing vegetation along the side boundary. This screening will be further enhanced by the applicant should the Council decide to grant the application.
- 4.3.21 The overall density of the development on site and the surrounding environment remains low. All other buildings are more than 5 metres away from the shared boundary. Based on the “permitted baseline”, those buildings can still be built as of right if their uses are limited.
- 4.3.22 Overall, it is considered that the potential level of adverse effect to local amenities, both on its own and cumulatively, will likely to be minor or less than minor.
- 4.3.23 I also acknowledge the submitter’s concern relating to the nature of his occupation and the potential sensitivity from having a gathering place next to his private residence. Unfortunately both the RMA and the Proposed Plan do not provide opportunities for me to take this factor into account.

Noise and other environmental nuisance effects

- 4.4 The likely level of adverse effect from noise and other environmental nuisance effects is likely to be **less than minor**. The reasons are outlined as follows.
- 4.4.1 The applicant has volunteered compliance to noise standards under Chapter 25.1 of the Proposed Plan. The site has a history of operation as a “place of assembly”, with no recorded complaints on Council’s file.

- 4.4.2 The building is oriented in a way that directs the main activities to the northeast of the building towards the centre of the subject site and away from the adjoining site 145 Waitangi Road. The internal layout of the building directly facing the adjoining site will include the kitchen, ablutions blocks and boundary sinks. Those areas are generally only used during specific hours – before meals, morning, and in the case of the toilets, sparsely used throughout the day. The main lounge areas are generally located away from the southern wall, with the exception of the first floor lounge and deck.
- 4.4.3 As previously discussed, any privacy effect from the mezzanine deck can be managed by requiring a physical barrier or screen between the deck and the side boundary. This barrier can also function as a noise barrier.
- 4.4.4 It is also noted that a large area on the north-western end of ground floor has been designated as “garage” in the plans supplied. Given the application has not outlined how the maximum of 40 people will be accommodated by building, It was unclear whether this space will be used for any habitable purpose.
- 4.4.5 Overall, it is expected that noise-generating activities will be unlikely to generate noise directed to the submitters direction, but to the centre of the subject site.
- 4.4.6 I have also considered the potential conditions that the Council can impose to further mitigate the potential risk of excessive noise:
- Physical barrier or screen on the northwestern side of the deck to prevent a direct sightline between the first floor, the deck and the adjoining site (145 Waitangi Road).
 - Review condition to allow the Council to impose the following measures should noise become an issue:
 - Restrict the hours or season which the building can be used as an accommodation facility;
 - Require acoustic fencing between the building and adjoining site; and
 - Require windows to be removed / closed at all times.
- 4.4.7 As part of the building code requirement, all windows for habitable building will be double glazed and walls insulated. This will further mitigate the effect from noise.
- 4.4.8 In terms of lighting, there will be no external lighting on the southwestern side of the building, and all other lighting associated with the proposal will comply with Rule 5.2.5D of the Proposed Plan.

- 4.4.9 No other environmental nuisance effects are considered relevant.

Traffic and accessibility

- 4.5 The following assessment concludes that the level of effects associated with increased traffic and accessibility will likely to **be no more than minor**.

- 4.5.1 I agree with the applicant that the site contains sufficient area to accommodate for the potential increase in demand on parking spaces. Due to the nature of the site and spaces available, it is considered unnecessary to formalise the spaces.

- 4.5.2 The application states that the proposed building will be able to accommodate up to 40 persons. In terms of the vehicle movements, the applicant has identified that in addition to those already generated by existing permitted activities, attendees using the proposed place of assembly are likely to be transported by 1 bus and 5 cars.

- 4.5.3 I have considered the traffic assessment (prepared by traffic solutions limited, dated 29 April 2019) provided by the applicant. Page 5 of the report has considered the potential effects from the additional traffic generated by the proposal. It was found that even in the worst scenario (all attendees travelling by private cars), it will result in an additional 30 vehicle trips per hour at the start and end of a gathering. Considering Waitangi Road is a low traffic volume road the number of vehicle movements will be unlikely to result in any significant impact on the safe and efficient operation of the road.

- 4.5.4 The last section of Waitangi Road is a private road. The report has identified the road formation to be typically 4.6 metres wide. This does not comply with the minimum access way standard under Table 26.1.6.1-2 of the Proposed Plan.

- 4.5.5 Council's Development engineer, Nick Bruin concurs with the assessment that there are ample passing opportunities along the public part of the road. I also concur with such conclusion. Given it's a low usage road with berms on both side, the additional traffic will be unlikely to create significant issues in relation to safety and dust issues.

- 4.5.6 In terms of the private section of the road, Mr Bruin also concurred with the conclusion of the traffic assessment stating that:

In the private part of the road there are presently few passing opportunities available, if a large vehicle such as a bus is used to ferry attendees to and from the site. If other users of that part of the road become unduly obstructed as a result of the proposal, then the operator should consult with the other co-owners, with a view to

providing some roadway widening at selected locations, such as at the various curves, by private arrangement.

- 4.5.7 In response to the submitter's concerns, I concur with both submitter's and the traffic assessment's conclusion that large vehicles like a bus may encounter issues on the private section of the road with the limited width for passing opportunities.
- 4.5.8 The traffic assessment is based on the worst case scenario (all attendees travelling by private vehicles). However, I acknowledge that it is difficult to predict the type of vehicles that will be used to access the site, as it is highly dependent on attendees and nature of the gatherings.
- 4.5.9 Considering the additional capacity that will result from the proposal (40 persons), it is reasonable to assume that one bus will be sufficient to accommodate for the travelling needs, should all of the attendees travel by bus.
- 4.5.10 The relatively low usage rate of the private road would mean that there is only a small chance of the bus encountering traffic coming from the opposite direction at a point that does not allow two vehicles to pass with ease.
- 4.5.11 I recommend that should the Council decide to approve the Consent, a review condition to be added in order to allow Council to review the traffic conditions, and require the road to be upgraded (passing bays) should the types of traffic that the activity attract becomes an issue.

Natural hazard

- 4.6 The property is located with the "tsunami hazard zone". "Place of Assemblies" located within this overlay require resource consent in accordance rule NH10 of the Proposed Plan.
- 4.6.1 The risk associated with the tsunami hazard can be effectively addressed by requiring an emergency evacuation and management plan as part of the consent conditions. The subject site is located right below a hillside that will be able to provide a quick evacuation route.
- 4.6.2 The proposed building is also located sufficiently far away from the hill side that the risk associated with landslide is minimal. In the event that a severe landslide occurs, moving to the shore would be the quickest evacuation route.
- 4.6.3 No other natural hazards are considered relevant to this proposal.

Other effects

- 4.7 All other effects have been considered in the Section 95 report (**Attachment C**). The level of effects was considered to be less than minor. No other effects are considered relevant.

5.0 **ASSESSMENT OF RELEVANT PROVISIONS OF STANDARDS, POLICY STATEMENTS OR PLANS s104(1)(b)**

National Environmental Standards (NES)

- 5.1 The notification report has identified that the proposal does not trigger any requirement under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS), as there was no known history of "HAIL activity" occurring on site.
- 5.1.1 In relation to the National Environmental Standard for Sources of Human Drinking Water, the proposal is considered not relevant to the NES due to the nature of its activity, and with the closest known source of human drinking water located 1 km away from the site.
- 5.1.2 No other NES was considered relevant.

National Policy Statements (NPS)

- 5.2 New Zealand Coastal Policy Statement - s104(1)(b)(iv)

The purpose of the New Zealand Coastal Policy Statement (NZCPS) is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. In this instance, the site is situated within the coastal environment and the NZCPS is therefore relevant.

I have considered the following objectives of the NZCPS:

Objective 1 *To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:*

- *maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;*
- *protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and*

- *maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.*

Comment:

The location of the proposed building does not contain any known indigenous coastal flora and fauna. The location is also away from any dune or sensitive coastal environment, and does not have any known significant role as a habitat or part of the wider natural processes.

Objective 2 *To preserve the natural character of the coastal environment and protect natural features and landscape values through:*

- *recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;*
- *identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and encouraging restoration of the coastal environment.*

Comment:

The proposal is not seeking to establish a new activity, but rather expand on the existing activity.

Section 4 of this report has considered the visual effects associated with such expansion, and was concluded that the bulk, scale and design of the building is generally consistent with the permitted baseline.

The activity will not affect any existing vegetation and the vegetation along the boundaries will be further enhanced.

Furthermore, considering that the building is located in a low-lying area that has a number of existing developments, the existing landscape is atypical of a coastal environment. The subject site does not contain any known significant vegetation or habitat that provides for important coastal, ecological and environmental functions.

Objective 5 *To ensure that coastal hazard risks taking account of climate change, are managed by:*

- *locating new development away from areas prone to such risks;*

- *considering responses, including managed retreat, for existing development in this situation; and*
- *protecting or restoring natural defences to coastal hazards.*

Comment:

The main natural hazard risk the site is subject to is tsunami. The proposal is not seeking to establish a new activity, but rather expand on the existing activity. Consequently there will be an increase of such risk.

As discussed in Section 4 of this report, the risk can be managed by requiring an tsunami evacuation plan. The site's close proximity to the hillside provides a readily available evacuation route.

Objective 6 *To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:*

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- *the coastal environment contains renewable energy resources of significant value;*
- *the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*
- *the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;*
- *the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and*

- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.*

Comment:

This proposal will provide for the social and economic wellbeing of applicant and the wider community by providing additional capacity for an important community infrastructure. In the meanwhile, as discussed in the assessment above, any existing visual and ecological values within the coastal environment will not be compromised.

5.3 **Hawke's Bay Regional Resource Management Plan and Policy Statement (RPS)**

- 5.3.1 The Hawke's Bay Regional Resource Management Plan 2006 (RRMP) includes the regional policy statement (RPS) for the Hawke's Bay Region, which contains the following relevant objectives and policies:

OBJ 1 *To achieve the integrated sustainable management of the natural and physical resources of the Hawke's Bay region, while recognising the importance of resource use activity in Hawke's Bay, and its contribution to the development and prosperity of the region.*

OBJ 4 *Promotion of the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development.*

OBJ 8 *The avoidance of further permanent development in areas prone to coastal erosion or inundation, taking into account the risk associated with global sea level rise and any protection afforded by natural coastal features.*

OBJ 18 *For the expansion of existing activities which are tied operationally to a specific location, the mitigation of off site impacts or nuisance effects arising from the location of conflicting land activities adjacent to, or in the vicinity of, areas required for current or future operational needs.*

OBJ 31 *The avoidance or mitigation of the adverse effects of natural hazards on people's safety, property, and economic livelihood.*

- 5.3.2 The proposal is considered **not contrary** with those objectives for the reasons outlined below.

- 5.3.3 As identified by this report, the main conflict between the existing land use and the proposal is the potential visual amenity and privacy effects. Those effects can be managed through conditions of the consent controlling aspects such as the transparency of the glazing, and visual screening between the deck windows and the dwelling on the adjoining

property. Those conditions can reduce the level of potential adverse effects to a level comparable to a complying activity.

- 5.3.4 In the meanwhile, all existing legally established activities, including their need to expand are recognised by the recommendation. Section 4 of this report has concluded that considering the nature of the existing activity, and the potential outdoor component of any place of assembly activity, the level of cumulative effect will likely to be minimal and will not significantly change the nature of the existing activity on site.
- 5.3.5 This assessment has recognised the potential tsunami risks associated with the low-lying nature of the property. As the hillside behind the back of the property can provide a readily available evacuation route, it is concluded that the adverse effects associated with the natural hazard can be sufficiently mitigated.
- 5.3.6 Overall, it is considered that the proposed activity will use the existing land resource in a way that does not compromise the coastal, physical and social values of the area.
- 5.4 Hawkes Bay Regional Coastal Environment Plan
- 5.4.1 Although outside of any defined coastal hazard area, the site is contained within the coastal environment, therefore the Objectives and Policies of the Hawke's Bay Regional Coastal Environment Plan have to be considered. The following are considered relevant to this application:

Objective 2.1 Preservation of the natural character of the coastal environment, and the protection of the coastal environment from inappropriate subdivision, use and development.

Policy 2.3 To promote the location of future use and development in areas of the coastal environment which are already significantly modified by similar activities, provided the adverse effects of the new use and development are avoided, remedied or mitigated.

Policy 2.4 To recognise and provide for appropriate use and development provided any adverse effects on the coastal environment's natural character arising from such use and development are avoided, remedied or mitigated.

Comment:

The proposed development will be carried out in an area that has already been highly modified. The proposed activity is a small addition to the existing "place of assembly". As discussed by the rest of this

assessment, adverse effects relating to the proposal will be avoided, remedied or mitigated.

The proposed building will also be situated outside of known area with sensitive coastal environment, as the site is already highly modified.

Objective 8.1 The sustainable management of the land resource so as to avoid compromising future use and water quality.

Policy 8.1 To encourage landowners and occupiers to manage the effects of activities affecting soil (including both land use activities and discharges of contaminants onto or into land) in accordance with the environmental guidelines set out in Table 8-1 below.

Comment:

The subject site is not subject to any known erosion or contamination risks. It is located at the outer edge of the coastal environment. It is also built on a flat land, with minimal disturbance to existing land forms.

5.5 **Proposed Hastings District Plan (As Amended by Decisions September 2015)**

Legal Status

- 5.5.1 The application was lodged on the 21st December 2018. The decisions on submissions made to the Hastings Proposed District Plan were released on the 12th of September 2015 and therefore, the entire Proposed Plan has legal effect.
- 5.5.2 In terms of Section 86F Resource Management Act a review of the appeals received on the Proposed District Plan decisions has identified that the sections relevant to this application have not been appealed and therefore are beyond challenge. Therefore, the rules in the Proposed Plan applying to this application can be treated as operative.

Assessment Criteria

- 5.5.3 The proposal is being overall considered a Non-Complying activity. In assessing the application, the Council is not limited to any assessment criteria and can consider the full range of effects associated with the proposed activity.
- 5.5.4 Section 4 of this report has considered all relevant matters that has the potential to create adverse effects. No other assessment criteria matters under the Proposed Plan are considered relevant.

Objectives and Policies s104(1)(b)(vi)

- 5.5.5 Sections 104(1)(b)(vi) and 104D(b) of the RMA require the consenting authority to consider a Non-Complying activity against all relevant

objectives and policies under the District Plan. As the Proposed Plan has legal status on this application, only objectives and policies of the Proposed Plan will be considered.

- 5.5.6 The assessment of the proposal against relevant objectives and policies are outlined below.
- 5.5.7 Part A of the Proposed Plan includes the strategic direction underpinning the Plan. Relevant Part A provisions are contained in Section 2.8 Rural Resource Strategy which are considered below:

Item 2**Attachment A**

OBJECTIVE CEO1 (Coastal Environment) To ensure the implementation of the integrated management regime contained within the Coastal Environment Strategy that protects, manages and develops the Coastal Environment.

POLICY CEP1 Implement the Hastings District Coastal Environment Strategy to ensure the integrated management approach is adopted for the protection and development of the Hastings coastal environment.

POLICY CEP5 Ensure the protection of the characteristics of significance to tangata whenua and the significant natural and cultural character, heritage and scenic features of the coastal margin identified in the Coastal Environment.

Comment:

The property is not located within any known ecologically or cultural sensitive coastal land. The land is generally flat and does not contain any existing coastal features, and is not categorised under the Proposed Plan as having significant landscape amenities. Therefore it is considered the proposed development will be consistent with those objectives and policies.

OBJECTIVE RRSO1 (Rural Resource Strategy) To promote the maintenance of the life-supporting capacity of the Hastings District's rural resources at sustainable levels

POLICY RRSP1 Reflect the various characteristics and distribution of the rural resources to enable the sustainable management of these characteristics.

POLICY RRSP2 Provide for a wide range of activities to establish, which complement the resources of the rural area, provided that the sustainability of the natural and

OBJECTIVE RRSO4 To ensure that the natural, physical, and cultural resources of the rural area that are of significance to the Hastings District are protected and maintained.

POLICY RRSP5 Establish mechanisms within the District Plan that will address the protection of outstanding landscape and natural areas, and items or areas of heritage or cultural significance, but which also maximise the opportunity to sustainably utilise the resources of the rural area.

Comment:

The property currently contains very little rural production activity, and has a long history of non-productive land use. The existing “Place of Assembly” activity will likely to continue with or without this consent. The proposed activity will therefore not affect the overall life-supporting capacity of the District’s rural resources.

Additionally, the site is not subject to significant or outstanding landscape overlays under the Proposed Plan. No areas of heritage or cultural significance will be affected.

OVERARCHING OBJECTIVE RSMO1 (Rural Strategic Management Area) The primary production role and associated amenity of the Rural environment is retained.

POLICY RSMP2 Require that activities and buildings in the Rural SMA are of a scale that is compatible with that environment.

OVERARCHING OBJECTIVE RSMO2 Provide for a range of activities within the Rural environment such that they do not compromise the productive nature of the land and soils and the established Commercial and Industrial Zones in the District.

POLICY RSMP4 Provide for other primary production activities that are not reliant on the life supporting capacity of the soil, provided that they are appropriately located and compatible with the amenity expectations of the rural environment.

Comment:

The proposal is not for a land based primary production activity. However, as discussed in the previous sections, the existing activities on the site have been legally established under the previous Operative Plan and form part of the wider landscape that is part of the rural community.

The previous sections have also established that the cumulative scale of the increase in size of the “place of assembly” is not considered inappropriate to this particular location. Given the limited primary production opportunities the area can provide, expanding on the existing legally established activity is not an inefficient use of land resource.

This assessment has also demonstrated that with conditions controlling glazing, noise and traffic, the potential adverse effects to the adjoining

and wider environment can be mitigated to a level that is comparable to a complying activity.

It is therefore considered that, the proposal will not be contrary to any of the relevant objectives and policies.

Natural Hazards (Chapter 15.1):

OBJECTIVE NHO1 Minimisation of the effects of natural hazards on the community and the built environment.

OBJECTIVE NHO2 To avoid increasing the risk to people, property, infrastructure and the environment from the effects of natural hazards.

Policy NHP3 – Adopt and promote the best practicable options (including mitigation or the 'do nothing' option) in the management of areas of existing development actually or potentially at risk from natural hazards.

Policy NHP4 – Adopt and promote an avoidance approach to development located within areas of significant natural hazard risk, rather than mitigation or remedial measures.

Policy NHP5 – Restrict the establishment of activities which have the potential to increase the extent to which natural hazards have, or may have, an effect on human life or the natural and built environment.

Policy NHP8 – Allow Public Bodies exercising their statutory powers to carry out natural hazard mitigation activities.

Comment:

- 5.5.8 Although areas of the site are subject to tsunami hazard, this is a widespread natural hazard that does not present a significant or specific risk to site development. Furthermore, the land is located outside of the mapped coastal erosion areas.
- 5.5.9 There are also readily available evacuation route that can be used in the event of a tsunami. Imposing a condition requiring a tsunami evacuation plan will allow the Council to review and approve the plan prior to the activity being established on site.
- 5.5.10 I also concur with the applicant's assessment in that:

“A Place of Assembly is already established on site, therefore this application for a change of use of an existing building to another Place of Assembly building is an incremental increase of the pre-established land use. This application is not introducing a new land use which will significantly increase the threat to human life from natural hazards, instead it is adding to a pre-established and documented activity.”

- 5.5.11 As previously discussed, no other natural hazards were considered relevant. The proposal is therefore considered consistent with those objectives and policies.

Rural Zone (Chapter 5.2)

OBJECTIVE RZO1 – Ensure that the productive nature of the land is not diminished

The policies associated with this objective focus on the retention of larger land parcels, limiting the scale of residential activities to safeguard the life supporting capacity of the land, and provision for dairy processing.

Comment:

- 5.5.12 The property has a long and established history of non-productive land uses. The remainder of the land is fairly small and irregular, not suitable for large scale rural production activities.
- 5.5.13 Similarly, the surrounding area is dominated by rural residential uses. The proposal is unlikely to result in any reverse sensitivity effects that may impede any legally established rural production activities.
- 5.5.14 The rural environment also benefits from a range of non-productive activities in order to function. Community centres, including places of assembly forms a part of those activities.
- 5.5.15 It is therefore considered that the proposal is consistent with Objective RZO1.

OBJECTIVE RZO2 – Retention of the natural and rural character and amenity values of the Rural Zone.

Policy RZP4 – Require that any new development or activity is complementary to the amenity of the Zone which predominantly comprises open pastoral characteristics with low scale and sparsely located buildings.

Comment:

- 5.5.16 The proposal will result one additional building with a GFA of 543.m² being added to the environment. The proposed building complies with all other bulk and location requirements with the exception of the minimum boundary setback from the common boundary with the submitter's site. The infringement is entirely due to the proposed use of the building as the building complies with the standards for an accessory building.
- 5.5.17 As discussed in Section 4 of this report, the minimum boundary setback required is based on the proposed use of a building, not the scale, size or exterior of the building. Depending on the proposed use, an accessory building of the same sale and location can be built on site as of right.
- 5.5.18 The site is located within an environment that is atypical of the rural zone. It is situated at the interface between rolling hills and coastal environment. The area already contains a mix of land uses, including rural residential, papakainga (152 Waitangi Road – RMA20110395) and a place of assembly and visitor accommodation on this site.
- 5.5.19 It is also recognised that the proposal is not seeking to establish a new activity, but rather complement and extend an activity that has already been established on site and forms part of the environment.
- 5.5.20 I also have the following comments regarding the concern raised by the submitter in relation to Policy RZP4.
- 5.5.21 The policy identifies the amenity of the zone as “***predominantly comprises open pastoral characteristics with low scale and sparsely located buildings***”. It does not go as far as to say that such open character should preclude any exceptions to the low scale sparsely located buildings within the zone.
- 5.5.22 The explanation section for this policy has identified that the zone is comprised a diverse range of land cover. An example of this is the forestry in the higher country permitted by Rule RZ8, however the principal landuse that contributes to the character of the surrounding area is pastoral use of the land, and smaller residential sites.
- 5.5.23 The existing pastoral land uses and the built environment of the area reflect the physical limitations of the soils and topography of this area, and the existing pattern of smaller sites in this vicinity. 152 Waitangi Road located to the east of the property on the opposite side of the private road, contains a papakainga development. Once fully

developed, that site will likely have a higher density of buildings/dwellings compared with this proposal.

5.5.24 Furthermore, the policy focuses on the predominant nature of the zone and does not seek to protect views from individual properties. As previously discussed, there are permitted activities such as forestry that do not conform to the open pastoral nature of the zone, which if established could block views from any hypothetical dwellings nearby.

5.5.25 The zone rules also provides for industrial activities up to 2500 m² gfa and directly linked with processing of primary goods, as permitted activities in the Rural zone. Such activity would be another exception in a landscape that is described as “open pastoral” land, particularly on smaller rural lots.

5.5.26 Overall, I have concluded that the proposal is not contrary to this policy as the proposal will not significantly detract from the amenity of the surrounding environment, when compared with the permitted baseline.

Policy RZP9 – Noise levels for activities should not be inconsistent with the character and amenity of the Rural Zone.

Comment:

5.5.27 The proposed activity is not expected to result in a significant increase in the level of noise and is expected to comply with the noise standards applicable to this zone.

5.5.28 Furthermore, the proposed building is orientated towards the centre of the subject site, with lounge areas and main entrances facing away from side and rear boundaries. It is expected that noise from most activities will be directed away from adjoining site, in particular the submitter’s property.

5.5.29 Overall, it is considered that the proposal is consistent with policy.

OBJECTIVE RZ03 – To enable the flexible use of land while not limiting the ability of land uses relying on the productivity of the land or soils to undertake their activities.

Policy RZP11 – Require that any activity locating within the Rural Zone will need to accept existing amenity levels and the accepted management practices for primary production.

Comment:

- 5.5.30 As previously discussed, the site has a history of being used for non-primary land based production uses. Furthermore, the use of the land is limited by the location, soil type and other physical constraints.
- 5.5.31 The proposal will also be unlikely to cause any reverse sensitivity issues in relation to primary production activities, as most of such activities are limited to low-density grazing.
- 5.5.32 Overall, it is considered that the proposal is consistent with this policy.

OBJECTIVE LS03 (Natural Features and Landscapes – The values that define the District's Rural and Coastal Landscape Character Areas are identified and maintained.

Policy LSP12 – To identify, recognise, and maintain the District's Rural and Coastal Landscape Character Areas, where broad areas are highly valued for their cultural patterns of land use, including rural patterns, rather than their natural landscape values.

Comment:

- 5.5.33 The site is within Coastal Landscape Character Area 4 (CCL4). “The areas identified comprise coastal character that is highly valued for cultural patterns of land use, rather than natural landscape values. They are not considered significant natural landscapes at a district wide level. The location and extent of the features are shown on the Planning Maps and place specific management issues are identified which should be considered in the assessment of any new activities. The relevant management issues identified in Appendix 46 for this area are

Maintain built form to the lower slopes of the settlement with minimal disruption to the natural coastal patterns;

Maintenance of the compact coastal settlement and its built character

Maintain the sense of remoteness and small scale pattern of development

5.5.34 The proposal is consistent with the management issues identified for this zone. The proposed building will be clustered within the existing development, maintaining a compact development pattern. The land is flat which will result in minimal disruption to the natural coastal patterns. The area is also located away from public road, and compared with the existing environment, the proposal will only result in a small addition to the existing physical environment. The remoteness and scale of the existing development will be maintained.

5.5.35 I therefore concur with the applicant's assessment that:

The establishment of the Place of Assembly at the site can be considered part of the defined character of the area. The proposal is an incremental increase in the established built form associated with the land use.

5.5.36 The addition to the existing activity will further increase the density of the activity on site. However, such increase is considered minor in terms of the rural and coastal landscape. It will not significantly change the existing coastal landscape to the point that the existing activities, including the new building will become stand out and detract from the wider environment, and sits within the existing cluster of buildings on this site.

5.5.37 Overall, it is considered that the proposal is consistent with this policy.

OBJECTIVE TPO1 (Transport and Parking) – Ensure that land uses and new subdivision are connected to the transportation network in a manner that provides for the efficient and sustainable movement of people and goods in a safe manner.

Policy TPP1 - Ensure that subdivision and land use are integrated with the transport network and that the traffic effects are mitigated, including through the use of sustainable transport modes.

Policy TPP5 – Require turning areas on sites where road safety may be compromised by vehicles reversing onto or off the site.

Comment:

- 5.5.38 As previously discussed on the potential traffic effect, the Traffic Impact Report by Traffic Solutions Ltd concludes that the overall increase in traffic, and the effect associated with this increase, will likely to be less than minor. The anticipated increase in traffic can be sufficiently accommodated by the existing road and shared private access way. The exception being that the private access way may have difficulty to accommodate for buses.
- 5.5.39 It is also considered that despite the assessment comments above about buses, due to the limited number of buses, the likely level of effect will be minor.
- 5.5.40 The site is large enough to provide for turning of the type of vehicle anticipated within the site so that access to and from the access road can be achieved in a forward direction.
- 5.5.41 Furthermore, it is also recommended that the Council impose a review condition that would allow the Council to require an upgrade (Eg installation of passing bays) of the existing access way if the traffic effects warrant it.
- 5.5.42 For the reasons discussed above, it is considered that the proposal will not be in contrary with these objective and policies.

6.0 OTHER MATTERS s104(1)(c)**Adverse Precedent Effects**

- 6.1 Precedent effects are 'other matters' that may be considered under section 104(1)(c). A precedent effect is created where the granting of a consent could lead to similar applications for which Council, being consistent in its approach, would need to consider granting.
- 6.1.1 Therefore not only is it considered that the proposal will not create an 'adverse' precedent of itself, it is considered that the proposal will not create any precedent as this form of land use has already been set.
- 6.1.2 It is considered that this application will not set an adverse precedent for the following reasons:
- The assessment has demonstrated that with appropriate conditions imposed, the potential effects associated with the proposal can be mitigated and remedied; and
 - While "place of assembly" is not an activity provided in this specific zone, the existing activity has been legally established

under the previous Operative District Plan. Approving the consent to expand the existing place of assembly will therefore not set a precedent of establishing a new activity not provided for in the zone;

Integrity of the District Plan

6.2 The granting of consent to non-complying activities (where the proposal lacks any unique qualities) may be considered to undermine the confidence of the public in the consistent administration of the District Plan. Any potential impact upon the integrity and consistent administration of the District Plan is considered under Section 104(1)(c).

6.2.1 While technically this proposal would be against the integrity of the plan (and any application could be declined) in practical terms the application will comply with the overall intent of the plans objectives and policies which aim to ensure that a range of activities are provided for in the Rural zonewhile avoiding adverse effects to the existing landscape and the productive potential of rural land.

6.2.2 This consent provides for a new building that extends the existing legally established activity. The addition will be carried out in a scale that its effects to the adjoining and wider environment will either be less than minor, or can be managed in a way that reduces the effects to a comparable level, and effects on persons identified as minor can be mitigated with imposition of conditions to control amenity effects such as privacy and noise effects. For these reasons, it is considered that the proposal will not affect the integrity of the plan.

7.0 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES - s104D

7.1 Section 104D of the Act states that a consent authority shall not grant resource consent for a Non-Complying Activity unless it is satisfied that:

- (a) The adverse effects of the activity on the environment will be minor; or
- (b) The application is for an activity, which will not be contrary to the objectives and policies of:
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or

(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity

- 7.2 Under s104D a non-complying activity must pass at least one of the 'gateway' tests of either s104D(1)(a) or s104D(1)(b) before a decision can be made on whether to grant a resource consent application under s104B.
- 7.3 If an application fails to pass both tests of s104D(1) then it must be declined.
- 7.4 The proposal satisfies both the tests of s104D(1) because the adverse effects on the environment, as identified by this report, will be no more than minor and the proposal will not be contrary to the objectives and policies of relevant statutory documents as concluded above.
- 7.5 The application therefore meets both of the tests of s104D and the application can be assessed against the provisions of s104B and a substantive decision made.

8.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

- 8.1 The Act seeks to promote the sustainable management of natural and physical resources. Part II of the Act deals with the purposes and the principles of the Act. In Section 5 of the Act, "sustainable management" is defined as:

managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

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

- 8.1.1 The assessment carried out by the this report has demonstrated that the proposal will provide for the social, economic and cultural wellbeing of the wider rural community without creating adverse effects that would compromise the existing natural and physical resources, the life supporting capacities, and the amenity of the environment

- 8.1.2 Section 6 of Part II of the Act sets out matters of national importance. No matters outlined in Section 6 are considered to be relevant to this proposal.
- 8.1.3 Section 7 of the Act sets out matters that Council shall have particular regard to in administering the Act. Of particular relevance are:
- (b) the efficient use and development of natural and physical resources:
 - (c) the maintenance and enhancement of amenity values:
 - (f) maintenance and enhancement of the quality of the environment:
- 8.1.4 The assessment in this report has demonstrated that, with appropriate conditions imposed, the proposed activity can be carried out in a way that does not compromise the quality of the environment and the amenity values.
- 8.1.5 Approving the proposal will promote a efficient use of land resource.
- 8.1.6 Additionally, the proposal represents a minor incremental increase to an existing activity. Within the context of this, the increase will not significantly change the wider environment and detract from existing natural and character and amenity.
- 8.1.7 Section 6(e), 7(a) and 8 state that Council should recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waāhi tapu, and other taonga, have regard to kaitiakitanga, and take into account the Principles of the Treaty of Waitangi. This proposal does not affect any known archaeological sites or waāhi tapu.
- 8.1.8 Considering the points raised above, it is considered that this application is consistent with Part II of the Resource Management Act 1991.

9.0 Conclusion

- 9.1.1 The Assessment of effects shows that the potential adverse effects on the environment can be mitigate to a level that is less than minor.
- 9.1.2 I have concluded that while the proposal will be inconsistent with some of the relevant objectives and policies of the relative planning documents and the Proposed District Plan, it will not be contrary to the objectives and policies of the Proposed District Plan.
- 9.1.3 The proposal satisfies both gateway tests under s104D and therefore consent can be granted.

- 9.1.4 After considering the application and the requirements of section 104, 104B, and 104D of the Resource Management Act, I am of the opinion that the consent should be granted.

10.0 RECOMMENDATION

That pursuant to Rule NH10, RZ27 and TP2 of the Proposed Hastings District Plan (As Amended by Decisions 15 September 2015) and Sections 104, 104B and 108 of the Resource Management Act 1991, resource consent as a Noncomplying Activity is GRANTED to Kahungunu Health Services to convert a near-complete implement shed located at 151 Waitangi Road, Waimarama to a habitable building used as part of the existing “place of assembly” on a site legally described as Waipuka 2T3 BLK X Kidnappers SD.

SUBJECT TO THE FOLLOWING CONDITIONS:

GENERAL

1. *That unless otherwise altered by the conditions of this consent, the development shall proceed in accordance with the plans and information submitted as part of the resource consent application RMA20180494 (PID 59548):*
 - a. *The application and assessment of environmental effect titled “Resource Consent Application for Land Currently Occupied at 151 Waitangi Road, Waimarama”, dated 22 November 2018, prepared by Development Nous Limited. (HDC reference: 59548#0288)*
 - b. *Development plans submitted as part of the building consent ABA20171619 (HDC reference: 59548#0274)*
 - c. *Any other information submitted as part of this application*

Tsunami Evacuation Plan

2. *That the consent holder shall submit a Tsunami Evacuation Plan to the Environmental Consents Manager, Hastings District Council (or nominee) for approval.*

Management of Environmental nuisance

3. *That the consent holder shall ensure that the proposed activity will comply with the following performance standards contained within the Proposed Hastings District Plan at all times:*

- a. Section 25.1.6D of the Proposed Plan outlining the maximum noise limit for activities in Rural Zones; and
- b. Section 5.2.5D of the Proposed Plan outlining the lighting and glare requirements for activities in Plains Production zone.

That in addition to the environmental nuisance effects identified in the condition above, the consent holder shall also ensure, on a continuous basis, that no environmental nuisance as defined under Section 29 of the Public Health Act 1956 will be generated by the activity.

Visual screening

- 4. *That all windows and doors with direct sightline to any part of 145 Waitangi Road shall use frosted glass or other types of glazing that are non-transparent;*
- 5. *That a wall, or other type of visual screening shall be erected on the northwestern face of the first floor deck so that there is no direct line of sight between the deck and the dwelling at 145 Waitangi Road;*
- 6. *That the existing vegetation between the proposed building and the common boundary with 145 Waitangi Road shall be enhanced so that there is no direct line of sight between any parts of building and the dwelling located on 145 Waitangi Road prior to occupation of the building.*
- 7. *That when established the vegetation screening as required by the condition above shall be maintained to a minimum height of 6 metres*

Note: Maintained means the ongoing replacement of any dangerous, dead or dying matter, the replacement of any trees that are lost or are otherwise defective and the general preservation of the shelterbelt to a healthy standard. Any dead trees shall be removed and replaced within the next growing season.

Review condition

- 8. *Pursuant to Sections 128 and 129 of the Resource Management Act 1991, the Council may review the conditions of this consent at any time(s) from one month after operations commence, to address:*
 - a. *effects arising from noise generated by the activity;*
 - b. *effects arising from lighting and glare emanating from the site;*
 - c. *effects on the safety and efficiency of the access road.*
 - d. *Amenity effects on the adjoining site*

9. *That Council's ability to review the consent conditions shall be limited to the following aspects:*

- a. The level of noise generated by proposed activity;*
- b. Traffic, both the volume and types of traffic generated by the proposed activity;*
- c. Privacy effects to the immediate adjoining properties.*

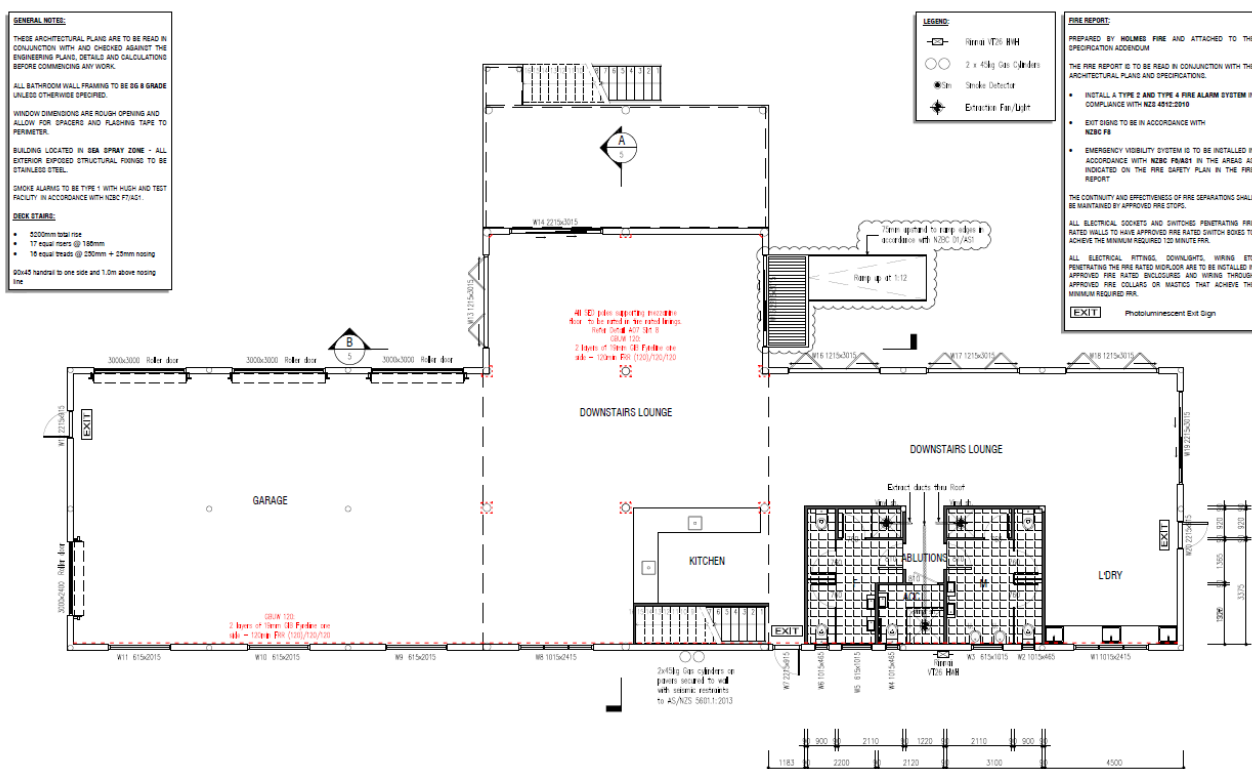
Monitoring

10. *A monitoring deposit of \$230 (including GST) shall be payable to cover the reasonable costs of monitoring compliance with the consent conditions in accordance with Council's schedule of charges. In the event of non-compliance being detected by monitoring or justified complaint and/or the costs of monitoring the consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fees.*

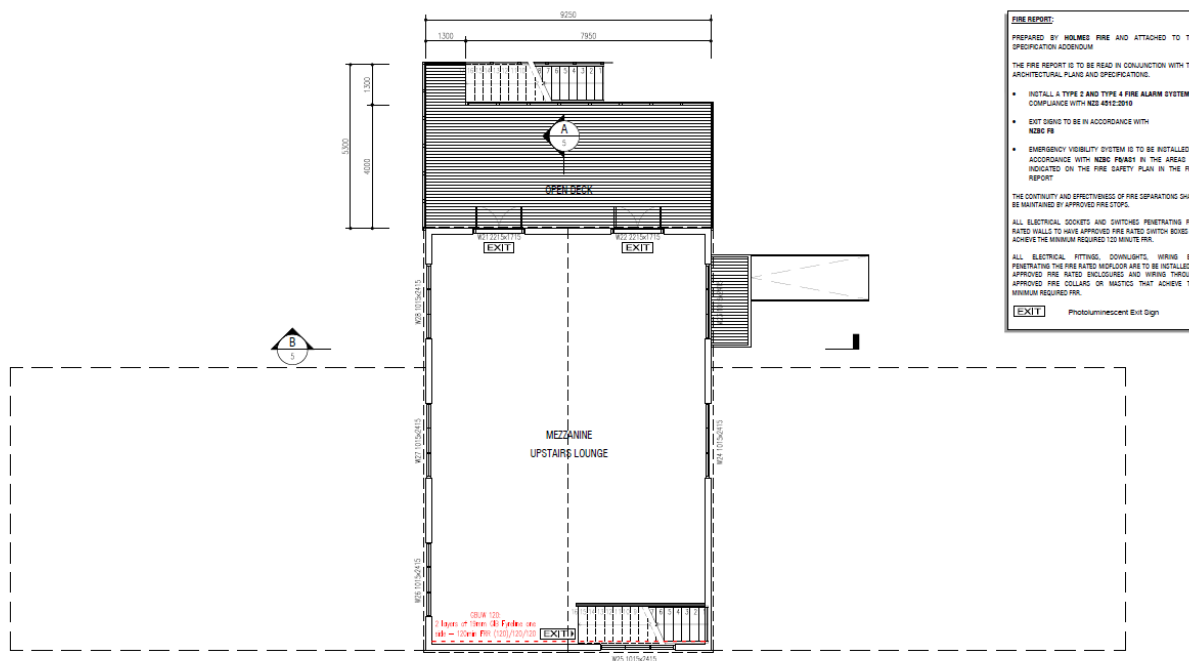
Appendix A – Proposed Plans

Item 2

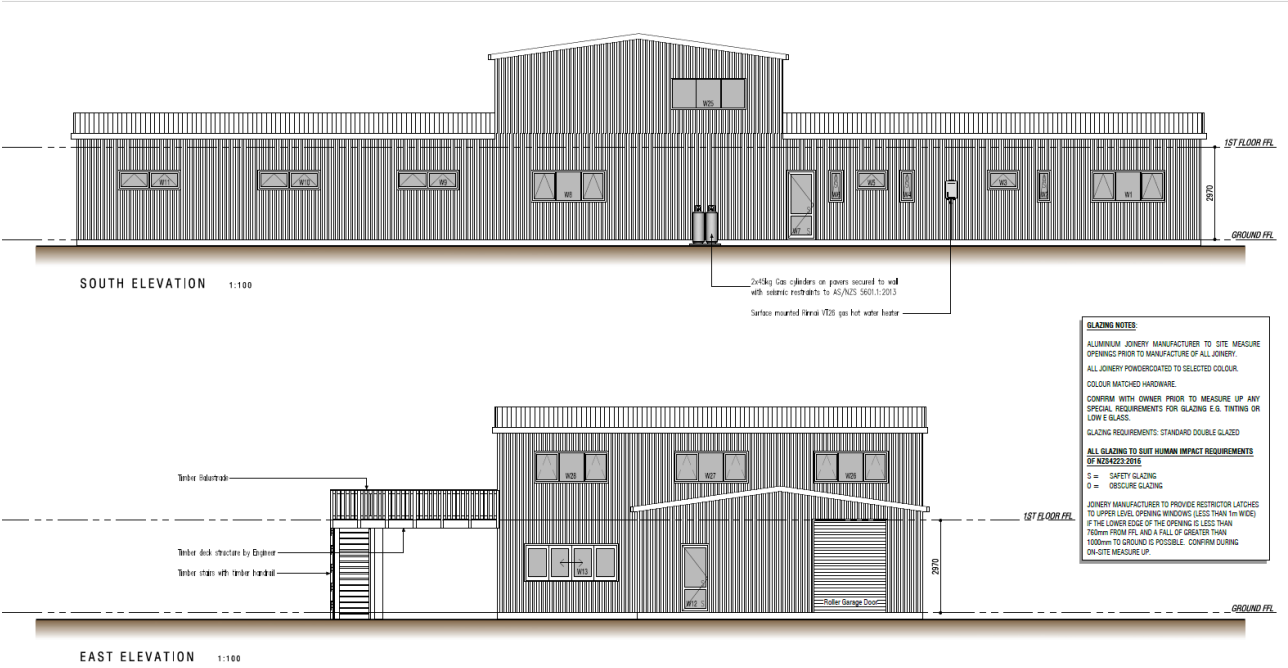
Attachment A



 JTDesign Architecture Ltd PO Box 1267, Taupo ph 07 377 1998 email james@jtdesign.co.nz © Copyright	TITLE: TE HUIA SHED 151 - 163 WAITANGI RD,	DRAWING: GROUND FLOOR PLAN CONSENT COPY	SCALE: 1:100	NOTES: Wind Zone = VERY HIGH Eq Zone = 3 Exposure Zone = D	DATE: 10/01/2018	REVISION: 1. Change minor supply tanks added - Set 1. Change floor finish deck with access ramp added - Sides 3 & 5.	SHEET 3



 JTDesign Architecture Ltd PO Box 1267, Taupo ph 07 377 1998 email james@jtdesign.co.nz © Copyright	TITLE: TE HUIA SHED 151 - 163 WAITANGI RD,	DRAWING: FIRST FLOOR PLAN CONSENT COPY	SCALE: 1:100	NOTES: Wind Zone = VERY HIGH Eq Zone = 3 Exposure Zone = D	DATE: 10/01/2018	REVISION: 1. Change minor supply tanks added - Set 1. Change floor finish deck with access ramp added - Sides 3 & 5.	SHEET 4



Contact: Sophia Edmead
Ref: H20180110

Thursday, 22 November 2018

The Chief Executive
Hastings District Council
Private Bag 9002
Hastings 4156

Development Nous Ltd

212 Queen Street East
Hastings 4122
New Zealand

PO Box 385
Hastings 4156
New Zealand

06 876 2159

Resource Consent Application for Land Currently Occupied at 151 Waitangi Road, Waimarama (PID 59548)

Please find enclosed an application for a Non-Notified Resource Consent Application and supporting Assessment of Environmental Effects on behalf of **Kahungunu Health Services** for land use consent relating to the above property.

Please note the following debtor information for your records:


Address for invoicing (debtor):	Kahungunu Health Services PO Box 901 Hastings 4156
Address for service of applicant:	C/O Development Nous Limited PO Box 385 Hastings, 4156
Telephone:	027 300 0262
Fax/email:	sophia.edmead@developmentnous.nz
Contact person:	Sophia Edmead

We would appreciate it if you could contact us prior to a site assessment, so one of our staff can accompany you due to Health and Safety requirements. We note that Council require a deposit of **\$1,200** for the processing of this application. The applicant will pay this separately.

We trust that the enclosed information is complete, but please do not hesitate to contact me should you require any further information or have any queries.

Yours faithfully

Development Nous Ltd



Sophia Edmead
Environmental Consultant
027 300 0262
sophia.edmead@developmentnous.nz



Form 9
Application for Resource Consent

Section 88, Resource Management Act 1991

To The Chief Executive
Hastings District Council
Private Bag 9002
Hastings 4156

Kahungunu Health Services, C/- Development Nous Ltd, apply for the following type(s) of Resource Consent:

- **Land Use Consent:** Convert an existing pole shed into a place of assembly (Non-Complying Activity pursuant to Rule RZ27) within a coastal inundation zone (Restricted Discretionary pursuant to Rule NH10), infringing the side yard setback of Performance Standard (requirement 5.2.5B).

The names and addresses of the owner and occupier of land to which the application relates are as follows:

Kahungunu Health Services
Attention: Jean Te Huia
151 Waitangi Road, Waimarama

The location of the proposed activity is as follows:

Waipuka 2T3 Block Held in Certificate of Title HB154/77 and comprising approximately 2.5900ha in area

Additional Resource Consents are needed for the proposed activity:

Nil

We attach, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

We attach any information required to be included in this application by the district plan, the Resource Management Act 1991, or any regulations made under that Act:

Nil



Sophia Edmead for Development Nous Ltd

Consultant to and duly authorised to sign on behalf of-

Kahungunu Health Services

Thursday, 22 November 2018

Address for invoicing (debtor):	Kahungunu Health Services PO Box 901 Hastings 4156
Address for service of applicant:	C/O Development Nous Limited PO Box 385 Hastings, 4156
Telephone:	027 300 0262
Fax/email:	sophia.edmead@developmentnous.nz
Contact person:	Sophia Edmead

Assessment of Environmental Effects

Project at 151 Waitangi Road, Waimarama

H20180110

Prepared for Kahungunu Health Services

21 November 2018



Resource Consent Application – H20180110
151 Waitangi Road, Waimarama
Assessment of Environmental Effects

1.0 INTRODUCTION

This Resource Consent application is prepared on behalf of **Kahungunu Health Services** in accordance with the requirements of Section 88 and the Fourth Schedule of the Resource Management Act 1991, and it is intended to provide the information necessary to fully understand the proposal and any actual and potential effects that the proposed activity may have on the environment.

Development Nous Ltd have been engaged to provide planning advice and submit a Resource Consent application pursuant to Section 88 of the Resource Management Act, 1991 in light of Hastings District Council identifying a resource consent requirement from a building consent application. Specifically, Resource Consent pursuant to Section 88 of the Resource Management Act 1991 is sought from Hastings District Council to allow:

- **Land Use Consent:** *Convert an existing pole shed into a place of assembly (Non-Complying Activity pursuant to Rule RZ27) within a coastal inundation zone (Restricted Discretionary pursuant to Rule NH10), infringing the side yard setback of Performance Standard (requirement 5.2.5B).*

The subject site is currently established as a community, educational and cultural children's camp and two Place of Assembly buildings are already established infringing the side yard setback. These were established under the District Wide provisions of the previous Operative District Plan.

The pole shed proposed to become the Place of Assembly in this application was consented as an accessory building in 2017 and the building was constructed. However, the applicant now wishes to add ablution facilities to the building and utilise it for community, educational and cultural activities in association with the existing activities undertaken on the site.

The Rural Zone does not provide for Places of Assembly and therefore this resource consent application is required. Additionally, although not specifically provided for, the Place of Assembly infringes the side yard setback for every activity in the Rural Zone but accessory buildings. Therefore, waiver is sought for the side yard infringement.

The proposal is extensively detailed in the Assessment of Environmental Effects. In summary, it is considered there are no adverse effects to changing the use of the existing pole shed to a Place of Assembly. Although the proposed Place of Assembly will elevate the building setback requirement of the existing pole shed, the neighbouring property is not considered to be affected for two reasons. Firstly, the building to be used for the Place of Assembly has been achieved through a permitted activity and therefore any effects resulting from the physicality of the building should be disregarded in line with section 104(2) of the Act. Secondly, the proposal does not introduce new activities to the site, two document Place of Assembly buildings have been established on the site and infringe the same yard setback.

It is not considered that the proposal is contrary to the objectives and policies of the Proposed District Plan due to the specifics of the site (a Place of Assembly already established and the fact that the site is not a typical rural site), specifics of the surrounding area (not surrounded by typical rural sites) and the fact that the fact that Places of Assembly not proximate to intensive rural

production not being provided for in the Rural Zone appears to be a drafting omission rather than a desire to preclude these activities from being undertaken in the zone.

2.0 SITE LOCATION

Legal and Physical Descriptions

The application site is located at 151 Waitangi Road, Waimarama (hereafter referred to as 'the site') and is legally described as:

- Waipuka 2T3 Block held within Certificate of Title HB154/77 and comprising approximately 2.5900 hectares in area.

Figure 1, below, shows an aerial image of the site. A copy of the certificate of title is provided at Appendix A.

The site is located along Waitangi Road, leading off from Waimarama Road to the north of the Waimarama Coastal Settlement Area. From Council records, the first 400m of Waitangi Road is vested in Council, while the remainder is classified as private Maori Road.

Approximately 500m to the east from the site, across Waitangi Road, lies Waimarama Beach and the Pacific Ocean. While the land immediately to the west slopes steeply away from the site, forming a line of hills that isolates the coastal flat with the land to the west.

The site is currently is used as a not for profit camp for school, corporate and cultural groups. Kahungunu Health Services, the applicant, is a not for profit organisation has a lease of the site and manages all the bookings for schools and events. The camp provides accommodation, cooking and ablution facilities housed within an existing whare and wharenui (meeting house). The location provides easy and safe access to the Waimarama beach to allow for water-based activities or games and there are several pre-European historical sites in the surrounding area, notably the nearby midden (NZAA ID W22/60 and W22/58) which are used to educate visitors about pre-European culture of the area. Additionally, the nearby Cape Sanctuary offers visitors to see many native flora and fauna and provides ecological education opportunities.

Although there are plenty of outdoor activities surrounding the site, the facility only has limited inside recreation space (for example within the wharenui and kitchen of the whare), provision of inside recreation space would be beneficial for visiting groups during adverse weather conditions.

A primary and supplementary dwelling are present on the site as well as four visitor accommodation units / sheds used for visiting family, planning history at the site is explored in detail below.

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151 Waitangi Road, Waimarama
Assessment of Environmental Effects



Figure 1: The site at 151 Waitangi Road (Source: HDC GIS)

The site sits within an enclave of relatively small rural sites (below the 20ha minimum stipulated by the Proposed District Plan), which are predominantly used as rural residential sites. Much of the surrounding land is recorded as Maori Land with a greater flexibility of permitted uses on neighbouring site, this defines the character of the area as low density, 'bach' environment. These features are inconsistent with the general expectations for land size, tenure, configuration and utilisation within the Rural Zone and result in the site being anomalous within the Rural Zone.

The Council's GIS does not identify any council reticulated infrastructure in the vicinity of the site. The existing development on the site is independently serviced with an onsite sewage and wastewater system. Water supply is by way of rainwater collection. Electricity is provided on site via above ground cables to the north west of the site.

Use of the Site as a Place of Assembly

The facility that currently operates at the site is predominantly used for school groups, corporate team building and cultural events, however also caters for occasional family Hui.

Accommodation is provided in a whare in the form of four bunk rooms which each sleep 12 people, a modern ablution block, a large open plan kitchen and an outside decking area. A wharenuī (meeting house) also provides inside recreation, meeting space and provides disabled ablution facilities.

The whare and wharenuī were consented under ABA20120400 and ABA20131545, respectively as Places of Assembly under the provisions of the District Wide chapter of the previous Operative

Resource Consent Application – H20180110
151 Waitangi Road, Waimarama
Assessment of Environmental Effects

Item 2

District Plan. Notably, the whare sits 6.1m off the same boundary that the current proposal infringes.

The pole shed that is the subject of this application that is proposed to be converted to a Place of Assembly was consented as an accessory building / implement shed in 2017. The building was established before the applicant applied for an amendment to the building consent to allow a change the use of the pole shed to a Place of Assembly. At this point HDC invited a resource consent application to be submitted for the proposed change of use.



Figure 2: Whare comprising of shared kitchen and dining facilities, 4 bunk rooms (sleeping approx. 12 each) and modern ablution facilities



Figure 3: Meeting house

Attachment B

Resource Consent Application – H20180110
151 Waitangi Road, Waimarama
Assessment of Environmental Effects

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Recent Property History

Relevant planning and building history available within the Council's property file is outlined in the table below. The aerial photograph provided at Figure 4 has been annotated to identify each of the buildings on the site and to associate each of the identified buildings with the relevant planning and building history. Figure 4 is also presented in Appendix B.

1	ABA920395	Application to erect dwelling and garage
2	ABA930935	Erect Implement Shed N.B no location for proposed shed on file
3	RMA96359	Relocate implement shed
4	ABA9601637	Relocate implement shed
5	ABA9601722	Erect Dwelling
6	RMA20000162	Certificate of compliance for the conversion of an implement shed to be converted into a dwelling and the erection of four one bedroom visitor accommodation units.
7	ABA20001362	Erect implement shed
8	RMA20000406	Erect four visitor accommodation units
9	RMA20020061	Resource Consent granted to erect a secondary residential building exceeding 80m ² and five visitor accommodation units with three bedrooms each. Two of the units and no more than six bedrooms total of the proposed visitor accommodation units may be rented out to the public.
10	ABA20020679	Erect garage / boatshed
11	ABA20051706	Erect new dwelling and three bay shed
12	RMA20090269	Resource Consent granted to exceed the 80 GFA for secondary residential dwellings by 4.98m ² .
13	ABA20090319	Erect secondary dwelling and garage
14	ABA20101524	Erect storage shed
15	ABA20120400	Building Consent issued to relocated building on to site as a Place of Assembly
16	ABA20131545	Building Consent issued to erect a building as a Meeting House (Place of Assembly)
17	ABA20141335	Application to add deck and reroof / reclad existing dwelling

Attachment B

Resource Consent Application – H20180110
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18	ABA20171619	Building Consent issued to build a new implement shed 5m away from the boundary
	ABA20171619 (AMENDMENT)	<p>The applicant submitted an amendment (TRIM ref: 59548#0266) to ABA20171619 for the following:</p> <ul style="list-style-type: none">Aluminium windows addedAblutions block and all relevant plumbing and drainage addedExterior deck with relevant engineering and detailsFire design information <p>Council requested a Resource Consent Application be submitted given the proposed change of use from the implement shed to a Place of Assembly.</p>



Figure 4: Current Land Uses and Associated Planning History on Site (also presented in Appendix B)

District Plan Provisions

The site is located within the **Rural Zone** of the Proposed Hastings District Plan which around the site. The site is also in the Waimarama and Peach Gully Coastal Landscape Area. As can be seen in Figure 5, the principal and overlay zones extend throughout the local area.

There are numerous archaeological sites identified in the surrounding area, consistent with the traditional occupation of the area, however none are located within or immediately adjacent site.

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151 Waitangi Road, Waimarama
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The site is also within the Coastal Environment of the Hawke's Bay Regional Coastal Plan, with the rear boundary of the site marking the extent of the coastal environment in this location.



Figure 5: Proposed District Plan Zone Designations Surrounding the Site (Source HDC GIS)

Hazards

The site is not subject to any hazards as identified on the Hastings District Council (HDC) GIS. However, the Hawke's Bay Emergency Management Hazard Information Portal (HBRC Hazard Portal) (presented in Appendix C) identifies that the site could be subject to an elevated risk of earthquake liquefaction (mapped classification of uncertain – which should be treated as high until assessed otherwise).

The site has an underlying geology that would be unlikely to exacerbate the risk from earthquakes (earthquake amplification), HBRC identify that the underlying geology is composed of compact alluvial sand, silt and gravel.

A site-specific geotechnical report carried out by the engineering firm Tonkin & Taylor was presented to Council as part of the building consent ABA20171619. This concluded that the site does not meet the "good ground" criteria, and that there is likely to be a significant thickness of non-liquefiable material (5 m minimum based on CPT) between the underside of the foundation and the first liquefiable layer. This non-liquefiable material should help mitigate the surface effects of liquefaction (from material at depths below the investigations) on the foundations and

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accordingly, the report considered the proposed pole foundations to be suitable for the shed. See Tonkin & Taylor Geotechnical Report at HDC TRIM file ref: 59548#0276.

The HBRC Hazard Portal identified that the site is located in the Hawke's Bay Coastal Environment and within a Tsunami Near Source Inundation Extent area.

Other

There is no evidence present within the HDC property file for the site, available historic imagery on 'retrolens' (see Appendix D), or from the site visit that suggests any current or historic HAIL use of the area for the proposed Place of Assembly.

The site does not contain any archaeological or other heritage assets. New Zealand Archaeological Association records identify a number of assets in the vicinity including Midden between the site and the sea (NZAA ID: W22/55 and W22/131).

3.0 NATURE OF THE PROPOSAL

This resource consent application seeks to change the use of the partially constructed pole shed, consented under ABA20171619, to be used as a Place of Assembly for ongoing use as an educational, cultural and community uses at the site.

As per the amendment of ABA20171619, this would include addition of ablutions to the pole shed.

It is proposed that the shed would sleep up to 40 people, appropriate fire design will be submitted associated with the building consent. The main purpose of the shed would be to provide space for indoor activities for the educational, cultural and community activities take place in adverse weather conditions and would complement the existing two Place of Assembly buildings operating on site over the last five years.

The applicant, Kahungunu Health Services, is a not for profit organisation that has a lease of the site and manages all the bookings for schools, Iwi groups and cultural events. The requirement for inside space and additional ablution facilities has been identified in the past by visiting groups. Affected party consent forms and letters of support from Iwi groups and schools are appended in Appendix E.

Discussion of the revised proposal for the building have occurred between Kahungunu Health Services and Hastings District Council. Council have clarified the need for resource consent and council invited the applicant to submit an application for resource consent.

4.0 DISTRICT PLAN PROVISIONS

District Plan Status

The **Proposed Hastings District Plan** as amended by decisions on submissions was notified on 12th September 2015 and the provisions took legal effect on this date. The appeal period closed on 23rd October.

Therefore, the provisions of the Proposed District Plan, as they relate to this application are beyond the point of challenge and the Operative District Plan can be treated as inoperative in accordance with 86F of the Resource Management Act 1991. As such, no further assessment against the Operative District Plan is considered necessary.

District Plan Zoning

The site is located within the **Rural Zone** of the Proposed Hastings District Plan which extends to the surrounding land. The site is also within the Waimarama and Peach Gully Coastal Landscape Area and the Coastal Environment.

Chapter 5.2: Rural Zone

Places of Assembly located within 400m of an intensive rural production activity are classified as a Discretionary Activity under RZ20, however Places of Assembly not located within 400m of an intensive rural production activity are not listed in the Rural Zone Chapter Rule Table. Therefore, it must be considered that this raises the activity status to a Non-Complying Activity in line with RZ27 which states: *'Any activity which is not provided for as a Permitted, Controlled, Restricted Discretionary or Discretionary activity shall be a Non-Complying activity'*.

Given the classification of Places of Assembly within proximity of Intensive Rural Production as a Discretionary Activity, where it would be generally expected that the specific proximity had elevated the classification of the Place of Assembly from that of a more general situation, it appears that the more onerous non-complying activity status for non intensive rural production proximate places of assembly is a drafting error.

As a non-complying activity, the development is not subject to the terms and performance standards of the Rural Zone rule structure, as it is not an activity envisaged by the Proposed Hastings District Plan. Notwithstanding the non-complying nature of the proposed activity, the proposal has been assessed against the relevant General Performance Standards and Terms of Rurality Zone land outlined by Chapter 5.2 of the Proposed District Plan on the basis that these provide guidance to the expectations for site development within this Zone:

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Assessment Criteria	Proposed	Compliance
5.2.5A - Building Height Industrial, commercial, frost protection fans, winery buildings or structures – 15m All other buildings or structures: 10m	As per the submitted building application plans, the building does not exceed 10m in height.	Yes
5.2.5B – Yards 1. Residential Buildings a) Residential Buildings on Rural Sites Front yard – 7.5m All other boundaries – 15m 2. Industrial, Commercial and Winery Buildings Front yard – 15m All other boundaries – 15m 3. Accessory Buildings (associated with residential and land based primary productions and loading ramps) Front yard – 7.5m All other boundaries – 5m	The existing pole shed (partially completed) is located a minimum of 5m from the side boundary, in accordance with the side yard requirement for accessory buildings in the Rural Zone. However, once this building is no longer an accessory building, the side yard requirement increases to 15m.	No
5.2.5C – Screening a) Outdoor storage areas of commercial, industrial and winery activities shall be fully screened by fencing and/or planting from adjacent or opposite commercial and residential activities and motorists using public roads b) Outdoor display and parking areas of commercial, industrial and winery activities shall have landscaping which consists of a mixture of ground cover and specimen trees with a minimum width of 2.5m.	Any outdoor storage, although not specifically proposed in this application, will be appropriately screened by a complying fence / landscaping	Yes
5.2.5D – Lighting and Glare All external lighting shall be shaded or directed away from any residential buildings or roads, and shall be less than 8 lux spill measured at a height of 1.5m above ground at the boundary of the site	Any external lighting will comply with these requirements.	Yes
5.2.5E – Traffic, Sightline Distances, Access and Loading Activities shall comply with the provisions of Section 26.1 of the District Plan on Transport and Parking	See assessment of provisions of Section 26.1 – Transport and Parking Chapter below	Yes
5.2.5F Noise Activities shall comply with the provisions of Section 25.1 of the District Plan on Noise	The activities on site will be residential in character and therefore will comply with the provisions of Section 25.1 of the District Plan.	Yes

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<p>5.2.5G Shading of Land, Buildings and Roads</p> <p>3. For new planting trees forming a shelterbelt for a distance of more than 20m on a side or rear boundary of a property under separate ownership Trees forming a plantation or shelterbelt for more than 20m along a property boundary shall be located a minimum of 10m from an adjoining property boundary</p>	<p>Trees to screen the proposed Place of Assembly from the neighbouring property will not be planted in a shelter belt for a distance of more than 20m and will comply with the related requirement.</p> <p>The existing tree line between the subject accessory building and the neighbouring property is on the application site and can be retained to provide screening of the activity.</p>	<p>Yes</p>
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The proposed activity infringes the yard setback required as the activity is proposed to be undertaken in an existing building. Waiver of requirement 5.2.5B (yards) would be classified as a Restricted Discretionary Activity by Rule RZ16. However, as the activity is not provided for in the Rural Rule Table (Places of Assembly), overall the activity is classified as a Non-Complying Activity by RZ27.

Chapter 15.1 Natural Hazards

The site is located within the coastal inundation zone (Near Source Inundation Extent, according to the HBRC Hazard Portal). Consequently, pursuant to rule NH10, locating a Place of Assembly within a Tsunami Hazard Zone is classified as a Restricted Discretionary Activity.

Chapter 17.1 Coastal Character Landscapes

The site is located within Waimarama and Peach Gully Coastal Management Area (identified as CCL4 in the Proposed District Plan).

The proposed activity is classified as a *Permitted* Activity by *Rule LS1* of the Proposed Hastings District Plan (as amended by decisions) as it is not defined as a Controlled, Restricted Discretionary, Discretionary, Non-Complying or Prohibited Activity by the Landscape Character Area Rules.

Chapter 26.1 Transport and Parking

The Proposed Hastings District Plan seeks to manage the transport related effects of development through consideration of traffic generation and the provision of convenient and safe access, parking, and loading with the goal of achieving an efficient traffic network. General and Specific Performance Standards and Terms are specified for parking, loading and access of new development, with Permitted and Restricted Discretionary status for activities compliant and non-compliant with these provisions pursuant to *Rules TP1* and *TP2*.

Section 26.1 Transport and Parking Rules

RULE	ACTIVITY	ACTIVITY STATUS
TP1	The Parking, Loading, and Access associated with an activity that meets the General Standards and Terms in Section 26.1.6 and the Specific Standards and Terms in Section 26.1.7.	P

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TP2	The Parking, Loading and Access associated with an activity that does not meet one or more of the General or Specific Performance Standards and Terms in Section 26.1.6 and 26.1.7.	RD
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Assessment against the relevant *General Performance Standards and Terms* for *Transport and Parking* is provided in the following table.

General Performance Standards and Terms – Section 26.1.6 of Proposed Hastings District Plan

Assessment Criteria	Proposed	Compliance
26.1.6A Access 1. Access to Property (a) Every owner or occupier shall provide a legal, safe and effective vehicular access to any activity undertaken on a site, and required parking or loading areas from an existing, formed legal road, to enable vehicles to enter the site, except where the site has Designated Retail Frontage (see Appendix 30) or where the site is within the Flaxmere Commercial Zone. (c) The minimum legal widths for private access are contained in Table 26.1.6.1-1 below. Private access to properties shall allow the safe passage from the edge of the road to the legal boundary of the lot for a single site or household unit. For two or more sites or household units or for any Right of Way, formation of the access to the activity undertaken on the site is required in compliance with Table 26.1.6.1-1. Schedule C of the Engineering Code of Practice outlines an acceptable means of compliance. Rural Zones / Residential / Private Road/ Lane / 1-2 household units – 4m width	Existing access is provided, via the private road.	Yes
26.1.6A Access 2. Distance of Vehicle Accesses from Road Intersections (b) Rural Residential, Rural, Plains and Special Character Zones Vehicle access to any property shall be sited a minimum of 100m from an intersection of a State Highway.	N/A	Yes
26.1.6B Safe sightline distances 1. Intersections shall be located to ensure that Safe Sightline Distances are maintained.	Existing access is positioned to accord with this standard.	Yes
26.1.6C Loading	The established Place of Assembly has easy and effective access and there has	Yes

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<p>All activities, except residential activities</p> <p>(a) Provision of Loading Spaces</p> <p>(i) Every owner or occupier who proposed to construct or substantially alter, reconstruct or add to a building on any site, or change the activity carried out on the site shall provide a loading space.</p> <p>(ii) Every loading space, together with access, shall be designed so that it is not necessary to reverse vehicles either on to or off the street. The loading space shall not be stacked or located in the vehicle manoeuvring areas</p> <p>(iii) The provision of a Loading Space in respect of any site may be made as part of the side and/or rear yard space, but not as part of the front yard space of that site</p> <p>(b) Design of Loading Space</p> <p>The design of loading spaces and the layout adopted will depend on the area and shape of the land available, the purpose for which loading is required, and the functional design of the building. The layout shall be of sufficient size to accommodate the following design of vehicles:</p> <p>(iii) The following minimum dimensions are provided as a means of compliance:</p> <p>Non-residential activities such as day care centres and similar must have a minimum length of 5.5 metres and a minimum width of 3 metres.</p>	<p>been no known adverse effects or complaints in relation to transport and parking during the previous years of operation. There is ample space within the site for loading and manoeuvring of vehicles without formalising the location.</p>	
<p>26.1.6D Parking</p> <p>Provision of On-Site Parking</p> <p>Every owner or occupier who proposes to construct or substantially reconstruct, alter or add to a building on any site, or change the activity carried out on any land or in any building, shall provide suitable areas on the site for parking in accordance with the requirements listed in Table 26.1.6.1-3 below.</p> <p>Recreation Activities, Entertainment Activities, Places of Assembly:</p> <p>1 space per every 10 seats the facility is designed to accommodate. Where a building is not intended for seating, 5 spaces per 100m² of recreation space or playing fields.</p>	<p>The established Place of Assembly has easy and effective access and there has been no known adverse effects or complaints in relation to transport and parking during the previous years of operation. There is ample space within the site for parking and manoeuvring of vehicles without formalising the location.</p>	<p>Yes</p>

As the proposed development is compliant with the relevant specified performance standards relating to transport and parking the application is therefore classified as a **Permitted Activity** in this respect.

National Environmental Standard (NESCS)

The Resource Management (*National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health*) Regulations 2011 (2011 NESCS) imposes a nationally consistent regulatory framework to the identification, assessment and reporting of sites at the time of development that are currently in use for, or are known or likely to have been in previous uses involving activities identified on the *Hazardous Industries and Activities List (HAIL)*.

The NESCS must be considered if a subdivision or change of use occurs over a 'piece of land' as described in sub clause (5)(7), being a piece of land that has or has had an activity undertaken on it which is listed in the Hazardous Activities and Industries List (HAIL).

In determining if the site is a 'piece of land' under the NESCS (i.e. a HAIL site) the NESCS provides two methods which can be used:

6 Methods

- (1) *Sub-clauses (2) and (3) prescribe the only 2 methods that the person may use for establishing whether or not a piece of land is as described in regulation 5(7).*
- (2) *One method is by using information that is the most up-to-date information about the area where the piece of land is located that the territorial authority—*
 - (a) *holds on its dangerous goods files, property files, or resource consent database or relevant registers; or*
 - (b) *has available to it from the regional council.*
- (3) *The other method is by relying on the report of a preliminary site investigation—*
 - (a) *stating that an activity or industry described in the HAIL is, or is not, being undertaken on the piece of land; or*
 - (b) *stating that an activity or industry described in the HAIL has, or has not, been undertaken on the piece of land; or*
 - (c) *stating the likelihood of an activity or industry described in the HAIL being undertaken, or having been undertaken, on the piece of land.*
- (4) *The person must—*
 - (a) *choose which of the 2 methods to use; and*
 - (b) *meet all the costs involved in using the method that the person has chosen.*

A review of available aerial photography has been undertaken to understand if the property contains a 'piece of land' as described under the NES in accordance with the chosen method under Clause 6(2).

Photos from 1963, 1976, 1980 and 1994 are available on retrolens.nz for review, extracts from this photo series are provided Appendix D. These photos show that the area of the site has consistently been open ground / used as pastoral grazing.

There is therefore no evidence to suggest that the relevant areas of the site have been used for HAIL activities, and the subdivision is therefore not subject to the investigation and reporting provisions of the 2011 NESCS.

6.0 SUMMARY OF CONSENTING MATTERS

The proposed activity infringes the yard setback required as the activity is proposed to carry out in an existing building. Waiver of requirement 5.2.5B (yards), classified as a Restricted Discretionary Activity by Rule RZ16, is sought. However, as the activity is not provided for in the Rural Rule Table (Places of Assembly), overall the activity is classified as a Non-Complying Activity pursuant to Rule RZ27.

The site is located within the coastal inundation zone (Near Source Inundation Extent, according to the HBRC Hazard Portal). Consequently, pursuant to rule NH10, locating a Place of Assembly within a Tsunami Hazard Zone is classified as a Restricted Discretionary Activity.

As the consenting matters are inextricably linked and following the established principle of bundling of consenting matters in such cases, the overall activity status follows that of the most onerous consenting matter, and the proposal is therefore classified as a non-complying activity.

6.0 STATUTORY CONSIDERATIONS

Resource Consent Considerations

The following are the relevant sections of the RMA which apply to this subdivision application.

Section 104

When considering an application for resource consent and any submissions received, the Council as consent authority must, subject to Part 2, have regard to –

Section 104(1)

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

Section 104(2)

When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.

Section 104B

After considering an application for resource consent for a non-complying activity, a consent authority-

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

Section 104D

Section 104(D) of the Resource Management Act 1991 requires that the Council may grant a Resource Consent for a non-complying activity only if it is satisfied that either:

- (a) the adverse effects on the environment (other than any effect to which Section 104(3)(b) applies) will be minor; or*
- (b) the application is for an activity which will not be contrary to the objectives and policies of, -*
 - (i) the relevant plan, if there is both a plan but no proposed plan in respect of the activity.*

It should be noted that the Council only needs to be satisfied that the proposed activity meets either one of the above limbs. It is not necessary for the activity to pass both limbs.

Part 2 Matters

Section 104 is subject to Part 2 of the Act (Sections 5-8). Sections 5-8 are provided below:

5. Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while –*
 - (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

6. Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognize and provide for the following matters of national importance:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- (f) *The protection of historic heritage from inappropriate subdivision, use, and development.*
- (g) *The protection of recognised customary activities.*
- (h) *the management of significant risks from natural hazards.*

7. Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –

- (a) *Kaitiakitanga:*
 - (aa) *The ethic of stewardship:*
- (b) *The efficient use and development of natural and physical resources:*
- (ba) *The efficiency of the end use of energy:*
- (c) *The maintenance and enhancement of amenity values:*
- (d) *Intrinsic values of ecosystems:*
- (e) *Repealed.*
- (f) *Maintenance and enhancement of the quality of the environment:*
- (g) *Any finite characteristics of natural and physical resources:*
- (h) *The protection of the habitat of Trout and Salmon:*
- (i) *The effects of climate change:*
- (j) *The benefits to be derived from the use and development of renewable energy:*

8. Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi).

7.0 OTHER STATUTORY DOCUMENTS

Regional Coastal Plan

The Hawke's Bay Regional Council's Regional Coastal Plan has been considered in the formulation of this assessment of effects and in the proposed resource consent for the subject site.

No specific consent is required from HBRC.

8.0 ASSESSMENT AGAINST RELEVANT ASSESSMENT CRITERIA

As the proposed subdivision does not meet the boundary setbacks required for the Rural Zone (performance standard 5.2.5B), this aspect of the proposal is classified as a Restricted Discretionary by Rule RZ16 of the Proposed Hastings District Plan, notwithstanding the overall bundled non-complying classification. However there are no relevant assessment criteria associated with boundary infringement of this type of activity.

As Places of Assembly within a Tsunami Hazard Zone is classified as a Restricted Discretionary activity by NH10 within Chapter 15.1 of the Proposed District Plan, the plan provides assessment criteria for the determination of restricted discretionary activities in the Hazard Zone, as outlined below:

15.1.6.1 Assessment Criteria for Restricted Discretionary Activities and Discretionary Activities

For Restricted Discretionary Activities, the following criteria identify those matters which Council has restricted its discretion over in assessing Resource Consent applications.

15.1.6.1A - Availability of alternative sites for the activity

Where there are expected to be significant adverse effects on the environment, or to a proposed activity, the availability of alternative sites which are not identified as being at risk from the effects of natural hazards, will be taken into consideration. The functional need of an activity or building to locate within a site identified as being at risk will also be considered.

Although the pole shed is proposed to be used as a Place of Assembly, the proposal does not introduce new activities to the site. Council records documented 'Place of Assembly' was approved for the whare and wharehau (meeting house) in 2012 and 2013, respectively.

The proposal will result in an increase in users of the site, however it will not increase the risk to the users or use of the site which is already established.

15.1.6.1B – Migration

The extent to which mitigation measures will ensure adverse effects arising from the activity during a natural hazard occurrence are either avoided or mitigated.

The proposed activity is not considered to create significant adverse effects on the environment and the risk of inundation from Tsunami is not considered to be severe (10m inundation area). Therefore, mitigation measures and alternatives have not been considered.

15.1.6.1C – Financial Consideration

(a) *The effects of the activity will be assessed in terms of its potential effect on:*

- (i) *The cost to the community of any upgrading that will have to be undertaken to existing hazard mitigation techniques.*
- (ii) *Any new or further hazard mitigation techniques that will have to be undertaken in the present or future.*

(b) *Financial contributions may be required where an activity causes the need to upgrade or provide new natural hazard mitigation methods. The amount of any contribution taken will be equal to the applicant's fair and reasonable share of the cost of upgrading the natural hazard mitigation measures to accommodate the activity.*

Within the context of the tsunami risk, development of the site does not incur any financial implications for the community.

15.1.6.1D – Natural Hazards

The effects of the occurrence of the identified natural hazard and the consequences of the natural hazard on the proposed activity will need to be assessed. In making this risk assessment the following factors will need to be considered:

- (a) *The extent to which public safety can be achieved. In assessing the proposal, regard will be had to methods of ensuring public safety such as early warning systems, emergency management contingency plans, escape routes and any other mitigation techniques.*
- (b) *Assessment of the probability, magnitude and consequences of the cumulative natural hazards that affect the proposal.*
- (c) *The type, scale and distribution of any potential effects from the cumulative natural hazards that affect the proposal.*
- (d) *The extent to which verifiable new information from a suitably qualified professional demonstrates that any land within an area identified on the District Planning Maps or held within Council databases (i.e. GIS or web based portal) as potentially subject to a natural hazard is not under threat from the hazard concerned or that the hazard is negligible.*
- (e) *The potential life safety, economic and built environment risk associated with the proposed activity.*
- (f) *The health and safety of potential property owners and/or occupants of the building(s).*
- (g) *The effects on the community including physical, economic and cumulative effects.*

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(h) *The nature and type of land use activity proposed and its potential maximum occupancy.*

(i) *Whether the proposal will result in consequences to other properties or infrastructure as a result of the natural hazard occurring.*

(j) *The overall assessment of whether the risk is significant or not.*

Exposure of development to the relatively low risk of near source tsunamis is commonly accepted throughout Hawkes Bay and no specific mitigation of this is necessary. The exposure to this risk does not result in any effects beyond the site.

15.1.6.1E - Public works and network utilities

The activity will be assessed in terms of its potential effects on public works and network utilities. Regard will be had to the proximity of the activity to stop banks, high voltage lines, telecommunication facilities and other network utilities and public works, and the extent to which the activity may interfere with the safe and efficient operation or maintenance of those works and utilities.

N/A

15.1.6.1F - Effects on other land uses and adjoining properties

The extent to which the activity may cause the effects of the natural hazard to affect other properties that were previously not at risk from the effects of natural hazards or exacerbate the effects of an existing natural hazard.

N/A

8.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

It is submitted that the Council should exercise its discretion and disregard any “adverse effect of the activity on the environment if the plan permits an activity with that effect” as directed by section 104(2) of the Act - commonly referred to as the “permitted baseline test”.

The permitted baseline in this instance is the approved pole shed (ABA20171619) whereby the physical form of the shed can otherwise be achieved. Therefore, any effects associated with the physical envelope of the building should be disregarded in line with section 104(2) of the Act.

Actual or Potential Effects

Section 3 of the Resource Management Act 1991 provides the meaning of “effect”. This includes any positive or adverse effect, whether temporary or permanent and can include past, present or future effects including cumulative effects.

Clause 6(1)(f) of the Fourth Schedule to the Resource Management Act 1991 requires that any consultation undertaken or affected persons are identified as part of the assessment of environmental effects.

As a non-complying activity, the Proposed Hastings District Plan does not provide assessment criteria relevant to the application. The actual or potential effects on the environment of the proposed activity are considered to be no more than minor and limited to those related to-

- *Amenity and Visual Effects*
- *Natural Hazards*
- *Reverse Sensitivity*
- *Traffic, Access and Loading*
- *Servicing*
- *Effect on Soil Resource*
- *Other matters*

Amenity and Visual Effects

Amenity Values are defined in Section 2 of the Resource Management Act 1991 as “those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”.

The site is located within the Waimarama and Peach Gully Coastal Landscape Area CCL4. Appendix 46 identified the management issues for this Coastal Landscape Area to be the following:

- *Maintain built form to the lower slopes of the settlement with minimal disruption to the natural coastal patterns.*
- *Maintenance of the coastal settlement and its built character.*
- *Maintain the sense of remoteness and small scale pattern of development.*
- *Maintaining the natural and cultural vegetation patterns within the productive landscape particularly along the stream corridors and valleys*

Development at the site matches surrounding level of development which does not disrupt the natural coastal patterns, being tucked on flat land below the hills that rise from the rear of the site (westward, away from the sea). The construction of the pole shed has already been consented, so although this application seeks to change the use of the building, the physical features will not change from what has been consented (permitted baseline).

Section 5.2.5B of the Proposed District Plan does not have specific yard setback requirements for Places of Assembly as the activity is not provided for in the Rural Zone. The activity is more akin to residential / commercial activities which have a side yard setback requirement of 15m. This is compared to accessory buildings which have a side yard setback of 5m, under which the pole shed was originally granted. Therefore, the change of use elevates the activity to an implied inconsistency with this requirement.

The outcome of requirement 5.2.5B is set out in the Plan as the following:

Outcome

*The open Character and Amenity of the Rural Zone will be maintained.
 Buildings will be separated from adjoining sites to ensure that potential conflicts between adjoining land uses are avoided.*

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As described above the physical location of the building can be achieved through permitted activities of the Plan (i.e. 5m setback for accessory buildings, in accordance with the construction of the building), therefore the effect of the boundary infringement in terms of the open character and amenity of the zone must be disregarded in line with section 104(2) of the Act.

In terms of the conflict between adjoining landuses, the proposed change of use of the does not introduce a new activity to the site. The whare and wharenui were consented by the Council as Places of Assembly by ABA20120400 and ABA20131545, respectively, both of which infringe the side yard setback now required. The whare is sited 6.1m away from the same boundary that the pole shed infringes (pole shed sits 5m away from the boundary). Therefore, although the proposed change of use of the pole shed means that the setback now does not comply with the District Plan requirements (notwithstanding there is no specific rule in the Rural Zone for Places of Assembly), the level of non-compliance is no greater than what is already established and consented by Council at the site.

Natural Hazards

The proposed change of use is a Place of Assembly, it is classified as a Restricted Discretionary activity in accordance with Rule NH10 of the Proposed Hastings District Plan:

Any of the following activities located within a Tsunami Hazard Zone as identified in Appendix 58 and on Planning Maps:

- Visitor Accommodation
- Non-Residential Care Facilities
- Education Facilities
- Early Childhood Centres
- Homes for the Aged
- Places of Assembly
- Emergency Service Facilities
- Camping Grounds
- Health Care Services
- Retirement Villages

Threats do exist from natural hazards including tsunamis due to the coastal location of the site. However, the existing Place of Assembly buildings (consented whare and wharenui) have been long established in this location.

The full Natural Hazards Report for the site has been generated from the Hawkes Bay Civil Defence Emergency Management Group Natural Hazards Portal and is provided in Appendix C.

The relevant matters from the Natural Hazard Report are addressed in this section to confirm that the Place of Assembly is compliant with the provisions of s104 of the Act.

Flood Hazards and Ponding

The subject site is not located within a flood risk study zone as with the wider Waimarama enclave.

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Additionally, the site is not exposed to any identified alluvial flood risk.

The site is not located in proximity to any waterways and the site gently rises away from the eastern seaward side to the western hills behind the site.

Appropriate conditions of consent could be imposed that prevent people sleeping at ground floor level within the building, restricting such activity to the first floor level, so as to mitigate any risk of extreme storm and swell events.

Liquefaction and Amplification

The Hawke's Bay Emergency Management Hazard Property Report shows no active or inferred inactive faults passing through the subject site. However, the report identifies the subject site as being in an uncertain level of risk from liquefaction, which should be treated as high until assessed otherwise.

A site-specific geotechnical report carried out by the engineering firm Tonkin & Taylor was presented to Council as part of the building consent ABA20171619. This concluded that the site does not meet the "good ground" criteria, but that there is likely to be a significant thickness of non-liquefiable material (5m minimum based on CPT analysis) between the underside of the foundation and the first liquefiable layer. This non-liquefiable material should help mitigate the surface effects of liquefaction (from material at depths below the investigations) on the foundations and accordingly, the report concluded that the proposed pole foundations are suitable for the shed. See Tonkin & Taylor Geotechnical Report at HDC TRIM file ref: 59548#0276.

Tsunami Risk

The subject site is identified within the 10m tsunami inundation zone (tsunami near source inundation extent), however the land to the north and west is not within the Tsunami inundation zone as shown in Figure 6. The Hawkes Bay Civil Defence Emergency Management Group is the lead agency for managing natural hazard events like tsunamis that affect the people of Hawke's Bay.

In relation tsunami, the Proposed Hastings District Plan States:

The East Coast of New Zealand is recognised as having the highest tsunami risk in the country, from local, regional and distant sources. Tsunami have a high risk profile in the Hawke's Bay Civil Defence Emergency Management Group Plan.

Tsunami hazard research has been a primary focus for hazard research in Hawke's Bay over the past few years.

The impact of tsunamis on new land uses and development within areas that may be subject to inundation will need to be considered in terms of the long term risk to lives and property as part of Resource Consent Assessments and Plan Change requests.

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The current tsunami mapping in Hawke's Bay is at the leading edge of a national mapping project. The model used has taken into account local and regional bathymetry and topography and has been peer reviewed by GNS Science.



Figure 6: Tsunami Inundation Zone

The Proposed District Plan states the impact of tsunamis on new land uses and development within inundation areas will need to be considered as part of Resource Consent Assessments.

This application seeks resource consent for a change of use of an existing pole shed to a Place of Assembly to be used with the other two Place of Assembly buildings on site. The existing land use as a Place of Assembly has been previously acknowledged by the Hastings District Council and the addition of the use of the pole shed as a Place of Assembly does not increase the risk from tsunami and the risk from inundation from Tsunami is not considered to be severe (10m inundation area).

Exposure of development to the relatively low risk of near source tsunami is commonly accepted throughout Hawkes Bay and no specific mitigation of this is necessary. The exposure to this risk does not result in any effects beyond the site.

The immediate risk to life from a tsunami event could be in part mitigated through the condition requiring any persons sleeping within the building to do so at first floor level.

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Reverse Sensitivity

Although the subject site is located in the Rural Zone, the surrounding land holdings are small in nature, more akin to lifestyle lots.

It is not considered that the proposed change of use will conflict with permitted rural uses of the adjacent rural land, as the site is already used as a Place of Assembly and no conflicts have arisen in the past.

Traffic, Access and Loading

The layout of the site means that there is ample space for loading, manoeuvring and parking of cars and larger vehicles. It is not considered necessary to formalise these parking spaces for the addition of the area of the pole shed to the existing Place of Assembly activity.

There is likely to be a small increase in vehicle movements during some events as a result of the proposed addition to the existing Place of Assembly, however this is considered marginal considering the nature of the activity (school groups travelling by bus etc.) and Waitangi Road and Waimarama Road are considered to have capacity to accept the slight increase as a result of the proposed change of use.

The proposed resource consent does not therefore result in any adverse effects relating to traffic related matters.

Servicing

As per the amendment submitted to building consent ABA20171619, the pole shed will be independently serviced.

Effluent will be treated on site in the existing septic system designed and installed for the whare and meeting house.

Effects on the Land Soil Resource

Again, as above, the physical footprint of the pole shed is already consented as per ABA20171619 and any effect should be disregarded as the plan permits an activity with that effect in line with Section 104(2) of the act.

Further, the site is not currently utilised for any productive activity, and given the extensive existing investment in the site, is unlikely to be returned to such activity should the current occupier ever vacate the site.

Other Matters

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Ecosystems, Cultural and Spiritual Effects

As this resource consent application reflects the existing land use of site, the proposal will not have any adverse effects on natural or physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural or other special value for present or future generations. Additionally, there will be no adverse environmental effects on flora or fauna or any physical disturbance of habitats in the vicinity.

Alternative Location or Methods

Clause 6(1)(h) of the Fourth Schedule to the Resource Management Act 1991 requires a description of any locations or methods for undertaking the activity where there is a significant adverse effect.

The Place of Assembly does not represent a *significant adverse effect on the environment*. As the proposal follows already established site use and the development of the pole shed was consented as a permitted activity, it is considered that there are less than minor adverse effects on the land resource of the District and on the character and appearance of the area. An assessment of alternatives is therefore not necessary.

Any Other Activities that are Part of the Proposal

Clause 2(1)(d) of the Fourth Schedule to the Resource Management Act 1991 requires a description of any other activities that are part of the proposal. This requirement is intended to capture things which need permission or licencing outside of the RMA, for example, activities under the Building Act 2004 or the Hazardous Substances and New Organisms Act 1996.

The change of use to the pole shed will require revision to the building consent for the building. We are not aware of any other additional consenting requirements.

Alternative Location or Methods

Clause (6)(1)(h) of the Fourth Schedule to the Resource Management Act 1991 requires a description of any locations or methods for undertaking the activity where there is a significant adverse effect. Although the site is located in the near source tsunami inundation zone, this is not considered substantial and the Place of Assembly does not represent a significant adverse effect on the environment. Therefore, any assessment of alternatives is not considered necessary.

Consultation

Clause 6(1)(f) of the Fourth Schedule to the Resources Management Act 1991 requires that any consultation or affected persons are identified as part of the assessment of environmental effects.

In the absence of any affected parties to the application, no affected party consent is provided with the application.

Conclusion of Assessment of Environmental Effects

Taking into consideration the assessment made above on the existing environment, the site history, existing built environment, consented activities on site and surrounding environment, it is concluded that any actual or potential adverse effects on the environment of allowing the use of the pole shed as a Place of Assembly will be *less than minor*.

As the campground does not result in any more than minor effects on the environment, the application addresses s104D (1)(a) of the Act, and consent authority is therefore not prevented from granting consent against the non-complying activity status.

9.0 DISTRICT PLAN OBJECTIVES AND POLICIES

PROPOSED HASTINGS DISTRICT PLAN

The Proposed Hastings District Plan Objectives and Policies that are relevant to this application include the specific provisions of the Rural Zone and the higher-level provisions of the Rural SMA and those applicable to Natural Hazards, Natural Features and Transport. The relationship of the resource consent proposal to these Objectives and Policies is addressed in the following section.

Section 5.1 Rural Strategic Management Area Objectives and Policies

- **OVER ARCHING OBJECTIVE RSMO1** – *The primary production role and associated amenity of the Rural Environment is retained*
- **POLICY RSMP2** – *Require that activities and buildings in the Rural SMA are if a scale that is compatible with the environment*
- **OVER ARCHING OBJECTIVE RSMO2** – *Provide for a range of activities within the Rural environment such that they do not compromise the productive nature of the land and soils and the established Commercial and Industrial Zones in the District.*
- **POLICY PSMP3** – *Control the scale and intensity of commercial and industrial activities across the Rural SMA*
- **POLICY PSMP4** – *Provide for other primary production activities that are not reliant on the life supporting capacity of the soil, provided that they are appropriately located and compatible with the amenity and expectations of the rural environment.*

In combination, these strategic level Objectives and Policies seek to retain viable productive land for productive purposes and prevent incompatible land use activities from resulting in situations of reverse sensitivity.

Where relevant these Objectives and Policies have generally been incorporated into the Rural Zone framework, which is assessed in depth below. As the proposal relates to a site that has

already been removed from productive use with a series of buildings preventing realistic return to such use, and all the relevant infrastructure has already been consented as permitted activities, there is no resulting effect on the amenity, character and soil resource of the Rural Zone.

Furthermore, the subject site is located in a rural residential enclave at the north of the Waimarama settlement and the site is anomalously small in comparison to the other large rural sites. This means that the land area is not realistically suited for commercial productive uses, and that the use will not cause detriment to the existing character and appearance of the area.

Section 5.2 – Rural Zone Objectives and Policies

- **OBJECTIVE RZ01** – *Ensure that the productive nature of the land is not diminished*
- **OBJECTIVE RZ02** – *Retention of the natural and rural character and amenity values of the Rural Zone.*
- **Policy RZP4** – *Require that any new development or activity is complementary to the amenity of the Zone which predominantly comprises open pastoral characteristics with low scale and sparsely located buildings.*

Explanation

The Rural Zone is a very diverse part of the District and the topography varies significantly. It includes the ranges that separate the east coast from the west and therefore a large area of native vegetation falls in this area. Similarly, some of the higher country is in this Rural Zone has been planted in forest providing some diversity in land cover. However, the principal land use that contributes to the character of the Zone is the pastoral use of the land. Vast areas of largely rolling hill country farmed as sheep and beef units comprise the larger natural character of the zone. More recently, vineyards have begun to expand off the Plains Zone and into the wider Rural Zone. Any development that is not a traditional component of these land uses should not detract from the amenity and character of the Zone. While horticultural operations are largely located in the Plains Production Zone there are some areas in the Rural Zone that are used for horticulture.

Although a Place of Assembly is not specifically provided for in the Rural Zone, the activity is well established on the site and documented within the HDC property record through a series of consented buildings. The area occupied by the building proposed for the Place of Assembly (the pole shed) has already been consented to be removed from any productive use and the site has long been removed from productive activity with no realistic prospect of a return to this given the small size and existing building investment in the site.

This site is not a regular rural site, being in a small rural residential enclave in close proximity to the Waimarama settlement geographically constrained by the sea to the east and hills to the west. Therefore, the site is not conducive to large scale high intensity horticultural or agricultural activities.

- **Policy RZP5** – *Require limits to be placed on the scale and intensity of any industrial and commercial activity locating within the Zone to maintain the amenity of the area, the*

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sustainable management of the soil resource and the sustainability of the District's Commercial and Industrial Zones.

- **Policy RZP8** – *Require landscaping and screening for Commercial and Industrial activities to maintain the amenity within the Rural Zone.*

The proposed activity (Place of Assembly) is not a commercial activity in accordance with the definitions provided by the Proposed Hastings District Plan. The application is submitted on behalf of Kahungunu Health Services, a not for profit health trust who have a lease of the site and manages all the bookings for schools and events.

- **Policy RZP9** – *Noise levels for activities should not be inconsistent with the character and amenity of the Rural Zone.*

Explanation

Activities associated with rural production can generate significant amounts of noise. While there is a recognised 'right to farm' philosophy built into the Plan there is a need to have limits that maintain the character of the area, particularly in relation to fixed and ongoing noise sources. Performance Standards for noise have been set at a level which recognises the need for activities to operate in a way that does not unduly restrict normal practices associated with activities in the Rural Zone in order to protect their continued economic operation while maintaining appropriate amenity standards for residents in the Zone

- **OBJECTIVE RZ03** – *To enable the flexible use of land while not limiting the ability of land uses relying on the productivity of the land or soils to undertake their activities.*
- **Policy RZP11** – *Require that any activity locating within the Rural Zone will need to accept existing amenity levels and the accepted management practices for primary production.*

Explanation

The Council has long adopted the 'right to farm' principle in the rural areas of the District. This issue has arisen from the occupation of some of the smaller land holdings for residential lifestyle purposes. The 'right to farm' principle makes it clear to those property owners new to the rural environment that there are management practices that, by their nature and timing, might be considered nuisances in the urban context but are entirely appropriate for the efficient and effective functioning of primary production activities. Requiring new activities to accept existing amenity levels includes consideration to be given to potential reverse sensitivity effects.

It is not considered that the proposed change of use will not result in a nuisance from noise generation or will not result in the generation of noise above and beyond the standards set out for the Rural Zone. The activity (Place of Assembly) is already established on site and documented on the HDC property file. The existing where also infringes the side yard boundary and no issues have arisen in the past in regard to noise generation of the Place of Assembly existing on site.

Similarly, the building would not be subjected to adverse noise levels generated on neighbouring sites, with no adverse noise generating activities known on neighbouring sites.

- **Policy RZP19** – Require activities in the Zone to meet the access and egress requirements to ensure the safe and efficient movement of vehicles on the District and Regional road network

Safe and efficient access will continue to be provided to the site from the District's road network.

Section 15.1 – Natural Hazard Objectives and Policies

- **OBJECTIVE NH01** – Minimisation of the effects of natural hazards on the community and the built environment.
- **OBJECTIVE NH02** – To avoid increasing the risk to people, property, infrastructure and the environment from the effects of natural hazards.
- **Policy NHP2** – Manage land use activities in identified natural hazard areas where communities and resources are potentially at risk.

Explanation

Some areas where there is a known risk from natural hazards will have District Plan controls to ensure that the effects of natural hazards are avoided or mitigated where appropriate. Where more appropriate methods exist to avoid or mitigate a particular hazard, such as the Building Act, these methods will be used. Natural hazard areas will be identified through a range of methods and by various agencies and organisations in accordance with the type of hazard and the degree of risk to people and communities. Controls will determine which activities are appropriate in these areas. Where activities are provided for, standards may apply to ensure that activities and their effects avoid, remedy or mitigate the risk of the natural hazard.

Where relevant, Discretionary and Non-Complying activities requiring Resource Consent and Plan Change requests will be assessed against the most 'up-to-date' and contemporary natural hazard information available to Council, not only those hazards identified in District Plan maps or appendices.

Tsunami:

The East Coast of New Zealand is recognised as having the highest tsunami risk in the country, from local, regional and distant sources. Tsunami have a high risk profile in the Hawke's Bay Civil Defence Emergency Management Group Plan.

Tsunami hazard research has been a primary focus for hazard research in Hawke's Bay over the past few years.

The impact of tsunamis on new land uses and development within areas that may be subject to inundation will need to be considered in terms of the long term risk to lives and property as part of Resource Consent Assessments and Plan Change requests.

The current tsunami mapping in Hawke's Bay is at the leading edge of a national mapping project. The model used has taken into account local and regional bathymetry and topography and has been peer reviewed by GNS.

As detailed earlier in this report, although areas of the site are subject to long term coastal inundation hazard and, tsunami hazard, these are widespread natural hazards that do not present a significant or specific risk to site development.

- **Policy NHP3** – Adopt and promote the best practicable options (including mitigation or the 'do nothing' option) in the management of areas of existing development actually or potentially at risk from natural hazards.

Explanation

Council, in assessing land use activities and subdivisions in hazard prone areas, will promote and attempt to adopt the 'best practicable option' for each situation but recognises there may be situations where the hazard has a demonstrable negligible effect or where mitigation is suitable to reduce the risks to acceptable levels. There will also be situations where historical development in hazard prone areas (liquefaction and flood hazard areas for example) dictates that avoidance is not possible so mitigation needs to be relied upon to reduce hazard risk.

- **Policy NHP4** – Adopt and promote an avoidance approach to development located within areas of significant natural hazard risk, rather than mitigation or remedial measures.
- **Policy NHP5** – Restrict the establishment of activities which have the potential to increase the extent to which natural hazards have, or may have, an effect on human life or the natural and built environment.
- **Policy NHP8** – Allow Public Bodies exercising their statutory powers to carry out natural hazard mitigation activities.

As detailed earlier in this report, although areas of the site are subject to long term coastal inundation hazard and tsunami hazard, these are widespread natural hazards that do not present a significant or specific risk to site development.

A site-specific geotechnical report carried out by the engineering firm Tonkin & Taylor was presented to Council as part of the building consent ABA20171619. While this concluded that the site does not meet the "good ground" criteria, it found that there is likely to be a significant thickness of non-liquefiable material (5m minimum based on CPT) between the underside of the foundation and the first liquefiable layer. This non-liquefiable material should help mitigate the surface effects of liquefaction (from material at depths below the investigations) on the foundations during an event. Accordingly the report concluded that the proposed pole foundations were suitable for the building. See Tonkin & Taylor Geotechnical Report at HDC TRIM file ref: 59548#0276.

A Place of Assembly is already established on site, therefore this application for a change of use of an existing building to another Place of Assembly building is an incremental increase of the pre-established land use. This application is not introducing a new land use which will significantly increase the threat to human life from natural hazards, instead it is adding to a pre-established and documented activity.

Section 17.1 – Natural Features and Landscapes Objectives and Policies

- **OBJECTIVE LS03** – *The values that define the District's Rural and Coastal Landscape Character Areas are identified and maintained.*
- **Policy LSP12** – *To identify, recognise, and maintain the Districts Rural and Coastal Landscape Character Areas, where broad areas are highly valued for their cultural patterns of land use, including rural patterns, rather than their natural landscape values.*

Explanation

Rural Character Landscapes and Coastal Character Landscapes are identified in Appendices 45 and 46. Maintaining the character and amenity values that make an area a Rural or Coastal Landscape Character Areas shall be guided by controlling site development and layout where appropriate, where there may be significant effects or cumulative effects on those values.

The establishment of the Place of Assembly at the site can be considered part of the defined character of the area. The proposal is an incremental increase in the established built form associated with land use in the vicinity and will be viewed as a low scale and low intensity development that is consistent with the character of the immediate area.

Section 25.1 – Transport and Parking Objectives and Policies

- **OBJECTIVE TP01** – *Ensure that land uses and new subdivision are connected to the transportation network in a manner that provides for the efficient and sustainable movement of people and goods in a safe manner.*
- **Policy TPP1** – *Ensure that subdivision and land use are integrated with the transport network and that the traffic effects are mitigated, including through the use of sustainable transport modes.*

Explanation

There is a need to take into account the effects of development and subdivision on the transport network to ensure that development is compatible with the function of the road. An integrated transport network will be accessible to all users, create good connections between residential areas and places of employment and commerce, and maximise opportunities for walking cycling and public transport. The consideration of the effects will be achieved through including suitable criteria in the assessment of subdivision and Resource Consents. In order to ensure that land uses are able to be appropriately assessed against the road network there is a need to assess the capability and role of the roads within the District. This has resulted in the development of a road hierarchy which identifies the function of the road and allows a judgement to be made on what level of effects it is able to accommodate.

- **Policy TPP5** – *Require turning areas on sites where road safety may be compromised by vehicles reversing onto or off the site.*

Explanation

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Vehicles reversing onto or off sites can compromise the safety of the road, particularly where traffic flows are high, where the land use has the potential to generate a lot of traffic and pedestrians, or where heavy vehicles use the area. The requirement to provide on-site turning and manoeuvring areas can assist to maintain and improve safety standards and minimise delays to traffic caused by manoeuvring vehicles.

- **OBJECTIVE TP02** – To establish and maintain an efficient and effective parking regime that meets the present and future parking needs of the community.
- **Policy TPP8** – Require land owners and occupiers to provide off-street parking, access and loading facilities which are appropriate to the demands of the activities carried out on their sites and which do not negatively impact on the amenity of the streetscape.

Explanation

Almost all activities generate vehicle trips and, therefore, parking in close proximity to their sites is required to provide accessibility for people and goods. Generally, different activities generate different parking and loading demands. If provision is not made by the developer or owner for off-street parking and loading, then the only alternative available is to carry out these manoeuvres on the street. On-street parking and loading can adversely affect the efficiency and safety of roads, particularly on Arterial or Collector Roads where vehicle and volumes are typically higher than for other roads in the Transport Hierarchy. Extensive parking of vehicles on residential streets can also detract from the amenity of those streets and adjoining residential areas.

The Place of Assembly has easy and effective access and there has been no known adverse effects or complaints in relation to transport and parking during the previous years of operation. There is ample space within the site for parking and manoeuvring of vehicles without formalising this.

Conclusion of Objectives and Policies Assessment

While the proposed change of use is classified a Non-Complying Activity as per the Proposed Hastings District Plan, the existing circumstances of the site in terms of the site history, existing built environment, consented activities on site and surrounding environment, are such that the proposal is, on balance, consistent with the Objectives and Policies of the Proposed Hastings District Plan.

Although rural in zoning, the character of the area is more coastal settlement in nature and although Places of Assembly (not within 400m of intensive rural production) is not provided for in the Rural Zone, this is considered more of a drafting omission rather than an intention to preclude these activities from being undertaken in the zone.

As the activity is not contrary to the Objectives and Policies of the Proposed Hastings District Plan, the application addresses s104D (1)(b)(ii) of the Act, and the consent authority is therefore not prevented from granting consent against the non-complying activity status.

10.0 PART 2 CONSIDERATIONS

It is considered that the proposed land use consent will not be contrary to the provisions of Part 2 of the Resource Management Act and represents sustainable management as envisaged by Section 5 of the Act.

Section 5 – Purpose

The purpose of the Resource Management Act is outlined in Section 5. This section relates to the promotion of the sustainable management of natural and physical resources, while enabling people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. The sites are already accessed and serviced with no adverse environmental effects.

The applicant, Kahungunu Health Services, is a not for profit organisation who has a lease of the site and manages all the bookings for schools and events. The aim of the applicant and the proposal is to provide a not for profit facility that encourages social and cultural cohesion that benefit the wider community.

The proposal does not threaten the life supporting capacity of air, water, soil or ecosystems, with commercial utilisation of the soil resource generally precluded by existing development.

In terms of *the social, economic and cultural wellbeing of people and communities for their health and safety*, the campground does not threaten the existing environment, nor does it create any potential adverse effects in terms of social, economic and cultural wellbeing.

Section 6 – Matters of National Importance

Section 6 of the Resource Management Act sets out the matters of National Importance that the Council shall recognise and provide for in exercising its responsibilities under the Act. Of particular relevance to the application are the following provisions of s6 of the Act:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

Does not compromise the established character of the area but facilitates greater use through providing accommodation base for groups to access the coastal area of Waimarama.

(h) the management of significant risks from natural hazards.

The risk of tsunami is relatively low and not unlike many other developed areas of the east coast of New Zealand.

Section 7 – Other Matters

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Section 7 sets out matters that must be given particular regard when considering Resource Consent applications. Of relevance to this application are:

- (b) the efficient use and development of natural and physical resources;*
- (c) the maintenance and enhancement of amenity values;*
- (f) maintenance and enhancement of the quality of the environment;*

Following the existing pattern of site use and development, the formalisation of the land use through resource consent is an appropriate response to the specific circumstances of the site and the existing development. The subject site has no recent history of productive use and the site development, size and location generally precludes such utilisation of the site. The intensification of the Place of Assembly use is therefore an efficient utilisation of this land resource.

The site development will not compromise existing amenity of the area and will maintain the existing quality of the surrounding environment.

Section 8 Matters

Section 8 of the Act provides for the Council to take into account the principles of the Treaty of Waitangi. While the Applicant is a Maori based community health provider, there are no any specific Treaty of Waitangi issues requiring direct consideration.

11.0 NOTIFICATION

Section 95A of the Act provides a prescribed format for the determination of whether a resource consent application should be publicly notified.

Mandatory Public Notification

The applicant does not request public notification of the application. Assessment against the provisions of s95C cannot be undertaken at the time of application submission. The application does not relate to recreation reserve land. Subject to compliance with s95C, the application is not subject to mandatory public notification.

Public Notification Precluded in Certain Circumstances

The application is for a rural zone activity with a non-complying activity classification. The application therefore does not meet any of the criteria of s95A(5).

Public Notification Required in Certain Circumstances

The application is not subject to a National Environmental Standard provision that requires public notification. As detailed in the Assessment of Environmental Effects, continual use of the site as a Place of Assembly will generate less than minor adverse effects on the environment. Public notification is therefore not required by s95A(7).

Public Notification in Special Circumstances

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There are no special circumstances applicable to the application.

Having considered the tests of s95A of the Act, there is no requirement for public notification.

Where an application is not publicly notified, s95B provides a prescribed process for the determination of whether a resource consent application should be subject to limited notification.

Certain Affected Groups and Affected Persons Must Be Notified

There are no protected customary rights groups or customary marine title groups affected by the proposal. No neighbouring land is subject to a statutory acknowledgment pursuant to an Act listed in Schedule 11.

Limited Notification Precluded in Certain Circumstances

The application is not for a controlled activity or for an activity prescribed pursuant to s360H(1)(a)(ii).

Certain Other Affected Persons Must Be Notified

As the activity is already established at the site and the two established Place of Assembly buildings infringe the same side yard setback as the proposed activity set out in this application, the neighbouring land is not considered to be affected by the marginal increase of an already established activity. Therefore, there are no owners of neighbouring land affected by a boundary infringement. In accordance with s95E of the Act, there are not considered to be any affected persons to the application.

Further Notification in Special Circumstances

There are no special circumstances applicable to the notification assessment that warrant notification of any persons not already eligible for limited notification.

Accordingly, there is no requirement for limited notification of the application.

As notification is unwarranted and there is no need for limited notification, the application is able to be determined on a non-notified basis.

13.0 SUMMARY

Resource Consent pursuant to Section 88 of the Resource Management Act 1991 is sought from Hastings District Council to allow the applicant to convert an existing pole shed into a Place of Assembly (Non-Complying Activity pursuant to Rule RZ27) within a coastal inundation zone (Restricted Discretionary pursuant to Rule NH10), infringing the side yard setback of Performance Standard (requirement 5.2.5B).

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The subject site is currently established as a community, educational and cultural children's camp and two Place of Assembly buildings are already established infringing the side yard setback. These were established under the District Wide provisions of the previous Operative District Plan.

The pole shed proposed to become the Place of Assembly in this application was consented as an accessory building in 2017 and the building was constructed. However, the applicant now wishes to add ablution facilities to the building and utilise it for community, educational and cultural activities in association with the existing activities undertaken on the site.

The Rural Zone does not provide for Places of Assembly and therefore this resource consent application is required. Additionally, although not specifically provided for, the Place of Assembly infringes the side yard setback for every activity in the Rural Zone but accessory buildings. Therefore, waiver is sought for the side yard infringement.

It is considered there are no adverse effects to changing the use of the existing pole shed to a Place of Assembly. Although the proposed Place of Assembly will elevate the building setback requirement of the existing pole shed, the neighbouring property is not considered to be affected for two reasons. Firstly, the building to be used for the Place of Assembly has been achieved through a permitted activity and therefore any effects resulting from the physicality of the building should be disregarded in line with section 104(2) of the Act. Secondly, the proposal does not introduce new activities to the site, two document Place of Assembly buildings have been established on the site and infringe the same yard setback.

It is not considered that the proposal is contrary to the objectives and policies of the Proposed District Plan due to the specifics of the site (a Place of Assembly already established and the fact that the site is not a typical rural site), specifics of the surrounding area (not surrounded by typical rural sites) and the fact that the fact that Places of Assembly not proximate to intensive rural production not being provided for in the Rural Zone appears to be a drafting omission rather than a desire to preclude these activities from being undertaken in the zone.

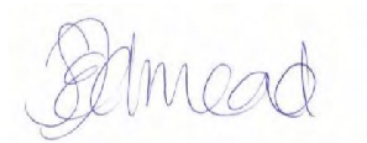
Overall the proposal is not considered to set an adverse precedent or challenge the integrity of the District Plan and the application is considered to give effect to the sustainable management purpose of the RMA.

The proposed activity is considered consistent with the purpose and principles of the Act, in that it represents a sustainable and efficient use of the land and physical resources and there are no 'other matters' which would give reason for Council to decline the application.

On this basis, it is considered that the Council should **approve** consent pursuant to Section 104, 104B, 104D and 108 of the Resource Management Act.

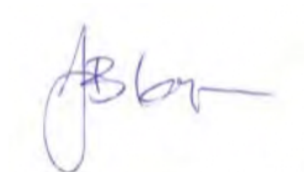
Resource Consent Application – H20180110
151 Waitangi Road, Waimarama
Assessment of Environmental Effects

Item 2

Prepared by:**Sophia Edmead**

Environmental Consultant

Development Nous Limited

20.11.18**Reviewed & Authorised for Release:****Jason Kaye**

Senior Planner

Development Nous Limited

20.11.18

Attachment B

H20180110
151 Waitangi Road, Waimarama
Kahungunu Health Services

Item 2

APPENDIX A

Certificate of Title

Attachment B



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952

Search Copy



Identifier HB154/77
Land Registration District Hawkes Bay
Date Issued 09 December 1955

Prior References

HB88/163

Estate Fee Simple
Area 2.5900 hectares more or less
Legal Description Waipuka 2T3 Block

Proprietors

Jean Katarina Te Huia as to a 1/3 share
 Erin Marie Sandilands as to a 1/3 share
 Beverley Frances Te Huia as to a 1/3 share

Interests

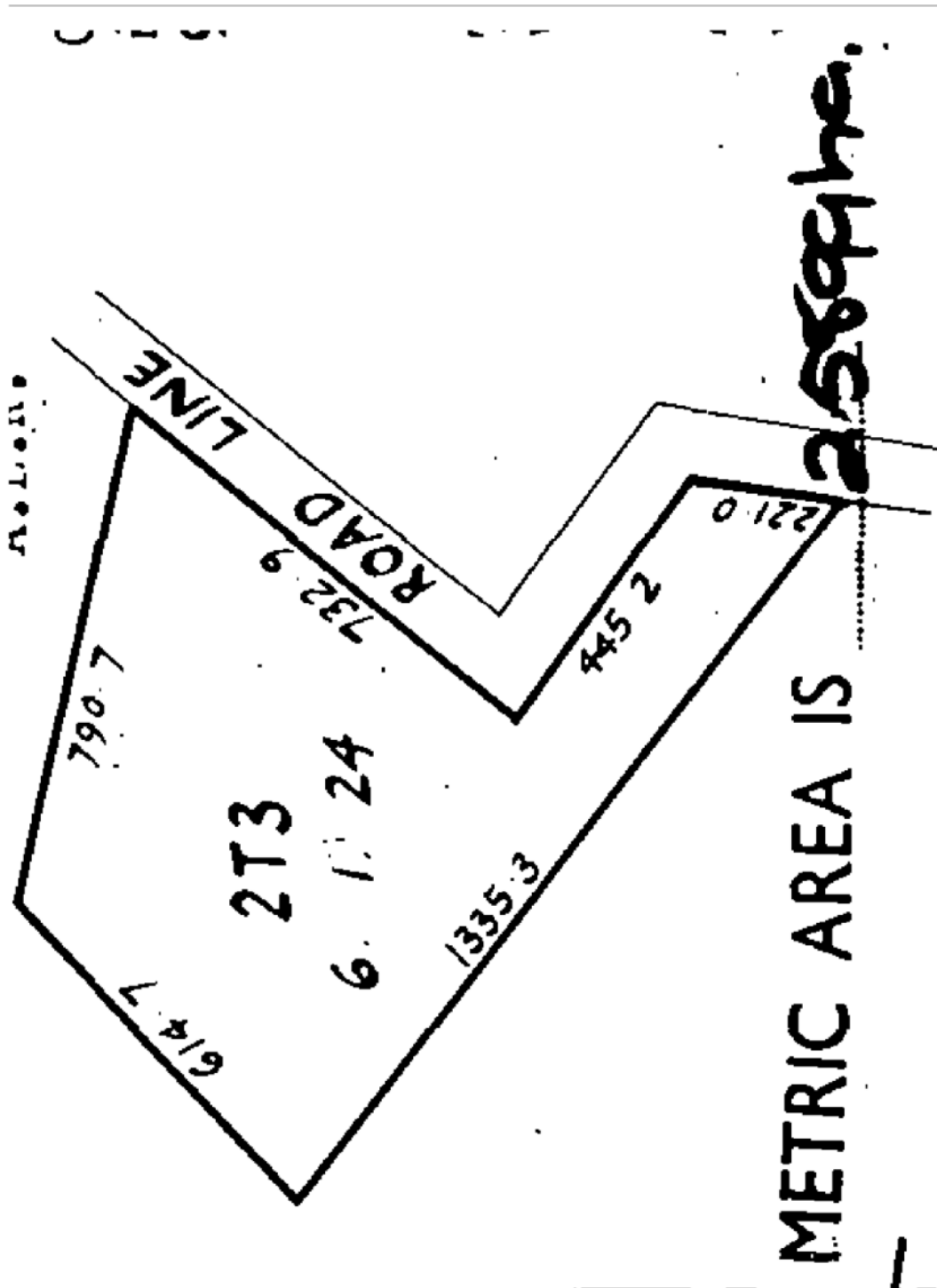
245610 Status Declaration by the Registrar of the Maori Land Court - 28.9.1970 at 12.11 pm
 538451.3 Mortgage to Post Office Bank Limited - 2.11.1990 at 11.08 am
 595847.1 Roadway Order pursuant to Sections 415 & 419 of the Maori Affairs Act 1953 over part herein -
 23.9.1993 at 11.16 am
 5858767.2 Mortgage to ANZ Banking Group (New Zealand) Limited - 6.1.2004 at 9:00 am
 9998255.1 NOTICE OF CLAIM OF INTEREST AGAINST THE SHARE OF BEVERLEY FRANCES TE HUIA
 PURSUANT TO SECTION 42(2) PROPERTY (RELATIONSHIPS) ACT 1976 BY JASON DEAN RARERE -
 12.3.2015 at 9:55 am

Transaction Id
 Client Reference sophia

Search Copy Dated 29/10/18 11:35 am, Page 1 of 2
 Register Only

Identifier

HB154/77



Transaction Id
Client Reference sophia

Search Copy Dated 29/10/18 11:35 am, Page 2 of 2
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APPENDIX B

Land Use Plan

Attachment B



02/11/2018 Revision A [H20180110]

151 WAITANGI ROAD - CURRENT LAND USES



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151 Waitangi Road, Waimarama
Kahungunu Health Services

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APPENDIX C
HBRC Hazard Portal Report

Attachment B

	HAWKE'S BAY NATURAL HAZARD PROPERTY REPORT	Tuesday, 30 October 2018
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**163 Waitangi Road, Waimarama
Hastings District
Waipuka 2T3 Block
0967028800**

This report summarises the known hazards intersecting this property, based on research commissioned to assess regional risk – these research reports are summarised below. The hazard assessment methodologies, information compilation and presentation techniques used for these assessments include certain qualifications and limitations on the use, noting:

- a) The hazard information provided is based on the best information available at the time of the studies and was supplied under specific contract arrangements including financial and time constraints.
- b) The hazard information may be liable to change or review if new information is made available.
- c) Councils and other organisations may hold more detailed hazard information than provided here. This Natural Hazard Property Report is not a substitute for a Land Information Memorandum (LIM).
- d) The precision and accuracy of the data varies, therefore it is important that you obtain expert advice to help to interpret the information.

The hazard maps in this report are based on the following referenced research reports. Online Natural Hazards Resource Database contains a register of the hazard documents, research material, and publications from either the Council or external organisations and this database may contain other pertinent information related to this area:

The referenced reports are:

- (i) Earthquake Fault lines
 - Earthquake hazards in Hawke's Bay Initial assessment
 - Earthquake hazard analysis - Stage 1. Recurrence of large earthquakes determined from geological and seismological studies in the Hawke's Bay area
 - Hawke's Bay region earthquake hazard analysis programme, Stage 2 - a numerical assessment of the earthquake hazard in the Hawke's Bay region.
 - Active Fault Mapping and Fault Avoidance Zones for Central Hawkes Bay District: 2013 Update
 - Active Fault Mapping and Fault Avoidance Zones for Hastings District and environs
 - Fault Avoidance Zone Mapping for Wairoa District, Napier City and surrounds
- (ii) Earthquake Liquefaction
 - Assessment of liquefaction risk in the Hawke's Bay: Volume 1: The liquefaction hazard model
 - Assessment of liquefaction risk in the Hawke's Bay: Appendices for Volume 1
- (iii) Earthquake Amplification
 - Hawke's Bay Regional Council earthquake hazard analysis program, Stage III : evaluation of ground shaking amplification potential Volume 1
 - Hawke's Bay Regional Council earthquake hazard analysis program, Stage III : evaluation of ground shaking amplification potential Volume 2: Appendices
- (iv) Quaternary Geology
 - Hawke's Bay Regional Council earthquake hazard analysis program, Stage III : evaluation of ground shaking amplification potential Volume 2: Appendices
- (v) Tsunami Inundation Extents
 - Hawkes Bay Tsunami Inundation by Attenuation Rule
 - Review of Tsunami Hazard in New Zealand
- (vi) Flooding Extents
 - Wairoa River Flood Hazard Study
 - TeNgaru Catchment Flood Hazard Study
 - Waipatiki Catchment Flood Hazard Analysis
 - Kopuawhara Opoutama Flood Hazard Analysis

	<h2 style="text-align: center;">HAWKE'S BAY NATURAL HAZARD PROPERTY REPORT</h2>	<p>Tuesday, 30 October 2018</p>
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Item 2

(vii) Coastal Hazard

- Regional Coastal Environmental Plan
- Clifton to Tangoio Coastal Hazards Strategy 2120 - Coastal Hazard Assessment
- Clifton to Tangoio Coastal Hazards Strategy 2120 - Coastal Risk Assessment
- Other Coastal Hazard Reports
- Cliff Hazard Zone Delineation

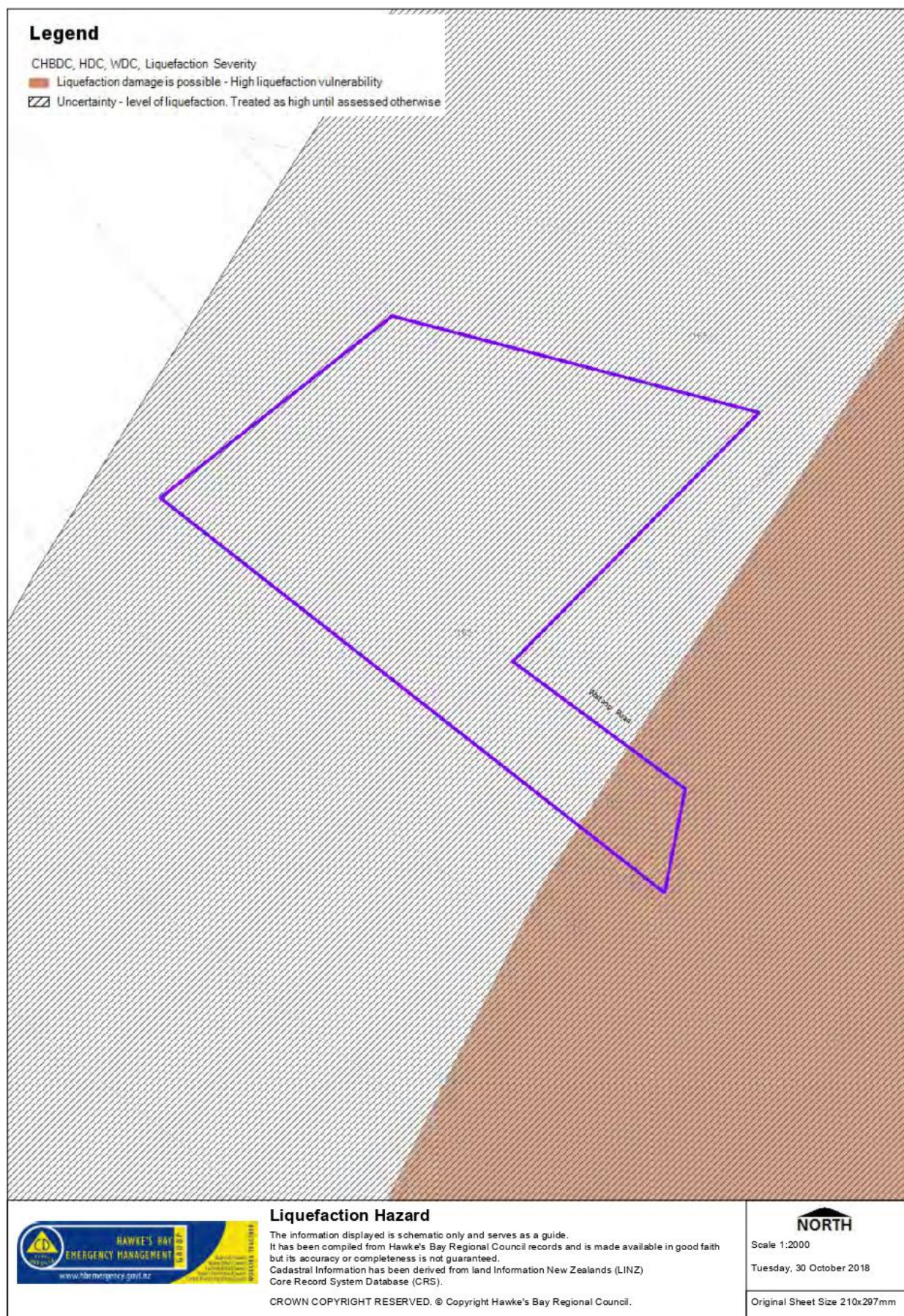
(viii) Wairoa River Bank Stability Zones

- Wairoa River Bank Stability Assessment

Online Mapping Conditions of Use

1. Use of these maps is subject to these disclaimers and exclusions. By using these maps the user is signifying his or her agreement to be bound by these exclusions and disclaimers.
2. Hawke's Bay Regional Council's Hazard maps have been compiled using the best information available to the council. The maps indicate the extent of the hazard from analysis of information only. They do not necessarily reflect the greatest extent of the hazard suffered in the past, or likely to be suffered in the future.
3. The hazard information provided does not imply any actual level of damage to any particular structure, utility service or other infrastructure.
4. These maps should not be relied upon as the sole basis for making any decision in relation to potential risk.
5. The hazard information provided is regional in scope and cannot be substituted for a site-specific investigation. A suitably qualified and experienced practitioner should be engaged if a site specific investigation is required.
6. Hawke's Bay Regional Council makes no representations, warranties or undertakings about any of the information in these maps and/or electronic files including, without limitation, their accuracy, completeness, quality or fitness for any particular purpose.
7. The Hawke's Bay Regional Council shall not be liable for any loss or damage arising out of, or in connection with, the use of the information contained in these maps and/or electronic files.
8. Hawke's Bay Regional Council reserves the right to change the content and/or presentation of any of the information contained in these maps at its sole discretion, including these notes and disclaimer.
9. These disclaimers and exclusions shall be governed by, and construed in accordance with, the laws of New Zealand. If any provision of these disclaimers and exclusions is unlawful, void or for any reason unenforceable, that provision shall be deemed severable and shall not affect the validity and enforceability of the remaining provisions.

Attachment B



	Natural Hazards Report The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been derived from land Information New Zealand's (LINZ) Core Record System Database (CRS). CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.	Tuesday, 30 October 2018
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Liquefaction Report

Liquefaction occurs when waterlogged sediments are agitated by an earthquake. As a result, the soil behaves like a liquid, has an inability to support weight and can flow down very gentle slopes. This condition is usually temporary, but buildings can sink and underground pipes may rise to the surface. When the shaking stops, groundwater is squeezed out of the ground causing flooding, which can leave areas covered in mud.

Liquefaction most often occurs when three conditions are met:

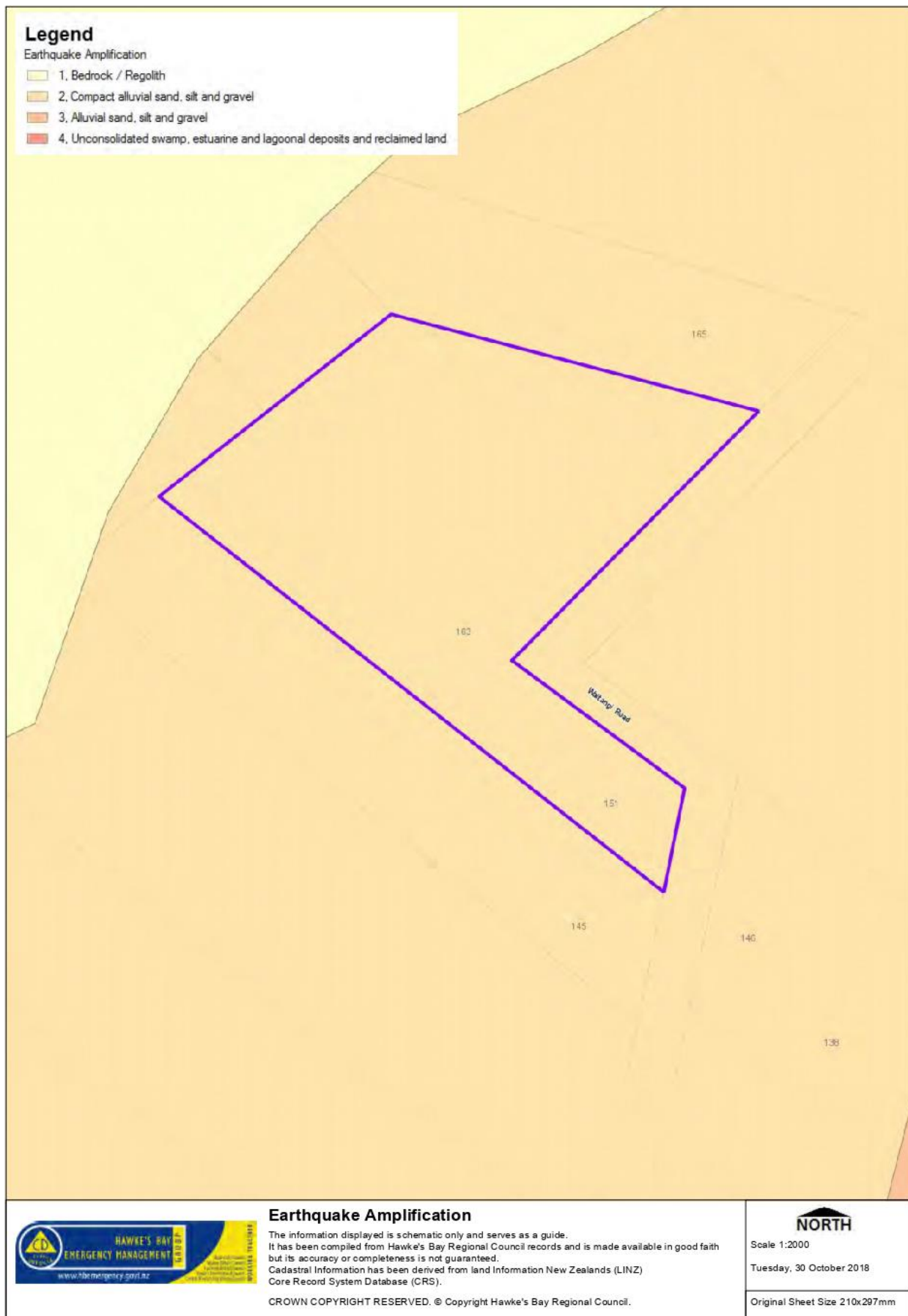
1. loose, granular sediment or fill
2. saturation by groundwater
3. strong shaking

There is a liquefaction hazard present in several areas of Hawke's Bay, and the region has numerous earthquake sources (see earthquake return periods in table below), and liquefaction effects have been reported in the Hawke's Bay region during four historical earthquakes since 1840 at Modified Mercalli (MM) shaking intensities between MM7 and MM10, including in 1931. Low-lying areas in the region, especially these near the coast, and reclaimed land are particularly susceptible.

It is important to understand that having land included in a particular zone does not unequivocally mean that the land is "good", "medium" or "bad." The maps indicate what is a strong possibility across those areas. The best areas (cream) have a very low probability of having a liquefaction problem, but there may still be some localised places where the hazard exists. The only sure way of showing whether a specific site has low (cream), medium (orange), or high (brown) liquefaction vulnerability is a site specific geotechnical investigation. If building, it is recommended you reference the Ministry of Business, Innovation & Employment (MBIE) and the Ministry for the Environment document "Planning and engineering guidance for potentially liquefaction-prone land" and if necessary obtain expert advice from a qualified and experienced geotechnical engineer. On a property already developed, there are options to mitigate the risk of liquefaction which can be found here <https://www.eqc.govt.nz/canterbury/ground-improvement-programme> and owners are recommended to obtain expert advice from a qualified and experienced geotechnical engineer if pursuing these options. But the easiest way to mitigate risk of liquefaction if your house is located on land with a high liquefaction hazard, is to ensure your insurance sum-insured is sufficient to rebuild with heavier duty foundations in the event of total loss (noting this could be fire or flood - not just earthquake).

Return periods for different earthquake shaking intensities in Hawke's Bay		
Modified Mercalli Intensity Scale	Description	Return Period
MMVI	Felt by everybody, Difficulty walking Objects tend to fall from shelves Slight damage to poorly constructed buildings	6
MMVII	Difficulty standing, furniture movement Noticed by drivers of cars Tiles, water tanks, walls and some buildings damaged	26
MMVIII	Steering of cars affected Buildings damaged including some damage to earthquake resistant buildings. Cracks in ground	130

Buffer zones have been added to all the zones identified as having a liquefaction hazard in Wairoa District, Central Hawke's Bay District and Hastings District (outside the Heretaunga Plains). The width of this buffer zone is 500 m (+/- 250 m) and allows for the differences between the accuracy of lines on a geological map at a scale of 1:250,000 (+/- 250 m) and the greater accuracy of property boundaries on cadastral maps to be reconciled. If a property is located wholly or partially within the buffer zone this indicates that there is uncertainty about the level of liquefaction hazard. Site specific assessments (ranging from visual inspection through to ground investigations) will be needed to determine the level of liquefaction hazard. If a buffer zone boundary line falls across a property it should initially be treated as being part of the higher hazard class when interpreting the map.



 <p>HAWKE'S BAY EMERGENCY MANAGEMENT www.hbemergency.govt.nz</p>	<p>Natural Hazards Report</p> <p>The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been derived from land Information New Zealand's (LINZ) Core Record System Database (CRS).</p> <p>CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.</p>	<p>Tuesday, 30 October 2018</p>
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Amplification Report

Most of the damage during an earthquake is caused by ground shaking. The amplification map indicating the regional hazard from ground shaking in Hawke's Bay.

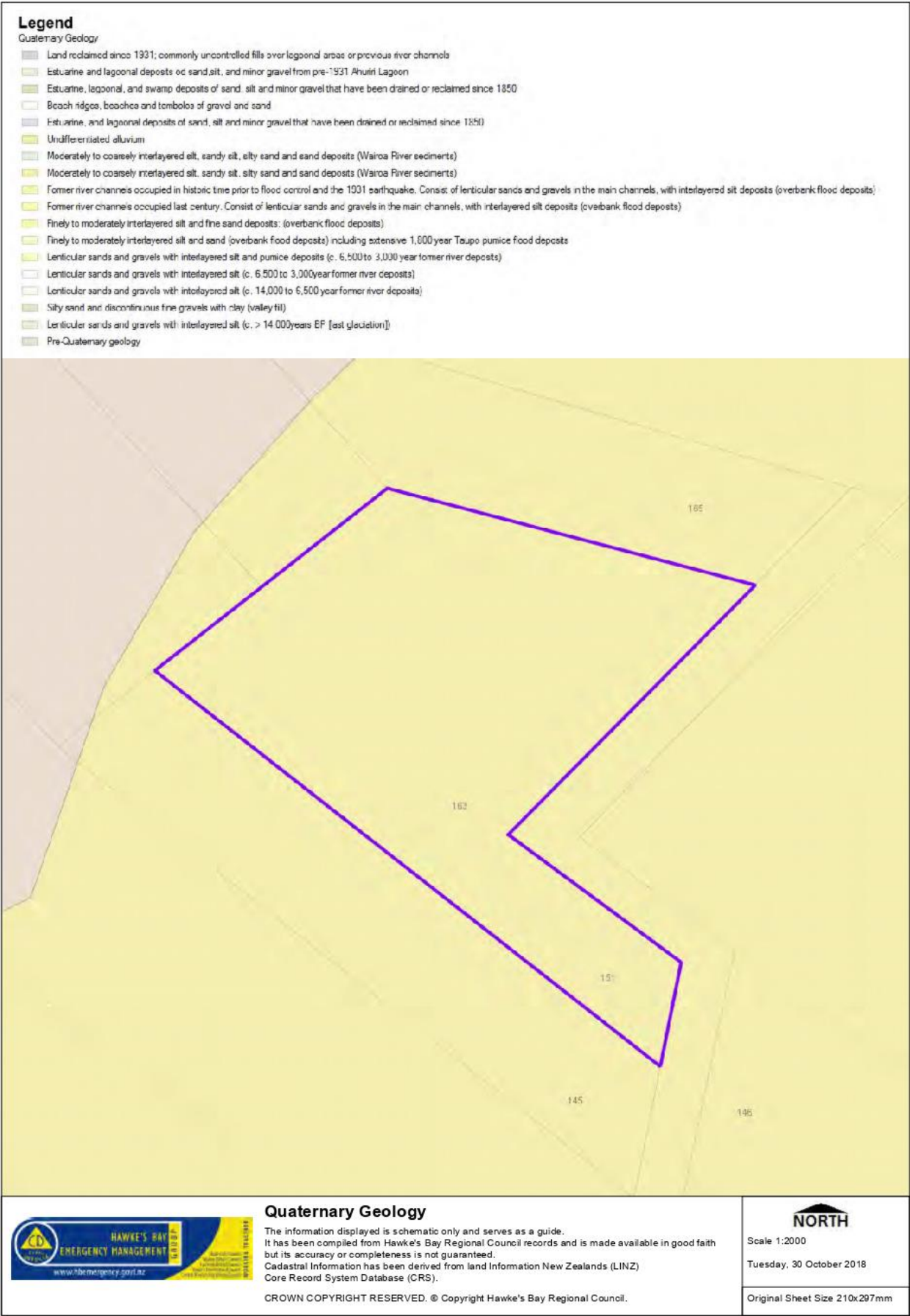
Seismic waves, travelling through the earth at different speeds and amplitudes because of a fault rupture, cause the ground to vibrate and shake in an earthquake. The intensity of the shaking is measured on the Modified Mercalli (MM) scale of 1 to 12, although MM10 is the maximum ever observed in New Zealand. The intensity of ground shaking at any location is affected by the magnitude of the earthquake, proximity to the source of the earthquake, and the geological material underneath that location. Larger earthquakes generally produce greater shaking and shaking is usually more pronounced nearer the source of the earthquake. Deep earthquakes generally produce less shaking because the source is deep in the earth. Fault ruptures often start at one point and propagate along the fault, rather than breaking the whole fault at once. In that case, shaking may be more intense at locations towards which the rupture is propagating, and less intense at locations in the opposite direction, that is, in the direction from which rupture is propagating. The damage caused by shaking depends on how large the ground motion is, how long it lasts, and its frequency. Large motions put great stresses on structures that sit on or in the moving ground and the longer the shaking lasts, the more likely the structures are to sustain serious or permanent damage.

Different frequencies of shaking affect buildings differently - in general, low frequency motions affect taller buildings more, while high frequencies affect shorter buildings. The type of material underlying the site can have a great effect on the nature and intensity of the shaking. Sites underlain by hard, stiff material such as bedrock or old compacted sediments usually experience much less shaking than sites located on young, loosely consolidated sediment, which tends to amplify shaking.

Closed basins filled with soft sediment overlying bedrock, such as the Poukawa basin, are especially vulnerable to amplification of shaking, as earthquake waves can become trapped within the basin, travelling back and forth increasing the shaking rather than being dissipated. Water-saturated sites, such as river banks and lagoons, are particularly susceptible to shaking-induced ground damage such as liquefaction.

WHAT CAN YOU DO?

Most people in Hawke's Bay will survive a large earthquake with some loss, but some people will be severely affected. Action you take now can help reduce damage to your home and business and help you survive. Practice Drop, Cover and Hold







Natural Hazards Report

The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been derived from land Information New Zealand's (LINZ) Core Record System Database (CRS).

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Tuesday, 30 October 2018

Flooding Report

Information provided on the flooding maps shows general details about flooding patterns and areas at risk. They have been produced using computer models using verification with actual events where possible. Flood extents shown in the maps are not meant to show specific flooding details on each property.

These maps should not be relied upon as the sole basis for making any decision in relation to potential flood risk. Contact the Hawke's Bay Regional Council Engineering Department if further information is required with regards to a specific property.

Urban pipe networks and flooding on the street network in the urban areas have not been considered in the flood modelling. Urban areas show flood risk areas that are the result of the capacity of open drains being exceeded.

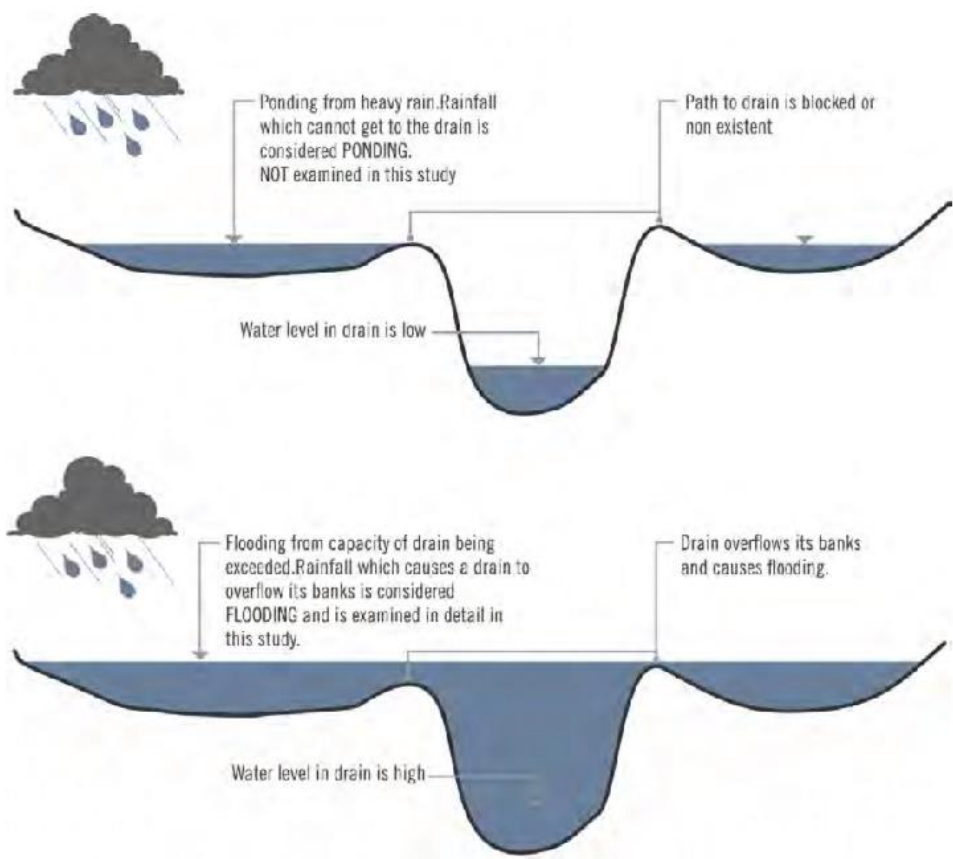
In some flood risk areas, houses and other structures may be elevated above the ground, and would be considered not floodable. These cases are not identified in this flood modelling.

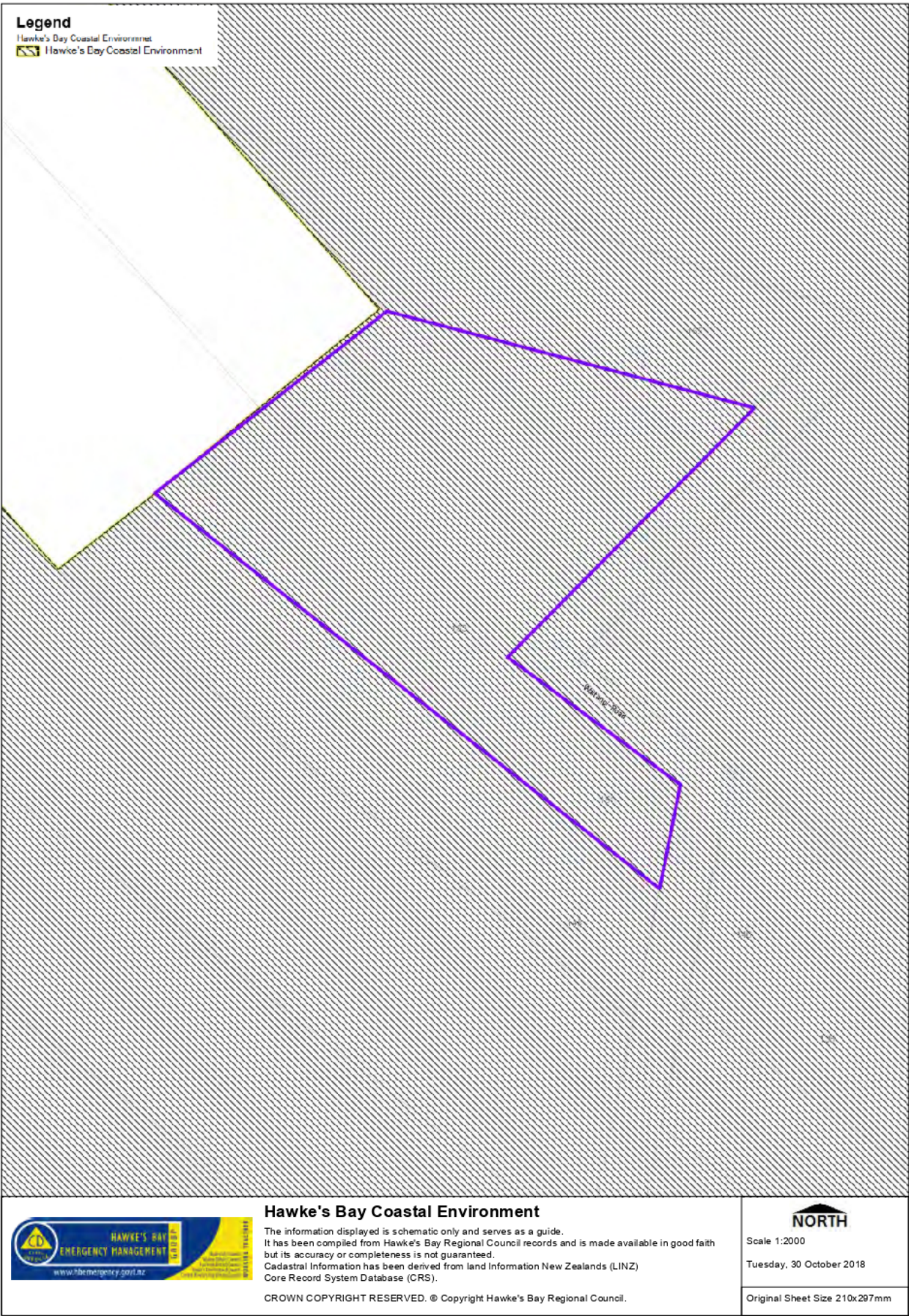
Flood modelling is based on 100 year return period events (1% annual exceedance probability) for river flood risk areas, and 50 year return period events (2% annual exceedance probability) for floodplain flood risk areas.

The effects of climate change have not been included in this flood modelling

Flooding vs. Ponding

Major flooding happens when the capacity of a stream or drain is exceeded. Small scale, localised ponding may occur in areas where water cannot get to the stream through the normal paths of overland flow when the streams are not in flood. The flood hazard study does not consider this type of localised ponding in detail.





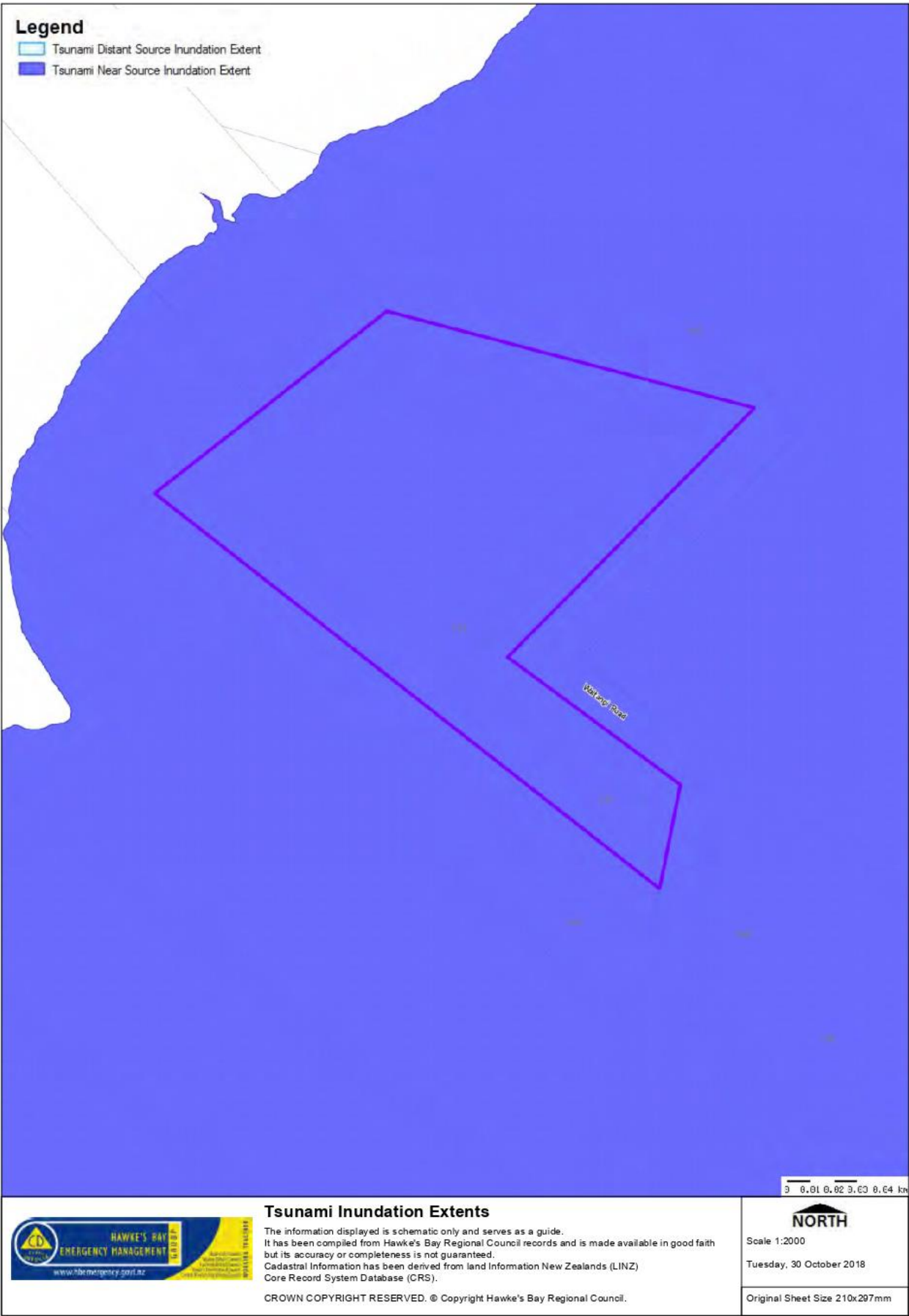
	<p>Natural Hazards Report</p> <p>The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been derived from land Information New Zealand's (LINZ) Core Record System Database (CRS).</p> <p>Tuesday, 30 October 2018</p> <p>CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.</p>
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Coastal Environment

The Coastal Environment means an environment in which the coast is a significant element or part, and includes:

- (a) The coastal marine area;
- (b) Any areas identified as being affected by, or potentially affected by, coastal flooding or coastal erosion;
- (c) Any of the following:
 - (i) Tidal waters and the land above mean high water springs;
 - (ii) Dunes;
 - (iii) Beaches;
 - (iv) Areas of coastal vegetation and coastal associated fauna;
 - (v) Coastal cliffs
 - (vi) Salt marshes;
 - (vii) Coastal wetlands, including estuaries; and
 - (viii) Areas where activities occur or may occur which have a direct physical connection with, or impact on, the coast.

For the purposes of the Regional Coastal Environment Plan, the coastal environment comprises all of the coastal marine area of Hawke's Bay and the coastal margin.

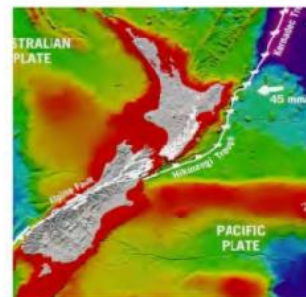


 <p>HAWKE'S BAY EMERGENCY MANAGEMENT</p> <p>www.hbemergency.govt.nz</p>	<p>Natural Hazards Report</p> <p>The information displayed is schematic only and serves as a guide. It has been compiled from Hawke's Bay Regional Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been derived from land Information New Zealand's (LINZ) Core Record System Database (CRS).</p> <p>CROWN COPYRIGHT RESERVED. © Copyright Hawke's Bay Regional Council.</p>	<p>Tuesday, 30 October 2018</p>
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Tsunami Report

RISK

The East Coast of New Zealand has been identified with a significant tsunami risk because of our subduction zone marked by the Hikurangi Trough. The massive tsunami in 2004 in the Indian Ocean, in 2009 in the South Pacific and in 2011 in Japan overturned many assumptions regarding the potential for severe tsunami to be generated on subduction zones throughout the Pacific. As new research into New Zealand's subduction tsunami sources will take time, it is best to assume that our subduction zone could generate severe tsunami from earthquake sizes of MW 8-9.



LOCATION

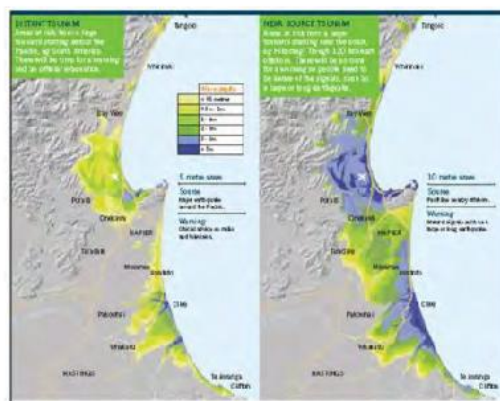
Hawke's Bay's position on the Pacific Ocean means there are risks of tsunami from both local, regional and distance sources, and the East Coast of NZ has the highest risk in the country. Tsunami (pronounced tsu - nam - ee) is a Japanese word meaning 'harbour wave'. It describes a series of fast travelling waves caused by large disturbances on the ocean floor, such as earthquakes, landslides or volcanic eruptions. In the deep ocean tsunami pass almost unnoticed, but as they approach land and therefore shallower coastal waters, they change dramatically - a wave 1-2 metres at sea grows into waves that can be over 30 metres in height.

INUNDATION

As New Zealand's entire coast is at risk of tsunami, the Hawke's Bay Regional Council has developed tsunami hazard maps to help residents and councils prepare for a large tsunami impacting our region.

These are overview maps only and are not specific enough to predict impact on your individual property. They show some of the worst case scenarios (2,500 year return period) for Hawke's Bay for tsunami coming from both a very large local earthquake or from across the Pacific Ocean.

The maps from Clive to Tangoio are shown below and maps for Wairoa's attached. Further mapping for the remaining Hawke's Bay coastline is due to be published in 2015.

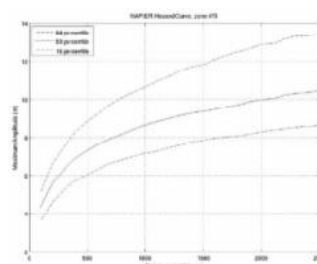


Wave height predictions are shown on this graph based on probabilistic tsunami hazard from all sources for Napier.

Our risks include destruction of homes, businesses and infrastructure in inundation zones, along with injuries and loss of life, with environmental devastation and the slow process of recovery.

Tsunami modelled results are being used by District and City Councils working with local people to prepare community response plans and evacuation maps. If you are keen to be involved, please contact your local Council for information.

The Hawke's Bay CDEM is the lead agency for managing any natural hazard event, like tsunami that affects the people of Hawke's Bay.

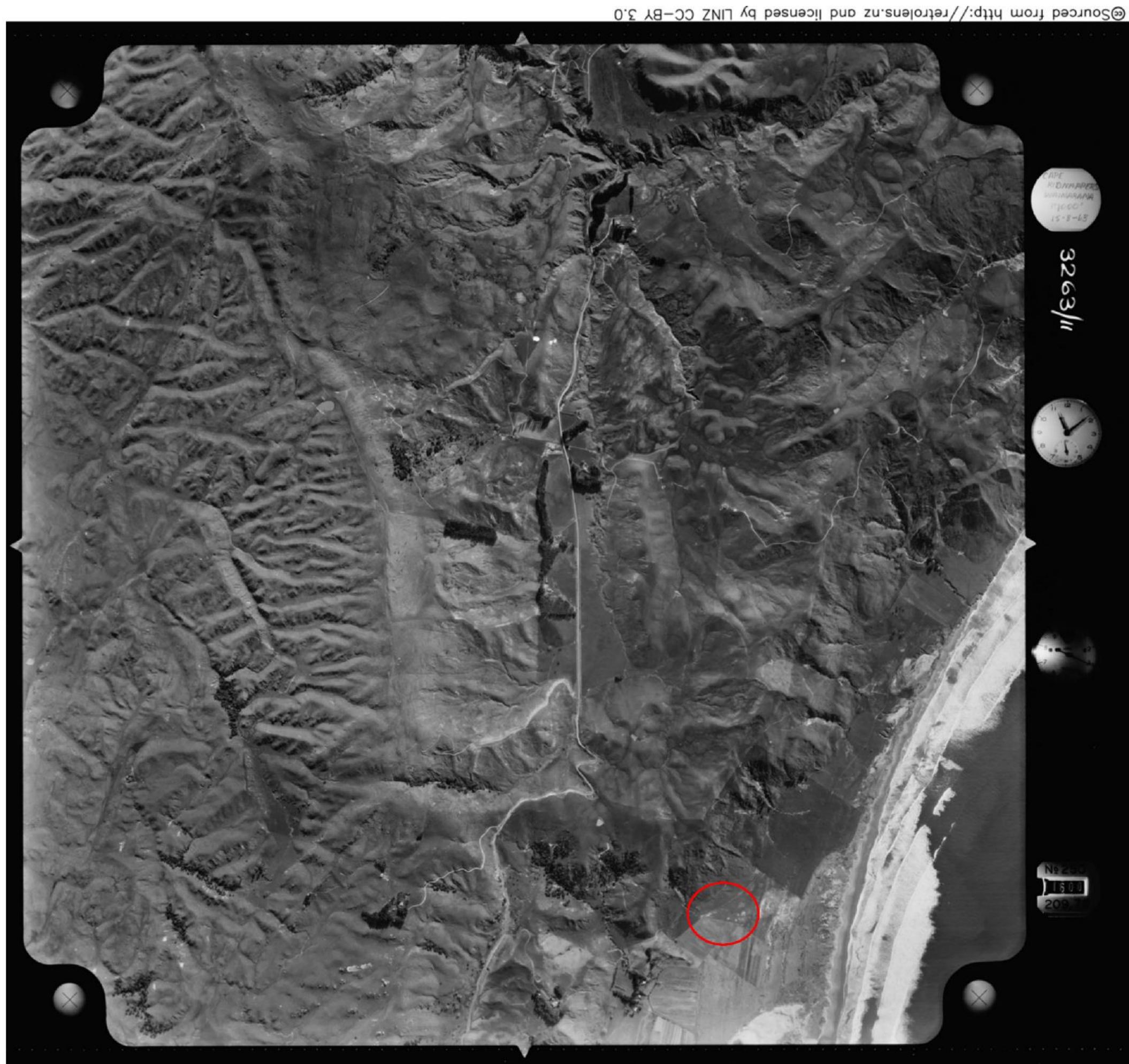


H20180110
151 Waitangi Road, Waimarama
Kahungunu Health Services

Item 2

APPENDIX D
Historical Aerial Imagery

Attachment B



Item 2

Attachment B



Item 2

Attachment B



Item 2

Attachment B



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Attachment B

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Kahungunu Health Services

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APPENDIX E

Affected Party Consent and Letters of Support

Attachment B

Nga Maia o Aotearoa Maori Midwives



10th July 2018

Nga Maia Maori Midwives Aotearoa

National Office

208 Southampton St

HASTINGS

4130

RE; Support for Hinetemoa Resource Consent.

Tena Koutou;

We hereby register our support for the proposed development by Kahungunu Health Services for a larger indoor area as an extension to their current facility; Hinetemoa Marae Waimarama.

A larger indoor area will allow greater use of the Marae as an all year-round facility, which is currently limited by the weather in winter, when we have to sit outside...

We have gathered at "Hinetemoa" on several occasions over the past four years. The Marae provides a unique cultural experience for hui, is safe, secure and brings together the elements of nature and the Te Moana.

We endorse the mahi that Kahungunu Health services are doing for our people, our tamariki and our whanau.

We look forward to a positive response from Council for their application for Resource Consent.



Nga Mihi

Niki Ormsby

Administrator

ngamaia@xtra.co.nz

PO Box 901, Hastings 4135; ngamaia@xtra.co.nz



Mai i te Kōpae ki te Urupa, tātou ako tonu ai.

From the cradle to the grave we are forever learning.

MISSION STATEMENT - Learning for Life

Opaki School
R.D.11
Masterton
06) 377 5052

To Whom This May Concern,

We recently held our Year 5&6 camp at Hinetemoa. We had a thoroughly enjoyable experience and would love to return to Hinetemoa on a biennial basis.

Our camp would have benefitted from having an extra indoor space along with more toilets and shower facilities. We were probably at our maximum with regards to toilet and shower facilities and it would have a positive impact on our camps if Hinetemoa were to make the planned improvements for extra toilet, shower and indoor facilities.

Kind regards,

Belinda Bunny
DP
Opaki School

Item 2

Attachment B



Ngāti Kahungunu Iwi
INCORPORATED

10 July 2018

To whom it may concern,

Re: Letter of Support for Application for Building Consent

This letter supports Jean Te Huia in obtaining a building consent for a supplementary building to complement Hinetemoa, the existing Marae Camping Facility on Waitangi Road, in Waimarama.

Ngāti Kahungunu Iwi Incorporated has frequently hired the Hinetemoa Camping Facility and we have seen how the complex has great potential for growth in the beautiful landscape of Waimarama. During our last stay in April 2018 we saw the foundational stages of a 650-sq meter building. We were told that this additional complex would include indoor activities for visitors to Hinetemoa.

We understand that the inclusion of an ablution block which was not on the original application requires a Resource Consent and a change of use for the building to include a place of gathering. As future beneficiaries of this additional complex, we whole heartedly support this application and look forward to seeing the complex grow as people from different groups and organisation's use it as their place of gathering for conferences, work events, family gatherings etc.

Nāku noa, nā



Christie Hape
Chief Executive
Ngāti Kahungunu Iwi Incorporated

304 FITZROY AVENUE, PO BOX 2406, HASTINGS, 4153 HAWKE'S BAY, NEW ZEALAND

PHONE 06 8762718 TOLL FREE 0800 524 864 FACSIMILIE 06 8764807 EMAIL: paatai@kahungunu.iwi.nz WEBSITE: www.kahungunu.iwi.nz



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9009
Phone 06 871 0004
www.hastingsdc.govt.nz

TE KAUHIHERA O HERETAUNGA

ABA20171619

RESOURCE MANAGEMENT ACT 1991: AFFECTED PERSONS CONSENT FORM

RESOURCE CONSENT APPLICANT/ DEVELOPER TO COMPLETE:

Full name of applicant Jean Tehuia
Kahungunu Health Services Charitable Trust.

Site address of proposal

151 Waitangi Road
Waimarama
4294

Brief description of proposal

Change of use from Implement Shed
to Crowd Large (CL)

AFFECTED PERSONS (OWNERS AND OCCUPIERS) TO COMPLETE:

Full Name of Person/s Signing: (please print) Hine Mahanga Baker And
(Second Name if more than one owner)
(Third Name if more than one owner)
(Fourth Name if more than one owner)

Name of Trust or Company where applicable:

Waipuka 211

Physical and Legal Address of Affected Property:

Please tick all relevant boxes below:

- ☐ I am/ we are, the OWNER(s) of the property. (Note – Every owner and occupier has to sign, or supply power of attorney for signatory to sign on behalf)
- ☐ I am/ we are, the OCCUPIERS(s) of the property. (Note – Every owner and occupier has to sign, or supply power of attorney for signatory to sign on behalf)
- ☒ I/we have authorisation to sign on behalf of the Trust and/or Company on behalf of all Trustees/Shareholders
- ☒ I/we have signed a copy of the full and final proposal including, a copy of the proposal, assessment of environmental effects, elevations and site plans to which I/we are giving approval. (Note – Every owner and occupier has to tick this box)

Page 1 of 2

Issue No 1

Last update 21 February 2012

TRIM Ref REG-10-8-12-567

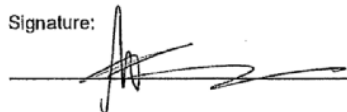
Item 2

Attachment B

Please note that

- by giving my/our written consent, the Council cannot take into account any actual or potential effects of the proposal on my/our property when considering the application. I/we understand that our written consent is unconditional and cannot be subject to conditions
- any time before the decision is made on the application, I/we may give notice in writing to the Council that this consent is withdrawn, under Section 104(4) of the Resource Management Act 1991.

Signature:



Date:

14.9.18

Second Signature if more than one owner:

Date:

Postal Address: 27 Ocean Beach Rd RD 12 Havelock North

PRIVACY INFORMATION: The information on this form is required so that this application can be processed under the Resource Management Act 1991. The information will be stored on a public register, and held by the Hastings District Council.

NOTES FOR AFFECTED PERSONS

1. Why have you been asked for your consent?

You have been consulted and/or asked to give written consent to a proposal because you are the owner or occupier of land or a building, and may be affected in some way by a development proposal in your neighbourhood.

2. Who decides who is affected by a proposal?

A Council Planner makes the decision as to who might be affected and whose consent is required. Please note that it is common for applicants to seek written approval before lodging a resource consent with Council. Therefore even if the applicant has sought your permission, the Council may still decide you are not affected

3. What happens if you give your consent?

If you give your consent, Council is not able to take into account any adverse effects on you. If you and all the other people deemed by Council likely to be affected have given your consent, an application is considered by Council officer's under powers delegated by the Council and no hearing is held.

It is very important that you understand a proposal fully before you give your consent. If you do not understand the proposal or this form, please seek advice before signing. Do not hesitate to contact a member of the Planning staff to discuss a proposal or its possible effects.

4. How much information should you be given?

You should be given enough information to allow you to understand the proposal and how it will affect you. This should include a full description of the proposal, plans and an assessment of effects on the environment.

5. Can you ask for changes to an application?

You can ask an applicant to change his proposal so that the possible side effects on you are minimised or avoided; (for example, by reducing the hours or by providing screening).

6. Can you put conditions in your consent?

Council cannot accept a written consent with conditions. However you may ask the applicant to amend their application to reflect any changes or conditions you would like. If these changes are included within the application and are within the scope of Council's powers,

they could be enforced as a condition of Council's consent.

7. Can you refuse to give consent?

Yes. You do not have to explain your reasons but it is helpful to the applicant if you do. You can let the Council know so that your refusal can be recorded on the file.

8. What happens if you refuse to give consent?

If the Council decide that a party is affected, and that party will not provide their written approval then the application must be notified. The applicant may decide not to continue with their application. If they do however, you will be directly notified by Council and can make a submission or against the proposal, whether you originally gave your consent or not. A separate pamphlet on Notified Applications is available from the Council.

9. Can you change your mind?

You can withdraw your consent at any time before the Council makes a decision on the application. You must advise Council in writing that your consent has been withdrawn. You should also let the applicant know.



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 05 071 5000
www.hastingsdc.govt.nz

TE KAHUNHERA O HERETAUNGA

ABA20171619

RESOURCE MANAGEMENT ACT 1991: AFFECTED PERSONS CONSENT FORM

RESOURCE CONSENT APPLICANT/ DEVELOPER TO COMPLETE:

Full name of applicant Jean Te Huia
Kahungunu Health Services Charitable Trust.

Site address of proposal
151 Waitangi Road
Waimarama
4294

Brief description of proposal:
Change of use from Implement Shed
to Crowd Large (CL)

AFFECTED PERSONS (OWNERS AND OCCUPIERS) TO COMPLETE:

Full Name of Person/s Signing: (please print) Hanata Te Ruru Akonga Mbi
And Baker
(Second Name if more than one owner)
(Third Name if more than one owner)
(Fourth Name if more than one owner)

Name of Trust or Company where applicable: Hanata Te Ruru Akonga Mbi Trust

Physical and Legal Address of Affected Property: 282, 281, 271, 273
281, 28

Please tick all relevant boxes below:

- ☒ I am/ we are, the OWNER(s) of the property. (Note – Every owner and occupier has to sign, or supply power of attorney for signatory to sign on behalf)
- ☐ I am/ we are, the OCCUPIERS(s) of the property. (Note – Every owner and occupier has to sign, or supply power of attorney for signatory to sign on behalf)
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Page 1 of 2

Issue No 1

Last update 21 February 2012

TRIM Ref REG-10-8-12-567

Item 2

Attachment B

Please note that

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- any time before the decision is made on the application, I/we may give notice in writing to the Council that this consent is withdrawn, under Section 104(4) of the Resource Management Act 1991.

Signature:

Date:

Henrieta R. Baker 13/9/18

Second Signature If more than one owner:

Date:

Postal Address: 27 Ocean Beach Road RD 12 Havelock NL 4294

PRIVACY INFORMATION: The information on this form is required so that this application can be processed under the Resource Management Act 1991. The information will be stored on a public register, and held by the Hastings District Council.

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A Council Planner makes the decision as to who might be affected and whose consent is required. Please note that it is common for applicants to seek written approval before lodging a resource consent with Council. Therefore even if the applicant has sought your permission, the Council may still decide you are not affected

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**NOTIFICATION REPORT FOR RESOURCE CONSENT RMA20180494
SECTIONS 95A AND 95B OF THE RESOURCE MANAGEMENT ACT 1991**

Application Received: 23/11/2018	PID: 59548	RMA20180494
Applicant:	Kahungunu Health Services	
Address of Site:	151 Waitangi Road, Waimarama	
Legal Description:	Waipuka 2T3 BLK X Kidnappers SD	
Area:	1.0739 ha	
Zoning:	Rural – Proposed Hastings District Plan	
Proposal:	Convert a partially complete building into a place of assembly within an inundation zone that infringes the side yard setback	
District Plan Provisions:	Rules RZ27 and NH10 of the Proposed Hastings District Plan	
Assessment of Status:	Non-Complying Activity	
Report Prepared By:	Lisa Rosandich	

1.0 THE PROPOSAL

The applicant seeks resource consent for a new 543.5m² place of assembly building within an inundation zone that infringes the side yard setback in the Rural zone, as the proposed place of assembly building has been located 5 metres from the property boundary. The 2.5900 hectare lot is contained in Register of title (RT) HB154/77 at 151 Waitangi Road, Waimarama.

Two place of assembly buildings are already established on the site, which consists of accommodation, cooking, and ablution facilities housed within an existing whare and wharenui (meeting house). These buildings infringe on the side yard setback being 6.1 metres from the boundary at the closest point.

The subject site is currently leased by Kahungunu Health Services, a Charitable Trust who manage all the bookings for all of the events held onsite. The events currently held on site consist of a not for profit camp for school groups, corporate events such as team building, cultural groups/events, Te Reo Maori classes and the occasional family hui.

Accommodation at the site is currently provided in the form of four bunk rooms which each sleep 12 people (44 people), a modern ablution block, a large open plan kitchen and an outside decking area. A wharenui (meeting house) also provides space for inside recreation, meeting space and has disabled ablution facilities.

The applicant proposes to utilise the new building onsite as an extension of the existing place of assembly activity. This will allow for extended community, education and cultural camp activities to occur on site. It is proposed that the new building would sleep up to 40 people and provide space for indoor activities for the educational, cultural and community activities to take place in times of bad weather. The requirement for additional inside space and additional ablution facilities has been identified and requested by visiting groups.

There are also other commercial interests on the site being four visitor accommodation units.

A primary residential building and supplementary building are also present on the site.

A partial site plan of the site is shown below:

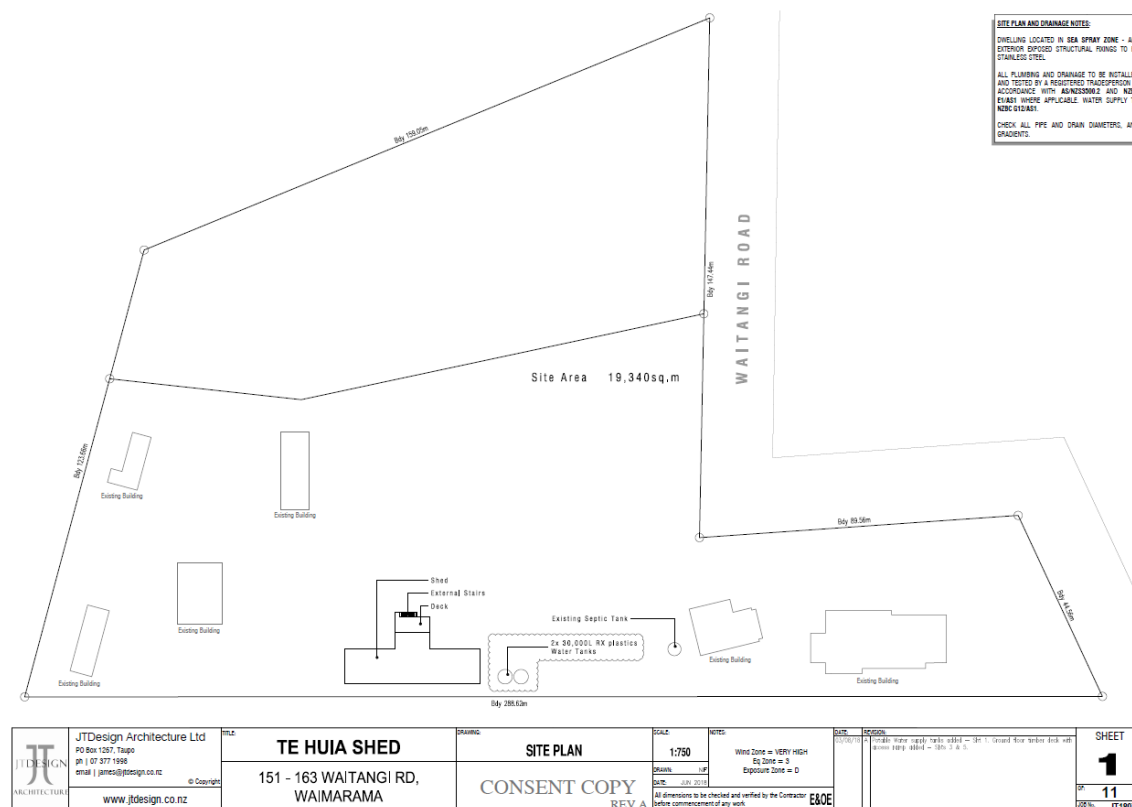


Figure 1: Site Plan

Brief history

The applicant applied for a building consent for a new single level implement shed on 22 December 2017 – ABA20171619 which was approved on the 22 February 2018. An amendment to this building consent was then applied for on the 15 June 2018 and a Form 4 certificate was attached to this amendment by Hastings District Council on the 18th June 2018, as the proposal was deviating from the previous implement shed to a place of assembly and resource consent was determined to be required. No further building work can now proceed at the site until resource consent is obtained.

Further information requested

The applicant was requested to provide further information on the 5th December 2018 that addressed the following matters:

- A site plan showing where the proposed place of assembly is located and distance/setback from all site boundaries.
- Elevations for the proposed place of assembly.
- A floor plan/internal layout for the proposed place of assembly.
- Changes to the external appearance of the accessory building that will occur due to the proposed change of use (place of assembly).
- Details on what methods will be used to ensure public safety in the instance of a natural hazard event occurring such as a Tsunami. What early warning systems, emergency management contingency plans, escape routes or other mitigation techniques will be put in place. Is a Civil Defence Tsunami Risk Management Plan proposed to be provided, due to the increasing number of individuals proposed to be exposed to the risk of a tsunami hazard while at the site?
- Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted regarding the proposal, as per Schedule 4 of the Resource Management Act.

- A traffic impact assessment. How many traffic movements are expected to and from the site each day/week/month with the proposed increase in use? Will all visitors to the site arrive via private car, or are buses or other alternative transport options envisaged? Will the increase in use cause an increase in dust effects along the private road? How will this be managed? Will there be any potential road safety conflicts with other road users? Are people likely to arrive by foot access, bicycle or other alternative transportation means?
- Information on how many car parks, bicycle racks and loading spaces are to be provided on site?
- What will be the total building coverage on site?
- What are the proposed times/days of use for the place of assembly? Will it be open 24 hours a day, 7 days a week or within restricted hours? Are any special events proposed?
- Is a no-complaints covenant proposed in terms of the neighbouring rural zoned land so reverse sensitivity effects are avoided?
- What is the gross floor area (GFA) of the new building proposed as a place of assembly? What is the GFA of the existing place of assembly buildings on the site?
- Is any additional landscaping proposed on site? If so please provide details.

The applicant agreed to provide the information and partially responded on the 19 December 2018, 30 April 2019 and 6 May 2019.

2.0 BACKGROUND

2.1 Existing Consents

The following resource consents relate to the site:

- RMA96359 – 26 November 1996 – Relocate a shed
- RMA20000162 – 12 May 2000 – To establish visitor accommodation
- RMA20000406 – 10 November 2000 - Code of compliance certificate for four bed visitor accommodation
- RMA20020061 – 26 June 2002 - establish secondary dwelling exceeding 80m² & two visitor accommodation units
- RMA20090269 – 18 August 2009 – Increase gross floor area of secondary dwelling to over 80m² 84.98m².

The whare and wharehau buildings obtained building consents under ABA20120400 and ABA20131545 and were considered permitted activities under the Operative District Plan.

2.2 Interested Parties

Council has received correspondence from the landowners of 145 Waitangi Road, Waimarama, 291 Waitangi Road, Waimarama and Waipuka 2R Sec 3 Blk, Lot C, Waimarama who state that they are not in support of the application. The concerns of these landowners have been considered as part of the notification assessment of this application.

3.0 THE SITE AND SURROUNDING ENVIRONMENT

The 2.5900 hectare subject site is located at 151 Waitangi Road, Waimarama being land legally described as Waipuka 2T3 Block contained in Certificate of Title HB154/77.

The Certificate of Title is subject to the following interests of relevance:

- Roadway order pursuant to sections 415 & 419 of the Maori Affairs Act 1953 over part herin.

The site is a rough L shape and flat in contour and is accessed off Waitangi Road of which the first 400m of the road is vested in council and the remainder of the road is classified as a Maori Roadway.

The site contains the following buildings:

- Primary residential building
- Secondary residential building
- Implement/Accessory shed
- Four visitor accommodation units
- Whare (four bunk rooms sleeping 12 people, modern ablution block, large open plan kitchen and an outside decking area)
- Wharenuī (inside recreation area and meeting space)

The site is predominately flat and is located approximately 500m from the Waimarama Beach and the Pacific Ocean. The land immediately to the west of the site slopes steeply upwards and forms a line of hills that isolates the coastal flat.

The site location and the location of the existing building development is shown below (Please note: the accessory shed has partially been constructed on the southern boundary as per site plan shown in figure 1 above).



Figure 2: Land use on site prior to construction of proposed new place of assembly building

The surrounding sites are zoned Rural. Much of the surrounding land is Maori land. There site is independently serviced with an onsite sewage and wastewater system. Water is sourced from rain water collection.

The whole subject site and surrounding environment is shown in the aerial photo below:



Figure 3: Aerial photograph of site and surrounding area

4.0 ACTIVITY STATUS AND REASONS FOR CONSENT

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

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES) is triggered, as the proposal involves a subdivision and a change in land use. A check of Council records has found no known 'HAIL' activity occurring on the site. Furthermore, a review of Council historic aerial photographs (see below) has illustrated that the site and the surrounding area has not been used as an orchard, nursery or any other common rural activity on the 'HAIL' list. Therefore the land use does not require consent under the NES.

4.1.2 National Environmental Standard for Sources of Human Drinking Water

The Hastings District Council's Waingongoro Stream shallow bore site is located approximately 1km to the south west of the site on the corner of Waimarama and Waitangi Roads. This bore is approximately 1km from the proposed activity, and given the nature of the proposal being a change in land use the NES: Sources of Human Drinking Water is not considered relevant.

4.2 Operative District Plan Status

The application was lodged on the 21st December 2018. The decisions on submissions made to the Hastings Proposed District Plan were released on the 12th of September 2015 and therefore, the entire Proposed Plan has legal effect.

In terms of Section 86F Resource Management Act a review of the appeals received on the Proposed District Plan decisions has identified that the sections relevant to this application have not been appealed and therefore are beyond challenge. Therefore, the rules in the Proposed Plan applying to this application can be treated as operative.

4.3 Proposed District Plan Status

The site is zoned **Rural** and located within the Coastal Character Landscape 4 (Waimarama and Peach Gully) area as identified in appendix 46.

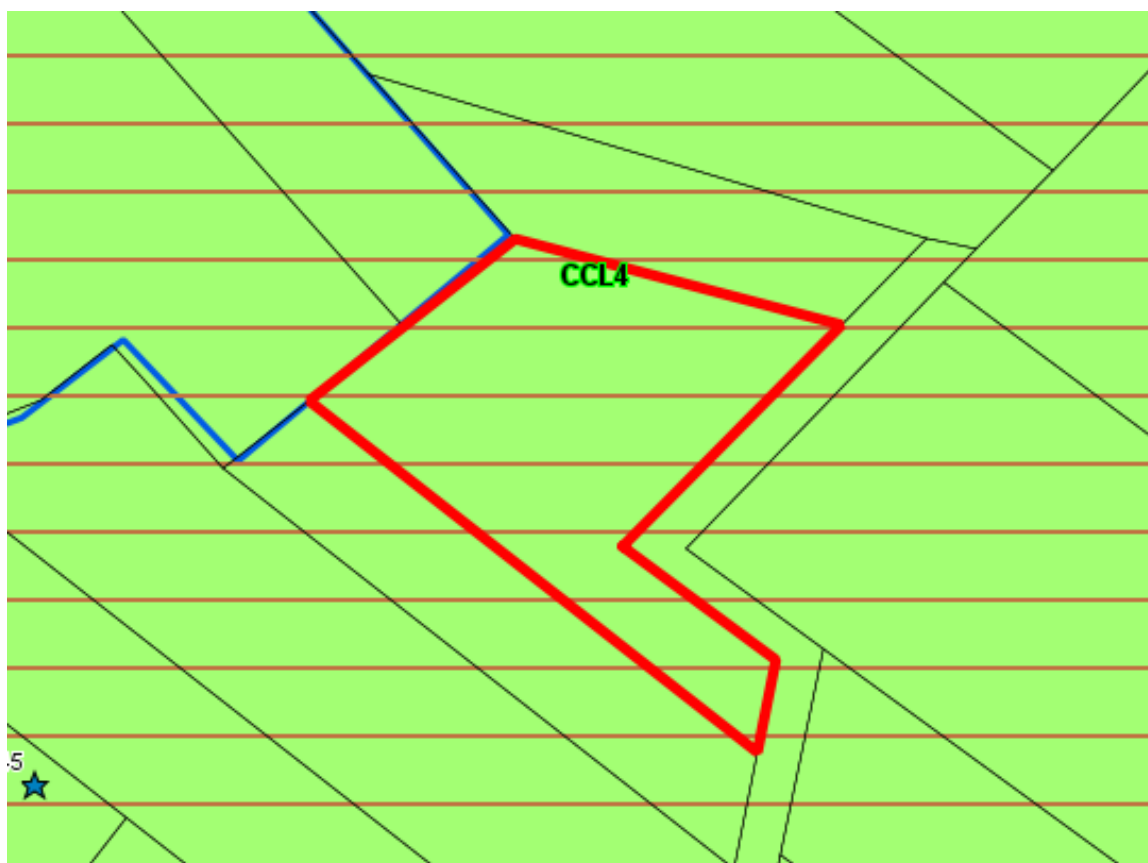


Figure 4: Zoning map

Rule LS1 states any activity not defined as a controlled, restricted discretionary, discretionary, non-complying or prohibited activity by the landscape area rules within landscape area CCL 1-5 is a permitted activity.

A check of this standard has confirmed that the activity proposed by this application is not a defined activity in the landscape rules and therefore is a **permitted activity**.

Rule NH10 states that any of the following activities (Visitor accommodation, non-residential care facilities, education facilities, early childhood centres, homes for the aged, places of assembly, emergency service facilities, camping grounds, health care services, retirement villages) located within a Tsunami Hazard Zone as identified in Appendix 58 and on planning maps must be assessed as a restricted discretionary activity

A check of this standard has confirmed that as the proposed place of assembly is located within a tsunami hazard zone the activity must be assessed as a **restricted discretionary activity**.

Rule RZ16 states any permitted or controlled activity other than those listed elsewhere in this table not meeting one or more of the general performance standards and terms in section 5.2.5 and specific performance standards and terms in section 5.2.6 must be assessed as a restricted discretionary activity.

A check of this standard reveals that the proposed unfinished place of assembly building is located 5 metres from the side property boundary which does not comply with the required 15 metre setback specified for the rural zone. Therefore the activity must be assessed as a **restricted discretionary activity**.

Rule RZ27 states any activity which is not provided for as a permitted, controlled, restricted discretionary or discretionary activity (or in rules NP18-NP21) shall be a non-complying activity.

A check of this standard has revealed that places of assembly are not provided for in the rural zone rule table therefore the activity is classified as a **non-complying activity**.

Overall Status

In this situation the land use activities are intricately linked and it is considered that the bundling principal should apply. Therefore overall the proposal will be assessed as a **Non Complying Activity** in accordance with **Rule RZ27** of the Proposed Hastings District Plan.

5.0 ADEQUACY OF THE APPLICATION/REQUIREMENT FOR OTHER CONSENTS

Under the provisions of section 88 of the Resource Management Act 1991 (RMA), an application for a resource consent must be made in the prescribed form and manner and include an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity will have on the environment. Where these requirements are not met, the Council may, under section 88(3), decide that the application is incomplete and return the application, with written reasons, to the applicant.

The application has been assessed and it has been determined that the application is complete and following requests for further information the application contains sufficient information to allow an assessment of effects.

Section 91 of the RMA allows the council to decide not to proceed with the notification of an application if it considers on reasonable grounds that other resource consents under this Act will also be required for the proposal and it is appropriate that such consent be applied for before proceeding further.

It has been determined that Hawke's Bay Regional Council (HBRC) consent for discharge of wastewater from the proposed place of assembly building may be required. It is advised that the applicant discuss these requirements with HBRC to determine what system would be required. Accordingly there is no need to put this consent on hold pending HB Regional Council consents.

4.0 SECTION 95A AND 95B NOTIFICATION ASSESSMENT

4.1 Public Notification Assessment

4.1.1 Section 95A(2) - Step 1 Mandatory Public Notification

In respect of section 95A(3)(a) the applicant has not requested that the application be publicly notified, notification is not required as a result of further information not having been responded to and the application hasn't been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

Given the above the criteria in section 95A (3) has not been met, public notification is therefore not considered to be mandatory for this application.

4.1.2 Section 95A(4) – Step 2 Public Notification Precluded in Certain Circumstances

In respect of section 95A(5)(a) the application is for a resource consent but in this case public notification is not precluded by way of a rule that relates to the land use activity. The proposal does not involve a consent relating to a National Environmental Standard. This criteria is not met.

In respect of section 95A(5)(b)(i) the application is not a controlled activity.

In respect of section 95A(5)(b)(ii) the application is not a restricted discretionary or discretionary activity.

In respect of section 95A(5)(b)(iii) part of the activity includes a boundary activity, however there are other associated activities so the application does not meet this criteria.

In respect of section 95A(5)(b)(iv) the activity is not a prescribed activity.

As the criteria of section 95A(5) is not met, public notification is not precluded for this application.

4.1.3 Step 3 Section 95A(7) and (8) – Public notification in certain circumstances

As the application is not precluded from notification by step 2 then it must be assessed against step 3.

The application is not subject to a rule or a NES which requires public notification.

Any adverse effects on the following properties (yellow stars) have been disregarded under s95D (a) of the Resource Management Act, 1991.



Figure 5: Map of adjacent sites disregarded from the Public Notification Assessment

Permitted Baseline Section 95D(b)

When assessing actual and potential effects of an activity on the environment under section 95D (b), the Act provides for the Council to disregard an adverse effect of the activity on the environment if the Plan already permits an activity with that effect. This provision is commonly known as the 'Permitted Baseline', and its application is at the discretion of Council.

The applicant has stated on page 20 of the application that *"the permitted baseline in this instance is the approved pole shed (ABA20171619) whereby the physical form of the shed can otherwise be achieved. Therefore, any effects associated with the physical envelope of the building should be disregarded in line with section 104(2) of the act."*

I however disagree with this assessment as the effects of a pole shed are somewhat different to what would be experienced or expected from a place of assembly building/increase in activity on site.

There is no permitted baseline for place of assembly in the Rural Zone as it is an activity not provided for under the Proposed Hastings District Plan. However the site does contain two buildings being the Whare and the Meeting house that are currently utilised as a place of assembly

on site. These buildings were consented by ABA20120400 (Whare) and ABA20131545 (Meeting house) which were established as permitted activities under the Operative Hastings District Plan in June 2013.

As the place of assembly activity is not provided for in the rural zone in the current district plan, yard setbacks are not defined, it is therefore considered that the permitted baseline argument does not apply.

Permitted activities in the Rural Zone (as relevant under the Proposed District Plan) include land based primary production, limited residential activities, limited commercial and industrial activities, forestry, wineries, seasonal workers accommodation and relocated buildings within specified limits and recreation activities on reserve land.

Given the density of the proposal and the yard breaches, it is considered that there is no permitted baseline for the future activities on the site.

Accordingly the permitted baseline is little assistance in considering this proposal, and so the effects of permitted activities have not been disregarded under Section 95D (b).

Restricted Discretionary Activity Section 95D(c)

The activity is not a Restricted Discretionary Activity.

Trade Competition Section 95D (d)

The proposal does not involve trade competition.

Written Approvals Section 95D (e)

The following partial written approvals were provided with the application however they are incomplete, therefore any effect of these parcels of land has not being disregarded.

Persons	Address / Legal Description	Council PID
Hine Mahanga Baker	Waipuka 2TI	58262
Hariata Te Ruru Akonga Mohi Trust	2S2, 2S1, 2T1, 2T73, 2R1, 2P	58260 58261

Council also received written approvals on Wednesday the 5th June 2019 however no site plan of the proposal was received, therefore any effect of these parcels of land has not being disregarded at this stage.

Persons	Address / Legal Description	Council PID
Patua Eric Carroll	146 Waitangi Road, Waipuka 2R Sec 3	102665
Whiu Arther Carroll	146 Waitangi Road, Waipuka 2R Sec 3	
Ana Carroll	146 Waitangi Road, Waipuka 2R Sec 3	
Marylin Carroll-Walker	146 Waitangi Road, Waipuka 2R Sec 3	
Joinell Maitu Carroll	146 Waitangi Road, Waipuka 2R Sec 3	
Te Rori Carroll-Walker	146 Waitangi Road, Waipuka 2R Sec 3	

Assessment of Effects

____An assessment of environmental effects was provided in Section 8.0 of the submitted application. The adverse environmental effects that have been considered in preparing the application are related to amenity and visual effects, natural hazards, reverse sensitivity, traffic, access and loading, servicing, effect on soil resource and other matters. The application concludes the proposed development of the site will result in less than minor adverse effects on the surrounding environment.

The adverse effects likely to result from the proposal are as follows:

Any effect on the wider community including any socio-economic and cultural effects*Suitability of the Site in the Context of the Surrounding Neighbourhood*

There is potential for additional noise and reduced amenity effects due to the proximity to the boundary and increased activity at the site, however it is considered that these effects are likely to be no more than minor on the wider environment.

Culture and Heritage

The proposal does not affect any known waāhi tapu, archaeological sites or any other areas of historic or cultural significance.

Reverse Sensitivity Effects

There are not expected to be any reverse sensitivity effects associated with this proposal beyond the adjacent sites. No known 'Intensive Rural Production Activities' (IRP) or intensive horticultural land use activities occur on the neighbouring sites. Therefore it is not expected that there will be any conflict with permitted rural uses. The applicant has however offered within the further information received on the 19th December 2018 (HDC ref: HPRM 59548#0292) to accept a no-complaints covenant to be registered on the title of the site. Therefore the reverse sensitivity effects are considered to be no more than minor on the wider environment.

Any physical effect on the locality, including any landscape and visual effects:*Visual*

The proposed building itself is not likely to have any visual effects on the wider environment. Given the existing built environment onsite it is unlikely that there would be any visual effects that are more than minor beyond the adjacent sites identified above in section 4.1.3 of this report.

Rural Character and Amenity

While the site is located within the rural zone it is not a typical pastoral farm and could potentially be more likened to a rural lifestyle site. Therefore it is considered that any rural character and amenity effects on the wider environment will be no more than minor.

Noise

Noise from the future activity proposed on site is unlikely to have any adverse noise effects that are more than minor beyond the adjacent sites identified above in section 4.1.3 of this report.

Effects on Life-Supporting Capacity of Soil Resource

The use of the land area of will have a minimal effect on the rural soil resource as the site has already been removed from use as land based primary production and existing place of assembly and visitor accommodation activities already occur on site.

Natural Hazards

The site is located within an unknown level of risk from liquefaction which should be treated as high until assessed otherwise. The geotechnical report provided with the building consent application ABA20171619 undertaken by Tonkin and Taylor dated 15 January 2018, Job number: 1005716 for a light weight shed concluded that the ground does not meet the definition of "good ground" and confirms that subject to specific engineering design the shed could potentially be built on the site with specifically designed foundations.

The site is also located within the 10m near source tsunami inundation zone. It is considered that a condition of consent will be imposed to ensure a Tsunami Risk Management/evacuation plan is completed for the site so that any potential occupants are aware of the risk and evacuation routes

should disaster strike. This approach is considered appropriate given that a hill rises immediately behind the site so there is a feasible evacuation point within a short distance.

Accordingly it is unlikely that there would be any effects on natural hazards that are more than minor on the wider environment as a result of the proposal.

A map of the natural hazards is shown below:

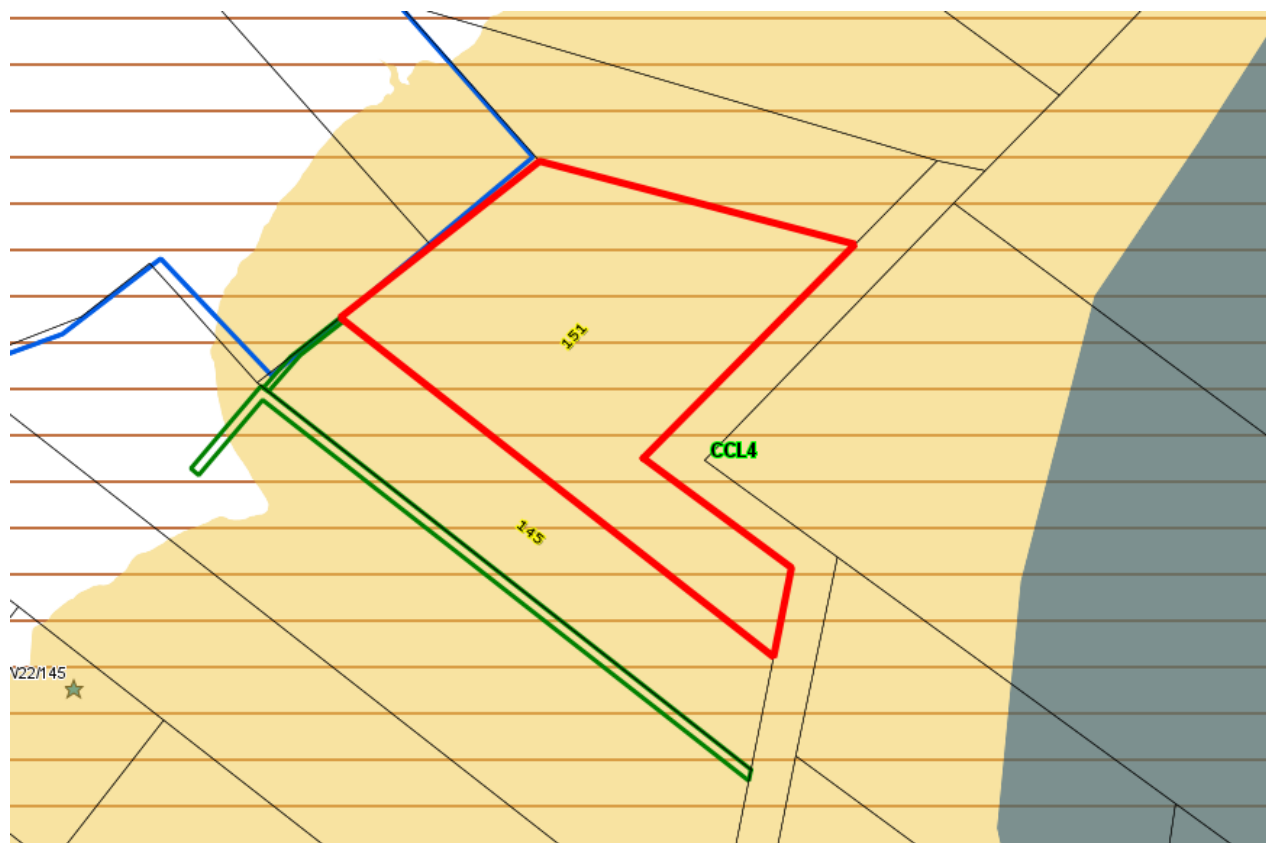


Figure 6: Natural Hazards

Traffic Effects

Parking

In terms of car parking, the site has sufficient area to provide the required onsite car parking.

Accordingly, it is considered unlikely that any adverse parking effect of the proposal will reach beyond adjacent sites.

Traffic Generation and Movements

A traffic impact assessment from a suitably qualified traffic engineer confirms that there are no traffic effects on the wider public road network or the Waimarama/Waitangi Road intersection as both roads are lightly trafficked and operating well within their available capacity.

Given this, no adverse traffic effects that are more than minor are anticipated on the wider environment as a result of the proposal.

Traffic Sightlines

Traffic sightlines beyond the immediate adjacent environment are not likely to be adversely affected.



Infrastructural Capacity

The site is currently independently serviced and has onsite servicing for water supply (rain water collection), wastewater disposal and stormwater.

It is advised that the applicant seek advice or approval from Hawkes Bay Regional Council to ensure the existing wastewater system and disposal area is of an appropriate size for the increase in wastewater facilities and disposal at the site.

It is anticipated that servicing of this proposal will not have any effects beyond the site boundary and it is considered that these effects will be no more than minor on the wider environment.

Temporary Construction Effects

Noise, dust and traffic associated with the construction of the building will be temporary in nature. Overall and given that construction effects will only be temporary it is considered that there are no more than minor effects on the wider environment.

Cumulative Effects

The Act defines a cumulative effect as an effect that arises over time or in combination with other effects.

The proposed place of assembly building will cumulatively add additional noise and traffic characteristics that will result in a more intensive use of the site, such that, although individually, they may be appropriate and/or have limited effects, when coupled together they may have an adverse cumulative effect for neighbours adjoining the site.

In this instance, having regard to what is proposed, it is considered that any such cumulative effect will be minor, but limited to immediate neighbours rather than the wider environment. It is acknowledged that traffic movements will slightly increase, however, it is considered that the traffic effects in combination with other effects will result in no more than minor cumulative effects on the wider environment.

Therefore public notification in certain circumstances is not required.

4.1.4 Step 4: public notification in special circumstances

Under Section 95A(9) the Council must publically notify an application if it considers that special circumstances exist.

"Special Circumstances" have been defined by the Court of Appeal as those that are unusual or exceptional, but they may be less than extraordinary or unique (*Peninsula Watchdog Group (Inc) v Minister of Energy* [1996] 2 NZLR 529). With regards to what may constitute an unusual or exceptional circumstance, Salmon J commented in *Bayley v Manukau City Council* [1998] NZRMA 396 that if the district plan specifically envisages what is proposed, it cannot be described as being out of the ordinary and giving rise to special circumstances.

In *Murray v Whakatane District Council* [1997] NZRMA 433, Elias J stated that circumstances which are "special" will be those which make notification desirable, notwithstanding the general provisions excluding the need for notification. In determining what may amount to "special circumstances" it is necessary to consider the matters relevant to the merits of the application as a whole, not merely those considerations stipulated in the tests for notification and service.

In *Urban Auckland and Ors v Auckland Council* [2015] NZHC 1382 the High Court found that special circumstances existed where relevant information may have been obtained from the public should it have been notified.

It is considered that the proposed application cannot be described as either exceptional or out of the ordinary, or giving rise to special circumstances.

The issues of concern are primarily around visual amenity, noise and traffic effects such as viability and dust for the reasons addressed in this section of this report it is not considered that these

issues are unusual or exceptional in either character or intensity for this area such as to warrant wider public notification of the application.

The remaining factors have been thoroughly addressed in the assessment of effects and it has been demonstrated that any adverse effects on the wider environment will be at most minor.

Accordingly, there are no special circumstances under section 95A(9) of the RMA that would justify public notification of the application.

Decision:

I am satisfied that the application can be considered without full notification to the public in accordance with S95A(9)(b).

4.2 Limited Notification Assessment

4.2.1 Step 1 Notification of Certain Affected Groups and Affected Persons

Section 95B (2) requires that a determination is made as to whether there are any affected protected customary rights groups or affected customary marine title groups (for an accommodated activity). These are not applicable to this application.

Section 95B (3) the proposed activity is not on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11. Therefore no persons are affected under this section.

Given the above, limited notification to the above mentioned considered parties pursuant section 95B(4) is not required.

4.2.2 Step 2 Limited Notification Precluded in Certain Circumstances

Section 95B(5) requires determination as to whether any of the criteria in subsection (6) is met. In terms of section 95B(6)(a) the application is not an activity that is subject to a rule or national environmental standard precluding limited notification, it is not a controlled activity that requires consent under the district plan and is not a prescribed activity. Therefore this criteria is not met and must be assessed under step 3.

4.2.3 Step 3 Certain Other Affected Persons

Section 95(8) requires that a determination be made if there are any affected persons in accordance with Section 95E.

Section 95E States:

95E Consent authority decides if person is affected person

- (1) For the purpose of giving limited notification of an application for a resource consent for an activity to a person under [section 95B\(4\) and \(9\)](#) (as applicable), 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 are not less than minor).
 - (2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—
 - (a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and
 - (b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
 - (c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in [Schedule 11](#).
 - (3) A person is not an affected person in relation to an application for a resource consent for an activity if—
 - (a) the person has given, and not withdrawn, approval for the proposed activity in a written notice received by the consent authority before the authority has decided whether there are any affected persons; or
 - (b) the consent authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the person's written approval.
 - (4) Subsection (3) prevails over subsection (1).
- Section 95E: replaced, on 18 October 2017, by [section 140](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

In terms of Section 95E(3)(a) the applicant has provided partial written approvals as mentioned in section 4.1.3 above, however as these are incomplete any adverse effect on those persons has not being disregarded.

The following assessment below considers adverse effects on persons, including not only those who own or occupy the subject site, or those on the land adjacent to the subject site, but also any person who may be adversely affected. The statutory threshold applied under Section 95E (1) is adverse effects on a person that are minor or greater.

4.2.3.1 Sites physically adjoining the Subject Site

145 Waitangi Road

This site physically adjoins the subject site to the south (145 Waitangi Road) which contains a residential dwelling an accessory building/shed a vegetable garden, chicken hutch and associated accessory buildings. The site contains established vegetation for approximately 120 metres along the property boundary between the two sites.

The proposed place of assembly building at 151 Waitangi Road is located 5 metres from the adjoining property boundary (145 Waitangi Road) which is an activity that is not anticipated in the Rural Zone.

The agent has offered in part of the further information received on the 19 December 2018 (HDC Ref: HPRM 59548#0292) that the applicant proposes to retain and enhance the vegetation along the infringed boundary, within the applicant's property and have offered to secure it by way of resource consent conditions.

The applicant has indicated in the application that the proposed change in land use will not result in a nuisance from noise generation or the generation of noise above and beyond the standards set out for the Rural Zone.

The applicant has also offered a condition that will help mitigate any reverse sensitivity effects.

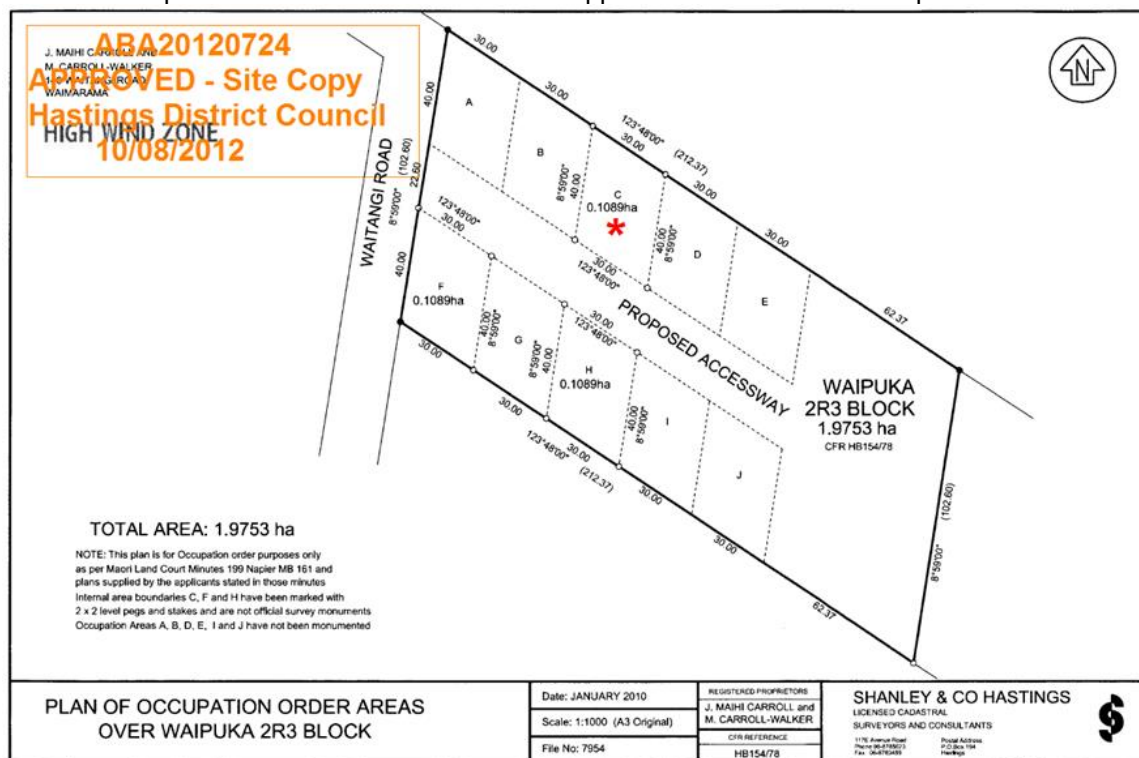
There have been no other mitigations offered by the applicant to address amenity, bulk and location, privacy or character effects.

Overall it is considered that the persons at 145 Waitangi Road, will observe a resultant loss of amenity through the more regular use of the proposed (currently unfinished) building and an increase in place of assembly activities occurring on the site where amenity disturbance maybe experienced. It is considered therefore that a minor adverse amenity effect will be experienced.

152 Waitangi Road

This site is located to the east and on the opposite side of Waitangi Road to the applicant's site. The site has an occupation order contains a Papakāinga development on Lot C and residential buildings on Lots F and H.

The applicant has provided written approval from the owners of the site however a signed site plan has not been provided and therefore the written approval is considered incomplete.



The residential building on Lot F is located approximately 20 metres from the edge of the existing formed Waitangi Road. The traffic impact assessment provided as further information on the 30 April 2019 (HDC Ref: HPRM – 59548#0294) considered that dust effects from the increase of traffic flows would be minimal because traffic flows will not increase significantly along the road and will be at limited times.

Although the applicant has not offered any dust mitigation measures to ensure the occupants of Lot C on 152 Waitangi Road will not incur dust effects that are less than minor caused by the increase in traffic movements (particularly buses) coming in and out of the site at 151 Waitangi Road, it is noted that traffic will be slowing to negotiate the two right angle corners at this point and slowing for entry or exit from the site, so any dust nuisance will be significantly less than elsewhere along the road.

It is not considered that the place of assembly building will have an effect on the amenity and or rural character experienced by the occupants and occupiers of this site.

Overall it is considered that the persons who occupy Lot F at 152 Waitangi Road, may observe a small increase in dust effects caused by the traffic movements associated with the place of assembly activities occurring on 151 Waitangi Road, such that a less than minor adverse dust effect will be experienced.

Therefore it is still considered that these sites at 152 Waitangi Road will experience a less than minor adverse effect.

Waipuka 2N BLK X Kidnappers SD, Waipuka 2T2 BLK X Kidnappers SD, Waipuka 2S1 BLK X Kidnappers SD and Waipuka 2S2 BLK X Kidnappers SD

Given the location of the proposed place of assembly at 151 Waitangi Road, close to the southern boundary it is not considered that the properties identified above are adversely affected by the proposal. The closest site being Waipuka 2N BLK X Kidnappers SD is located at least 75 metres from the place of assembly building which includes the width of Waitangi Road as a physical buffer to the applicant's site. The other properties that are adjacent to 151 Waitangi Road already experience the applicant's residential buildings within close proximity to the property boundary. Given that the proposed place of assembly building will be screened by the existing residential buildings, existing vegetation and located on the opposite side of the site, any adverse amenity effects will be less than minor.

Accordingly it is considered that any effects on persons on these sites are considered to be less than minor.

4.2.3.3 Any Other Persons

The separation between the subject site and sites other than those identified above is such that persons on these sites are unlikely to experience an adverse effect associated with noise, visual amenity or traffic generation.

As such, other persons in the wider environment are not considered to be adversely affected by the proposal and are not likely to be affected in terms of amenity in a way that can be considered to be minor or more than minor.

4.2.3.4 Summary of Limited Notification Assessment

On the basis of the above analysis it has been determined that there are Affected Persons in terms of Section 95E of the Resource Management Act 1991.

4.2.4 Step 4 Further notification in Special Circumstances

It is considered that no special circumstances exist in relation to the application that warrant notification of the application to any other persons in accordance with Section 95B(10) for the same reasons as identified above.

4.3 Notification Decision:

For the above reasons and in accordance with Section 95B(9) of the Resource Management Act 1991 it is recommended that the consent authority give limited notification of the application to the following persons:

Address / Legal Description	Owner	Council PID
145 Waitangi Road, Waipuka 2T4 BLX X KIDNAPPERS SD	Mangu Matthews, Myda Matthews and Pehitane Potaka	58265

Recommended by:

**Lisa Rosandich
ENVIRONMENTAL PLANNER (CONSENTS)**

Decision issued under Delegated Authority by:



**Murray Arnold
ENVIRONMENTAL CONSENTS MANAGER
PLANNING AND REGULATORY SERVICES**

Date:

27 June 2019

Item 2

Attachment C



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz
TE KAUNIHERA O HERETAUNGA

FORM 13**SUBMISSION ON LIMITED NOTIFIED RESOURCE CONSENT APPLICATION RMA20180494**

Date Submission Received: _____

Date Submissions Close: Friday 2 August 2019

To: Environmental Planning
Resource Management
Hastings District Council
Private Bag 9002
Hastings 4156

Attention: Liam Wang (Environmental Planner – Consents)
Email: liamw@hdc.govt.nz

PERSON(S) MAKING SUBMISSION:

Full Name of Submitter(s):

Pehitane Potaka and Myda Matthews

APPLICATION:

This is a submission on an application from Kahungunu Health Services (Reference number: RMA20180494)

DESCRIPTION OF PROPOSAL FOR WHICH RESOURCE CONSENT IS SOUGHT:

Convert a partially complete 543.5m² building into a place of assembly within an inundation zone that infringes the 15 metre side yard setback.

1. **The specific parts of the application that my submission relates to are:**
(Please continue on separate sheet(s) if necessary)

The whole application.

2. **My submission is:** (whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views. (Please continue on separate sheet(s) if necessary)

Oppose, as explained on separate sheets.

Page 1 of 3



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 5000
 www.hastingsdc.govt.nz
 TE KAUNIHERA O HERETAUNGA

3. I / We seek the following decision from the Hastings District Council:

(Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought) (Please continue on separate sheet(s) if necessary)

Decline, as explained on separate sheets.

4. I wish to be heard in support of my submissions, or ☒
- I do not wish to be heard in support of my submissions ☐
5. If others make a similar submission I will consider presenting a joint case with them at any hearing, or ☒
- I do not wish to present a joint case ☐

Signed: 

Date: 2-8-2019

Address for service of submitter: (if an organisation, include contact person)



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9602
Phone 06 871 5000
www.hastingsdc.govt.nz

TE KAUNIHĀRA O HERETAUNGA

John Potaka - C/- Hastings Police
205 Railway Rd, Hastings

Daytime Phone No: 021 913250 Fax No: _____

E-Mail: john.potaka@police.govt.nz

Note:

1. The closing date for serving submissions on the consent authority is the 20th working day after Limited Notification is given under Section 95B of the Resource Management Act 1991.
2. You must serve a copy of your submission on the applicant (details in attached application and cover letter) as soon as reasonably practicable after you have served your submission on the Hastings District Council.
3. A signature is not required if you make your submission by electronic means.
4. If you wish for the application to be heard by independent commissioner(s) rather than the council, this can be requested up until 5 working days after the close of submissions. (Note: requesting independent commissioner(s) is subject to costs)
5. No submission can be made in regard to trade competition
6. All submissions (including name and contact details) are published and made available to elected members and the public. Personal information will also be used for the administration of this resource consent.
7. Where an email address is provided under section 352 of the Resource Management Act 1991 this will be maintained the default address for service of documents in respect of this application, unless the submitter specifically requested otherwise.

**Additional Sheets to Form 13**

To: Hastings District Council

From: **Pehitane Potaka and Myda Matthews**

Date: 2 August 2019

Re: **Submission in Opposition to RMA20180494**

SUPPORTING INFORMATION TO FORM 13

The following additional information provides the 'additional sheets' referred to on the Form 13 submission of Pehitane Potaka and Myda Matthews ("the submitters") in regard to section 2 ('My submission is') and section 3 ('We seek the following Decision from the Hastings District Council').

2. MY SUBMISSION IS...

The submitters **oppose** the application with the reasons for this opposition set out as follows.

Effects More than Minor

The effects of the proposed activity are more than minor on the submitters for the following reasons:

Visual

The building is 36m long and 6.8m high and only 5m from the submitter's boundary, forming a visual barrier for views from their property to the north east, given the other building development already adjacent to that boundary. The 'subject building' blocks the open space that would generally be expected in a Rural Zone environment.

Privacy and Amenity

This is of particular importance to the submitters who should have the right to be able to enjoy the privacy and amenity of their Rural Zone property. An additional 'Place of Assembly' building adjacent to their boundary and within close proximity to their dwelling adversely effects their privacy and amenity. The mezzanine floor will provide potential overlooking effects from guests staying in the subject building, or other users of that building. Privacy and anonymity are of particular concern to the submitters, given that Mr Potaka works for the New Zealand Police.

Use of the subject building will bring the Place of Assembly activity on the applicant's site much closer to the submitters' dwelling at the north western end of the property. The closest existing Place of Assembly Building is approximately 110m from the submitters' dwelling, while the subject



building is only some 30m from the corner of their dwelling and 5m from their boundary. It is noted that the subject building is closer to the submitters' dwelling than the applicant's dwelling.

According to the further information letter dated 19 December 2018, the 543.5m² subject building brings the total site building coverage to 'approximately 2,334m²' and the Place of Assembly gross floor area to 1,261m². With all of the Place of Assembly Buildings and the majority of the site coverage concentrated on the south western portion of 151 Waitangi Road adjacent to the submitter's boundary, the cumulative effects of building bulk and associated people activity is significantly more than what should be expected on a Rural Zone site.

In comparison to activities that could be expected in the Rural Zone, it is noted that the proposed Place of Assembly gross floor area to 1,261m² is well above the permitted activity thresholds for different types of residential accommodation in the District Plan. The Rural Zone provides for one residential dwelling and a supplementary residential building of a maximum floor area of 100m² and for commercial activities (including visitor accommodation and other hospitality-based activities) of up to 100m² maximum gross floor area. In addition, 125m² of seasonal worker accommodation is permitted. Adding all of these accommodation-based activities together a primary dwelling and a maximum of 325m² of additional accommodation floor area is what the District Plan permits on a Rural Zone property.

In summary, the privacy and amenity effects of an additional 543.5 m² of Place of Assembly building floor area within 5m of the submitter's boundary and 30m of their house are significant and will affect the submitters' well-being and the use and enjoyment of their property.

Noise

The accommodation of groups of visitors, including overnight, has the potential to create noise nuisance to the neighbours. The submitters are concerned that the potential noise source would under this proposal be coming considerably closer to their dwelling and outdoor living area compared to the current location of the Place of Assembly buildings at the front of 151 Waitangi Road.

Traffic

The submitters are concerned about traffic safety and the effects of dust nuisance and additional road maintenance that the additional activity will generate on the 'Māori Road' length of Waitangi Road which connects both the submitters' property and the applicant's property to the public section of Waitangi Road. It is noted that the District Plan requires a private road serving 7 - 20 household units in the Rural Zones requires a 5.5m wide formed width (accommodating 2x2.75m lanes) to comply with Standard 26.1.6A(1)(c) and Table 26.1.6.1-2 to provide a complying access to a public road. As confirmed by the Traffic Solutions Ltd Traffic Assessment provided by the applicant, the formed width of the existing private road (or Māori Road) is 'typically 4.6m', which is not sufficient for opposing vehicles to pass easily. Although this is an existing situation of the private or Māori



Road not meeting the expected District Plan standard, the proposed intensification of the existing activity with an additional 543.5 m² of Place of Assembly building will exacerbate the situation.

Once the building is operating as a Place of Assembly it would be very difficult to control the activity on the site to within the assumptions used in the Traffic Solutions Ltd Traffic Assessment of 10 trips per hour for 2 hours per week. During the summer season there is likely to be a higher demand for the use of the facility, giving greater potential for potential traffic safety, dust and amenity effects to be generated.

This likely traffic increases of the proposed activity will give rise to an adverse economic effect on the submitter and other users of the Waitangi Māori Road who are responsible for paying for the maintenance of that road. In this way other users of Waitangi Road are affected by this application but with the limited notified status of the application have no ability to submit on it. It is noted that the Traffic Solutions Ltd Traffic Assessment includes the following statement¹:

As already indicated, there are several curves along the private part of the road. Only one of these is wide enough to enable a large vehicle such as a bus to pass another vehicle. Since this is a private road the Council has no authority over it, and any effects are only of concern to the co-owners of the road. It is recommended that the operator consults with other co-owners of the road with a view to providing some widening at the curves, if expected traffic flows unduly obstruct others using the road after the place of assembly becomes operational.

This statement supports the conclusion that other users of Waitangi Road are affected by the proposed extension of the Place of Assembly at 151 Waitangi Road.

District Plan Objectives and Policies

The following objectives and policies of the Rural Resource Strategy (section 2.8) are relevant to consider in the assessment of this application:

POLICY RRSP2 Provide for a wide range of activities to establish, which complement the resources of the rural area, provided that the sustainability of the natural and physical resources of the area is safeguarded.

Explanation: The District Plan will enable a wide range of activities both within and beyond the traditional agricultural field to be established throughout the rural areas. However, their establishment and the scale of them, will not be allowed to occur in a manner that threatens the long term sustainable and economic use or enjoyment of the Hastings District's natural and physical resources, including the versatile land of the Heretaunga Plains. The Council will ensure that activities of a commercial or industrial nature will not have an adverse effect on the sustainability of the established Commercial and Industrial Zones in the District.

OBJECTIVE RRSO2 To enable the efficient and innovative use and development of rural resources while ensuring that adverse effects associated with activities are avoided, remedied or mitigated.

¹ Page 6

Considering Policy RRSP2 the proposed activity, due to its scale, will threaten the submitters' sustainable and economic use and enjoyment of their rural land resource. Similarly, regarding objective RRSO2, the proposed intensification of Place of Assembly activities at 151 Waimarama Road does not avoid, remedy and mitigate the adverse effects on the submitters (as established above). The proposed activity is therefore not consistent with the objectives and policies of Section 2.8 of the District Plan.

The Rural Strategic Management Area Section (5.1) includes the following objectives and policies:

OVERARCHING OBJECTIVE RSMO1 *The primary production role and associated amenity of the Rural environment is retained.*

POLICY RSMP2 *Require that activities and buildings in the Rural SMA are of a scale that is compatible with that environment.*

Explanation *The physical characteristics of the Rural SMA are linked to the identity of the District. Hastings has traditionally been identified with orcharding and cropping on the Plains, and pastoral use and forestry on the hills. While the Council wishes to ensure that there is flexibility of land use in the rural environment, the impacts of these activities on the visual and amenity values of the rural area needs to be considered. Commercial and industrial activities are being provided for in the Zone up to a certain scale so that the impact on rural amenity is safeguarded.*

Policy RSMP2 seeks compatibility with the rural environment and consideration of visual and amenity values. While Places of Assembly are not specifically referred to it is noted that the policy only seeks to provide for commercial and industrial activities up to a certain scale to safeguard rural amenity. The submitters' position is that consenting the proposed additional 543.5 m² of Place of Assembly building floor area will not safeguard rural amenity and nor their amenity within the rural environment.

The Rural Zone Section (5.2) includes the following objectives and policies:

OBJECTIVE RZO2 *Retention of the natural and rural character and amenity values of the Rural Zone.*

POLICY RZP4 *Require that any new development or activity is complementary to the amenity of the Zone which predominantly comprises open pastoral characteristics with low scale and sparsely located buildings.*

Explanation: The Rural Zone is a very diverse part of the District and the topography varies significantly. It includes the ranges that separate the east coast from the west and therefore a large area of native vegetation falls within this area. Similarly some of the higher country in this Rural Zone has also been planted in forest providing some diversity in land cover. However the principal land use that contributes to the character of the Zone is the pastoral use of the land. Vast areas of largely rolling hill country farmed as sheep and beef units comprise the larger part of the natural character of the Zone. More recently vineyards have begun to expand off the Plains Production Zone and into the wider Rural Zone. Any development that is not a traditional component of these land uses should not detract from the amenity and character of the Zone. While horticultural operations are largely located in the Plains Production Zone there are some areas in the Rural Zone that are used for horticulture. As technology changes there may be further increases in the extent of horticulture in the Rural Zone.

POLICY RZP5 Require limits to be placed on the scale and intensity of any industrial and commercial activity locating within the Zone to maintain the amenity of the area, the sustainable management of the soil resource and the sustainability of the District's Commercial and Industrial Zones.

Explanation: There has been a clear message that the landowners who undertake traditional pastoral activities on their properties require the ability to use their land in a more flexible manner. The 2003 District Plan provided for commercial and industrial activities to be established with controls over the scale of the activity. The Council wishes to continue to provide for such activities but at a scale that is both beneficial to the landowner and does not have adverse effects on the environment or the neighbouring property owners. Land uses that are likely to be established are most likely to be industrially related and for this reason the existing Rules have been re-examined. This has shown that a 100m² building does not provide the flexibility that is required to initiate an industrial use. An increase in the floor area of the building for a Permitted activity has been provided. A consistent approach to the floor area of industrial and commercial activities has been provided. It is important that the floor area is not out of scale with the size of buildings associated with the traditional farming activities in the Zone. Nor should buildings be of a scale that is more appropriately located in an Industrial or Commercial Zone. The District's Commercial and Industrial Zones contain a significant investment in physical resources and enable the economic benefits of clustering of such activities to be achieved so it is important that these Zones are not undermined by activities of an inappropriate scale or with no tangible tie to the Rural Zone establishing in that Zone.

This objective and policies follows a similar theme to those quoted above from sections 2.8 and 5.1 of the District Plan in regard to retaining the amenity values of the Rural Zone, with the submitters being concerned that amenity values are not being retained by the application, particularly as experienced from their property.

Policy RZP4 specifically refers to a character of open pasture and low scale and sparsely populated buildings. The development of 151 Waitangi Road is clearly not consistent with this policy with the subject building removing the remaining open and low scale character that the site had, particularly as viewed from the submitters' property.

While Policy RZP5 is specific to industrial and commercial activities it is still relevant to consider as the proposed activity is akin to a commercial activity (as explained further below) such as a school camp, with groups able to hire out the accommodation and recreation facilities. As discussed above the proposed activity is already well above the 100m² permitted for Commercial Activities with the additional 543.5m² of Place of Assembly building floor area giving a total Place of Assembly Floor Area of 1,261.5m². The following statement in the explanation of Policy RZP5 is particularly relevant:

The Council wishes to continue to provide for such activities but at a scale that is both beneficial to the landowner and does not have adverse effects on the environment or the neighbouring property owners.

While the proposed additional Place of Assembly activity may be beneficial to the landowner it does have adverse effects on the environment and on the neighbouring property owners and in this regard is not consistent with this policy.



Due to the non-complying nature of Places of Assembly in the Rural Zone there are no specific objective and policy references to them. The objectives and policies referred to above however all have a consistent theme of retaining the character and amenity of the rural environment and limiting the scale of non-land-based production related activities. The proposed activity does not achieve these themes and cannot be considered to be consistent with the objectives and policies and indeed from the submitters perspective is contrary to those objectives and policies.

Other District Plan Provisions

Definitions

The District Plan definitions of Places of Assembly and Commercial Activities are respectively set out as follows:

Commercial Activity: means the use of land or buildings for the display, offering, provision, sale, repair or hire of goods, equipment or services; and includes commercial service activities, but excludes helicopter depots.

Places of Assembly: means land and/or buildings used for the public and/or private assembly of people, primarily for worship, education, recreational, social, ceremonial, cultural, and spiritual activities for meditation, and functions of a community character. May include a church, church hall, church yard, and marae. Any charges for entry into or use of the facility may only be made by groups or organisations operating on a non-profit making basis.

The proposed activity can meet either of these definitions. Part of the proposal is to offer the service of an accommodation base for school and other groups which is consistent with the definition of 'commercial activity'. This provides a basis for the assessment of the application against those objectives referencing industrial and commercial activities as set out above.

Section 26.1 Transport and Parking

The application assesses the activity as complying with section 26.1 and this is accepted in the Council notification report. The application does not however comply with standard 26.1.6A(1) Access to Property:

(a) Every owner or occupier shall provide a legal, safe and effective vehicular access to any activity undertaken on a site, and required parking or loading areas from an existing, formed legal road, to enable vehicles to enter the site, except where the site has Designated Retail Frontage (see Appendix 30) or where the site is within the Flaxmere Commercial Zone.

(c) The minimum legal widths for private access are contained in Table 26.1.6.1-1 below. Private access to properties shall allow the safe passage from the edge of the road to the legal boundary of the lot for a single site or household unit. For two or more sites or household units or for any Right of Way, formation of the access to the activity undertaken on the site is required in compliance with Table 26.1.6.1-1.

The vehicle access required under 26.1.6A(1) is from an existing formed legal road to the property. This means that the Māori Road section of Waitangi Road from the end of the formed legal to 151 Waitangi Road needs to be formed to comply with Table 26.1.6.1 to meet this standard. As set out under the heading 'Traffic' above, the formed vehicle lane is not of sufficient width for the number of



residential units served to meet this requirement. Accordingly, either the Māori Road would need to be upgraded to meet the required standard or resource consent would also need to be sought under section 26.1 of the District Plan.

The District Plan Outcome for this standard is:

Vehicular access will be provided to all Sites, to facilitate the Use of the Site for activities and shall be safe and efficient.

The access from the end of the public road, over the Māori Road is neither safe or efficient for the traffic that the intensification of the Place of Assembly may generate, particularly during the summer months and in consideration of the traffic generated by existing activities.

Part 2 of the Resource Management Act 1991

As there is not reference to Places of Assembly in the Rural Zone rules (other than when located within proximity of Intensive Rural Production Activities), it is appropriate to consider Part 2.

Section 5 of Part 2 is of particular relevance:

5 Purpose

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

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

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The proposed extension of the Place of Assembly activities at 151 Waitangi Road will not provide for sustainable management as it will not enable the submitters to provide for their social, economic, and cultural well-being and for their health and safety in residing at their Rural Zone property with a reasonable level of amenity and privacy. Further to this the application does not avoid, remedy or mitigate the adverse effects of the Place of Assembly activity on the submitters.

WE SEEK THE FOLLOWING DECISION FROM THE HASTINGS DISTRICT COUNCIL

As set out in Form 13 the decision sought is to decline the application. This will result in an unfinished building being left 5m from the submitters boundary. As this building does not have building consent and in itself adversely effects the submitters amenity the submitters seek that it be removed. Further to this, if a building of this size remains on the property, over time its use may revert to supplementary accommodation regardless of compliance with the District Plan.

In the event that the hearings commissioners do not find in favour of having the building removed, the submitters request that the application be declined and that the building only be permitted to be used as an accessory building for the permitted residential and rural use of the applicant's property.

Submission prepared on behalf of P Potaka and M Matthews by consultant planner:



Philip McKay

Associate

Mitchell Daysh Ltd

Email address: philip.mckay@mitchelldaysh.co.nz

Dated: 2 August 2019



SPECIFICATION NOTES

1. Scope

It should be noted that this is a material specification only and that in regard to workmanship, accuracy and quality the requirements of the New Zealand Building Code and appropriate New Zealand Standards apply.

2. Loads

The building is designed to the following criteria:
Loadings in accordance with ANZS1170 and a "Very High" wind speed in accordance with NZS 3604.
Importance level type 2 (ANZS1170) building.
Snow loading $S_g = 1.0 \text{ kPa}$.
Mezzanine Floor load = 2.0 kPa .

3. Site Soils

The soil must have a minimum ultimate bearing capacity of 300 kPa as per the site investigation report by Civil Services Ltd (21 August 2017).
If there is any doubt as to the adequacy of the subsols a suitably qualified person must be consulted and his/her instructions implemented prior to continuing construction.
Footing depth shall be taken from natural ground level and excludes any unconfined fill.

4. Concrete

All concrete shall develop minimum 28 day cylinder strength of 17.5 MPa .

5. Timber

All timber used is to be in accordance with the 50 years durability performance of NZS 3602 and at least of the following types and qualities:-
Structural grade SGR Radiata Pine.
All round timber to be Goldpine High density, Treated H5.
All sawn timber treated H3.2.
Grading is to be NZS 3631 or NZS 3618.
All dimensions referred to are to be rough sawn timber.
For allowable moisture content refer Table 4, NZS 3602.
All LVL timber shall be H1.2 treated with a surface spray or H3.1 Azole LOSP. All LVL shall be Carver-Holt Harvey Hyspan LVL13 unless otherwise stated.

6. Cladding

Supply and fit 0.4mm Zincalume® or "Colorsteel" Corrugated profile cladding to the new building, all as shown in accordance with the manufacturer's specification.
Provide and fix 0.55 Zincalume® or "Colorsteel" flashings. Flash the ridge, parapets, barge, gutters, etc, all as shown and as required to properly flash and weatherproof all roofs and metal clad walls.
Flash all sides of all doors, building junctions, etc, to completely weatherproof the detail. Take care to only use like metals in contact or close proximity.

7. Hardware

For proprietary fixings, brackets etc use Pryda products or equivalent. Consult engineer if use of another manufacturers product, other than Pryda, is desired. Grade 304 or 316 stainless steel fixings and fasteners shall be used except in sheltered locations (open to the air, but not rain washed), in zones B and C, in these situations the fixings may comprise galvanneal steel. In zone D use Grade 304 or 316 stainless steel fixings and fastenings. In geothermal areas all fixings require SED, as described in section 4 of NZS3604

8. Reference Documents

Throughout this specification, reference is made to various New Zealand Building Code Compliance Documents, acceptable solutions and verification methods for criteria and/or methods used to establish compliance with the New Zealand Building Code. Reference is made to various New Zealand standards. The latest edition of these standards (including amendment and provisional editions) at the date of this specification applies.
It is the responsibility of the contractor to be familiar with the materials and expert in the techniques quoted in these publications. Documents cited both directly and within cited publications are deemed to form part of this specification.

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Specification Notes

12500/140 HA 09044 - KARRY ON INVESTMENTS

LITIGATION
Sheet 15 of 15

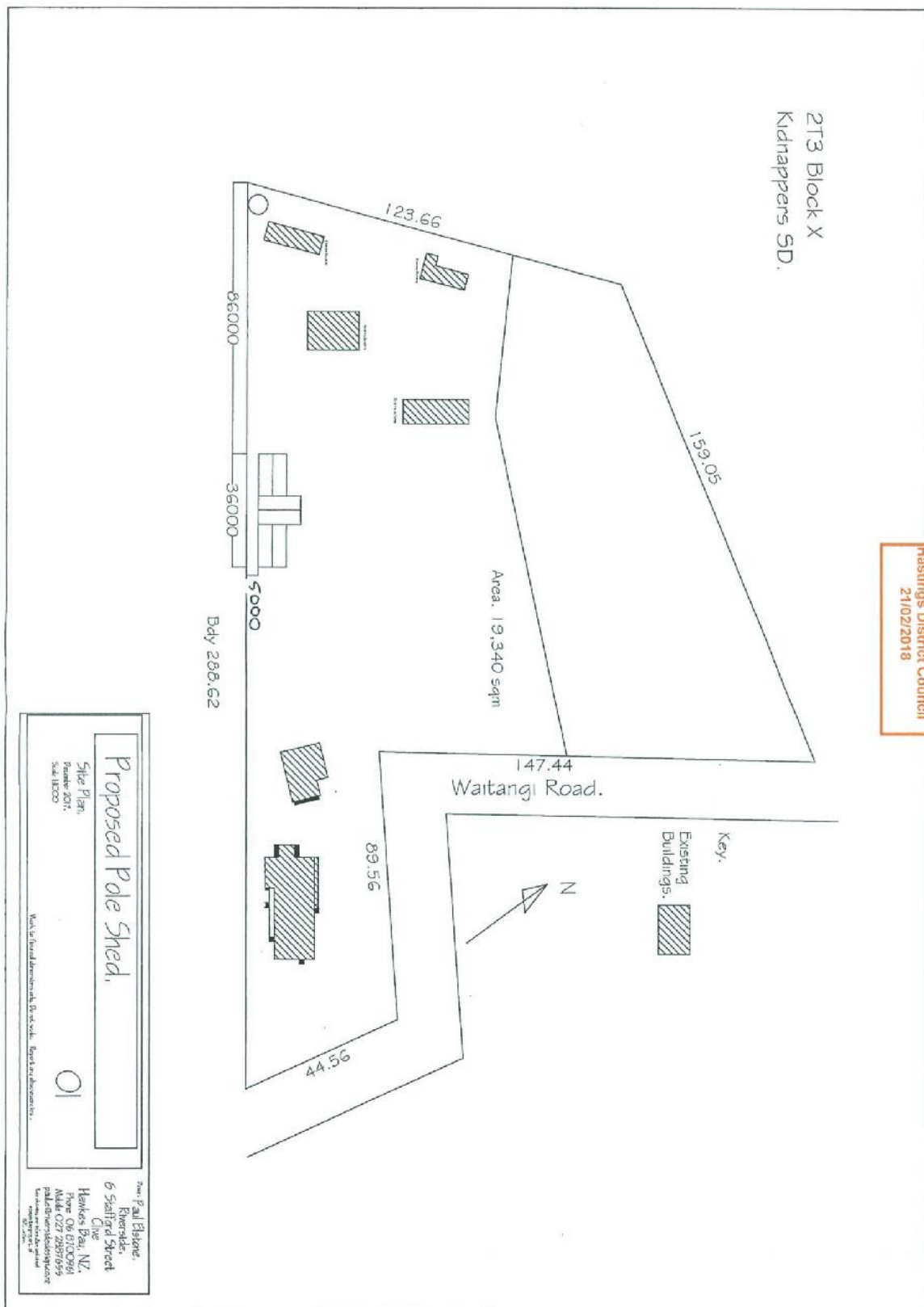
24 November 2017

Item 2

Attachment E

District Plan Check, Kellys 6/01/2018

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MODEL T16

12500/140 HA 09044 - KARRY ON INVESTMENTS

Sheet 1 of 15

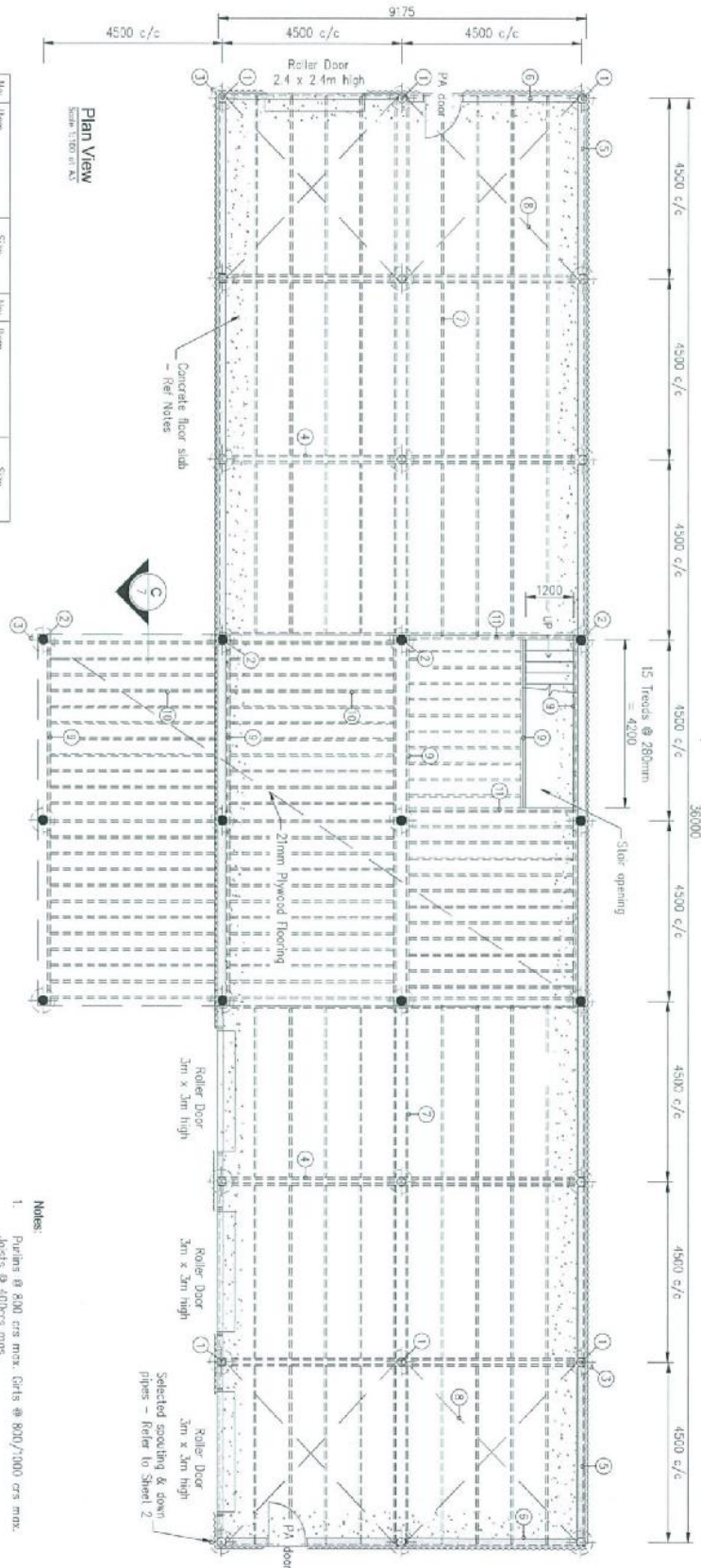
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MODEL T16

CustomGable Plan Layout

14 February 2018

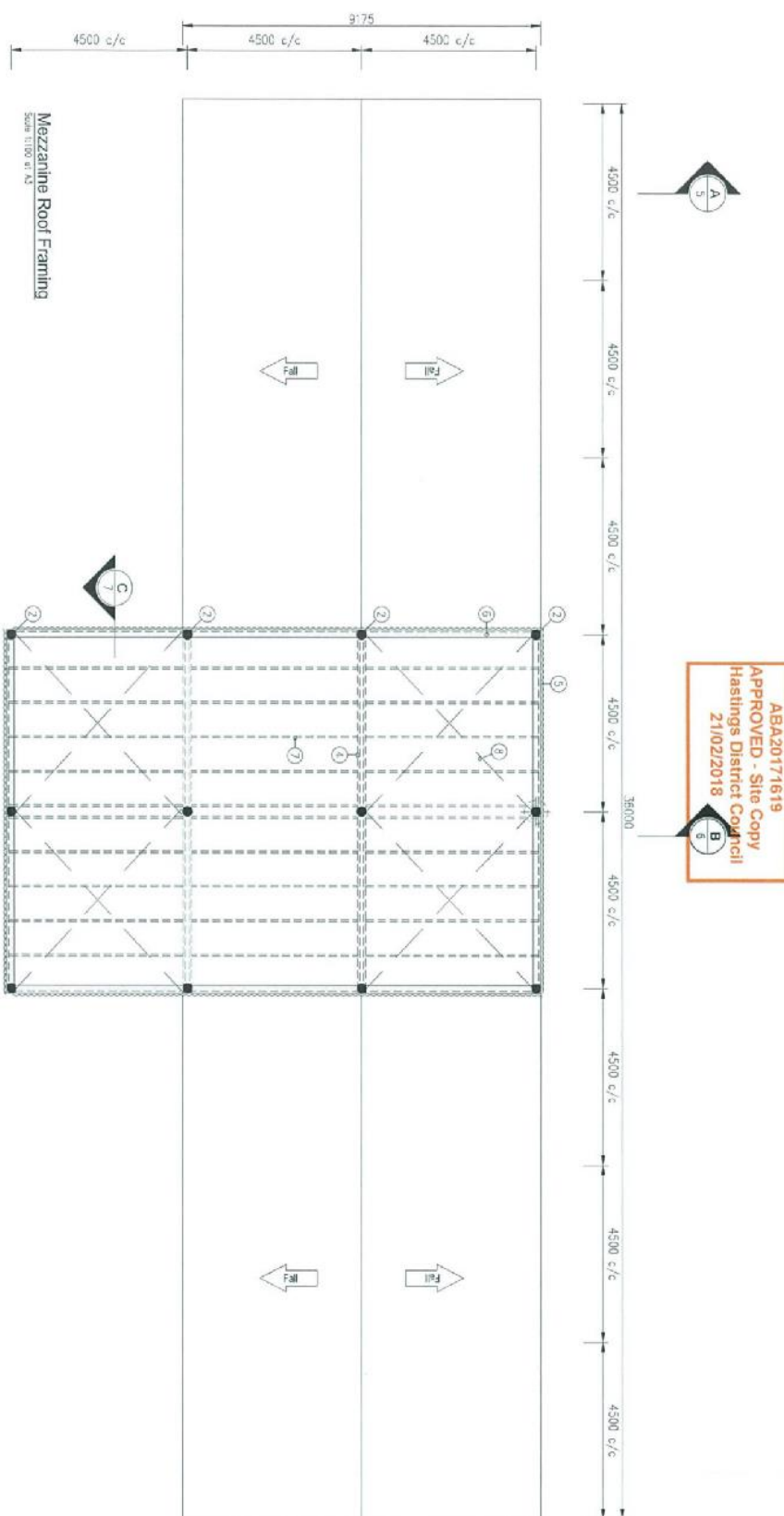
No.	Item	Size	No.	Item	Size
1	Steel poles	#175 SED	7	Purlins	200x50
2	Mezzanine poles	#250 SED	8	Roof plane bracing	Ref. note
3	Concrete footings	#600	9	Mezz Floor Beams	2x300x45 LVL
4	Roofers	2x300x45 LVL	10	Mezz Floor Joists	250x50
5	Rear girts	200x50	11	Slab trimmers	2x240x45 LVL
6	Side girts	200x50			



Notes:

1. Purlins @ 800 c/c max. Girts @ 800/700 c/c max. Joists @ 400 c/c max.
2. Single rafters to each end.
3. Roof plane bracing. Plydo 30mm. Mezz Floor fixed to purlins and rafters with 12/20x3.15h rods each end and two rods to each intermediate purlin.
4. All framing timber SC8 unless otherwise specified.
5. 100mm Concrete slab, S602 mesh centre, 150mm min compacted hardcore fill.





No.	Item	Qty	Unit	No.	Item	Qty	Unit
1	Steel poles	1735	STD	7	Purlins	2200x50	
2	Welding poles	9250	STD	8	Roof plate bracing	Ref. note	
3	Concrete footings	6000		9	Mezz. Floor Beams	2,300x45 L.W.	
4	Walters	2,300x45	L.W.	10	Mezz. Floor Joists	250x50	
5	Roof girts	200x50					
6	Side girts	200x50					

Mezzanine Roof Framing

Scale 1100 at A

Notes:

1. Furnish 400 cfs max. Grits at 800/1000 cfs max. about 450 cfs max.
2. Single rafters to each end.
3. Roof plate bracing: Pyro 51mm Maxi Step floor joists to pulleys with rafters with 12/20.135 cfs each end and two ralls to each intermediate purlin.
4. All framing timber S88 unless otherwise specified.
5. 100mm Concrete slab, S652 mesh central, 150mm and compacted hardcore fill.

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Custom Gable Mezzanine Layout

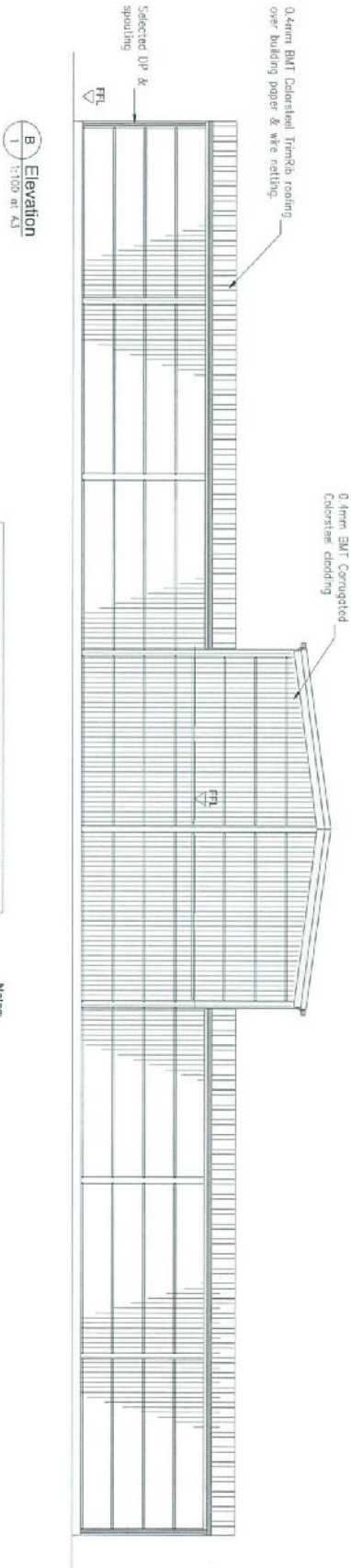
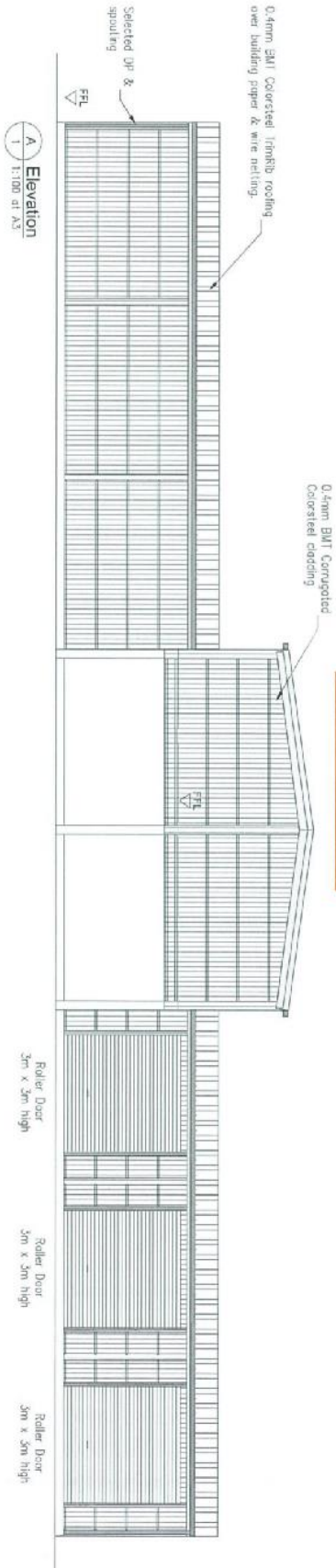
THE UNIVERSITY OF CHICAGO

12500/140 HA 09044 - KARRY ON INVESTMENTS



Sheet 2 of 15

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21/02/2018



Spouting & downpipes for roof plan area = 182m² each side <small>(based on actual slope of 10mm/2m)</small>		
No. downpipes	Cross sectional area of spouting required (mm²)	
1 (min 150mm²)	16845mm²	
2 (min 80mm²)	9330mm²	
3 (min 65mm²)	6726mm²	
4	5385mm²	

- Notes**
1. Spouting & downpipes from (note, note) according to manufacturers guidelines.
 2. All cladding/roofing to be fixed in accordance with manufacturers specifications.

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Sheet Title

Custom Gable Elevations A & B

12500/140 HA 09044 - KARRY ON INVESTMENTS

LTT DESIGN
Sheet 3 of 15

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21/02/2018

0.4mm BMT Corrugated

Coloured cladding

Selected DP & spouting

PA Door

Rider Door

2.4 x 2.4m high

1

C

Elevation

1:100 at A3

0.4mm BMT Corrugated

Coloured cladding

Selected DP & spouting

1

D

Elevation

1:100 at A3

0.4mm BMT Corrugated

Coloured cladding

Selected DP & spouting

Spouting & downpipes for roof plan area = 180m² each side
(based on wind intensity of 100km/h)

No. downpipes

Cross sectional area of spouting required, (m²)

1 (min 150mm)

1684mm²

2 (min 150mm)

9530mm²

3 (min 150mm)

6728mm²

4

5385mm²

Notes

1. Spouting & downpipes from table, install according to manufacturers guidelines.

2. All cladding/roofing to be fixed in accordance with manufacturers specifications.

RISK MATRIX

Wind Zone

Wt

Very High

2

Storeys

M

Partly 2 Storey

1

Roof/ wall intersection

Wt

Apron flashing

5

Loose cladding

Wt

0-100mm

5

Envelope Complexity

L

Simple Rectangle

0

Deck

L

None

0

Total Risk Factor =

15

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GOLDPINE

STRONGBUILT

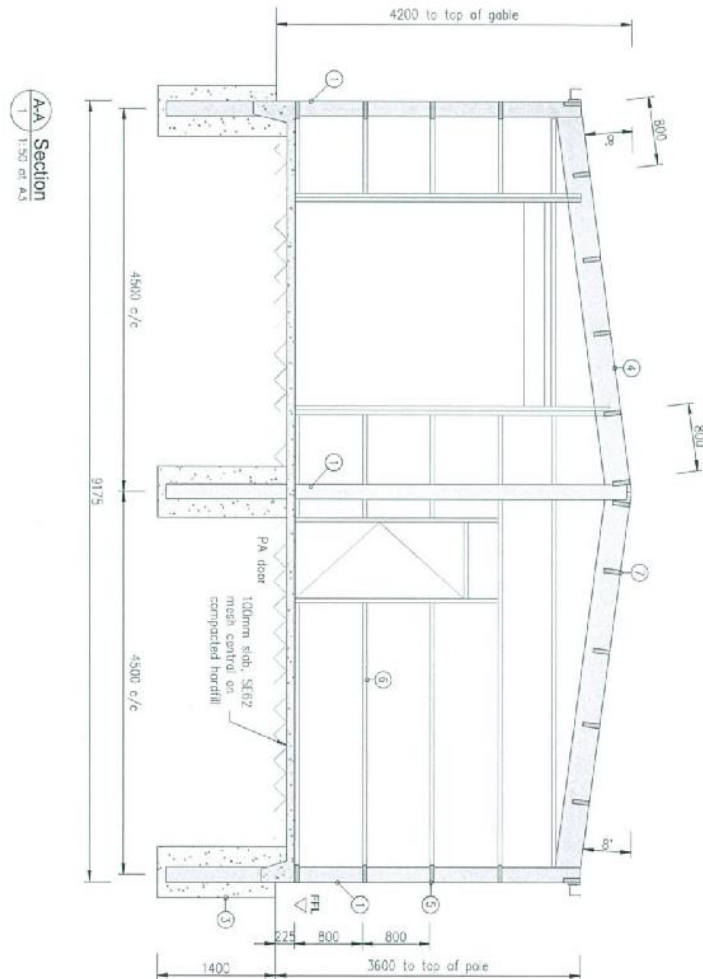
BUILT TOUGH. STAND TOUGH.

12500/140 HA 09044 - KARRY ON INVESTMENTS

14 February 2018

Sheet 4 of 15

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21/02/2018



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SHEET 15A

Custom Gable Section A-A

PROJECT NAME

12500/140 HA 09044 - KARRY ON INVESTMENTS

14 February 2018
LMT DESIGN
Sheet 5 of 15



12500/140 HA 09044 - KARRY ON INVESTMENTS

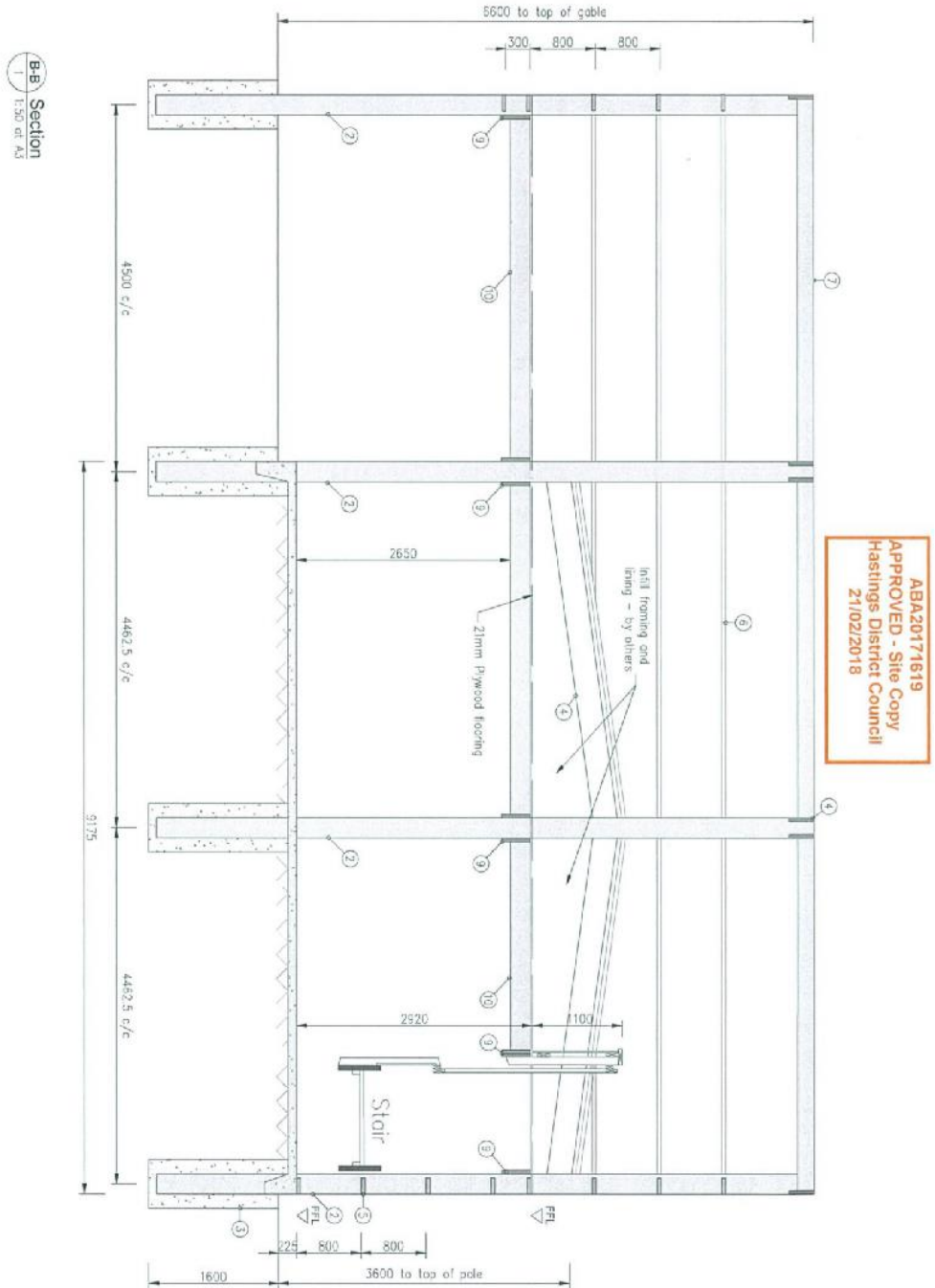
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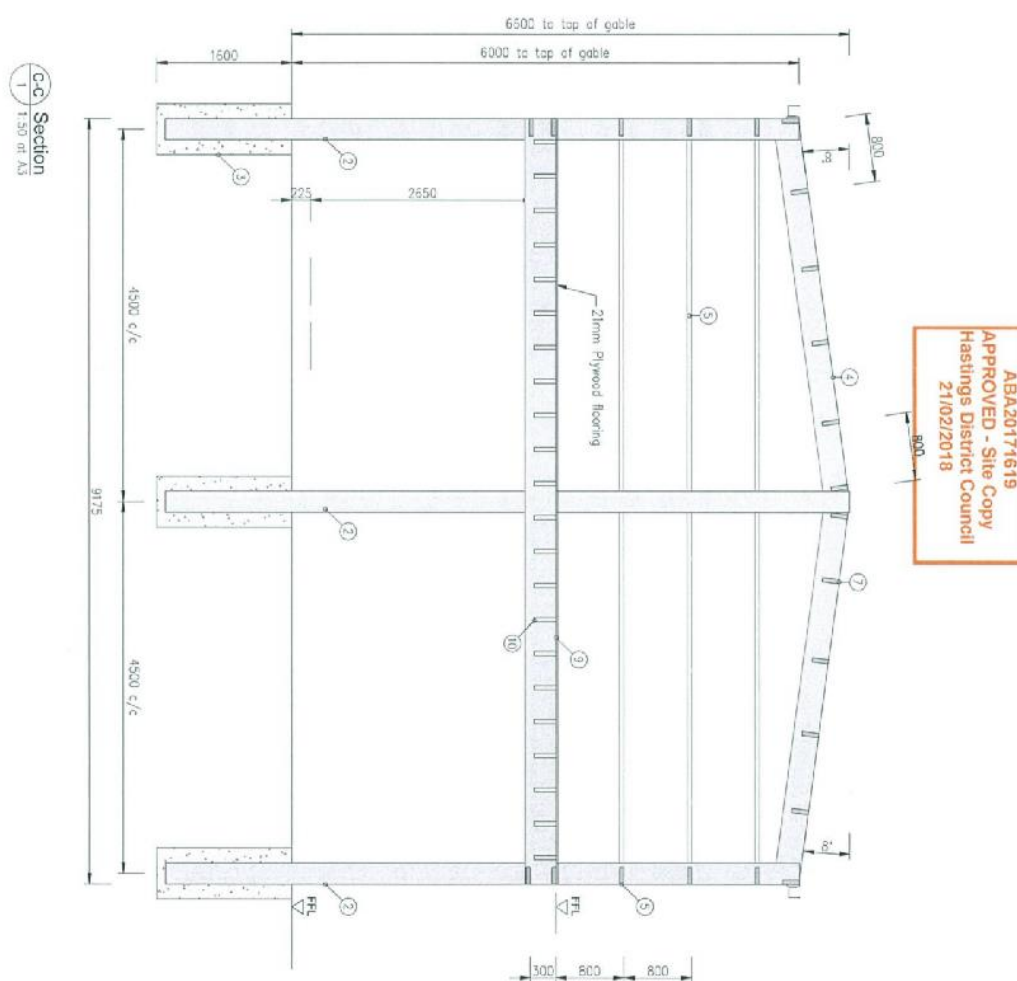
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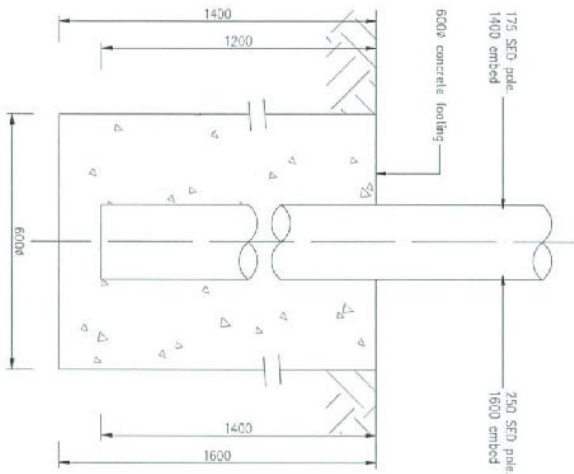


Custom Gable Section C-C

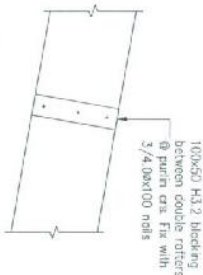
12500/140 HA 09044 - KARRY ON INVESTMENTS

LHT DESIGN
Sheet 7 of 15

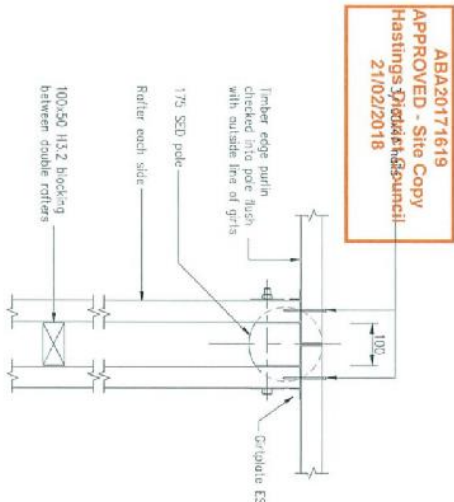
14 February 2018



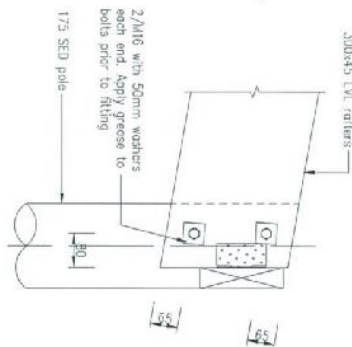
Pole Footing Detail
1:10 or A3



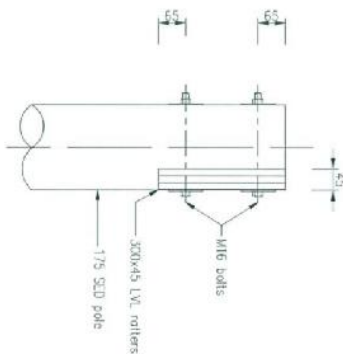
Detail - Solid Blocking
1:10 or A3



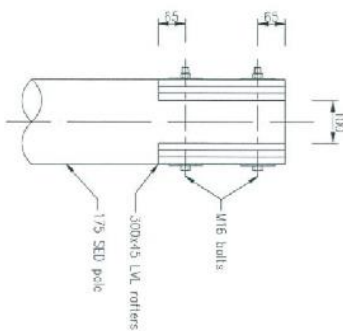
Detail - Double Rafter To Pole - Plan
1:10 or A3



Detail - Rafter To Pole Fixing
1:10 or A3



Detail - Outer Rafter To Pole
1:10 or A3



Detail - Double Rafter To Pole - Section
1:10 or A3



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Sheet Title

Custom Gable Details 1 of 7

14 February 2018

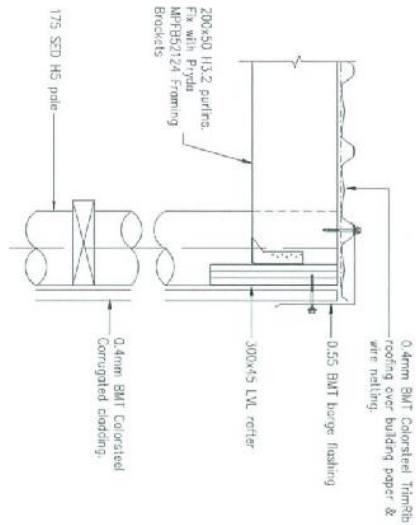
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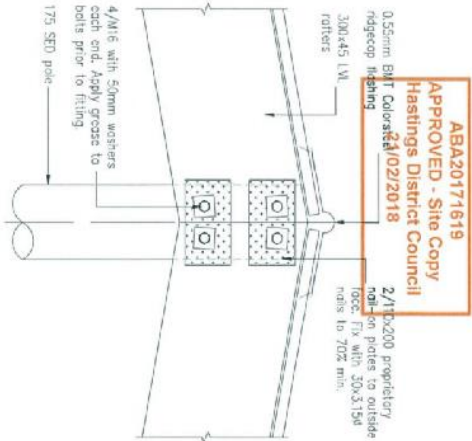


Sheet 8 of 15

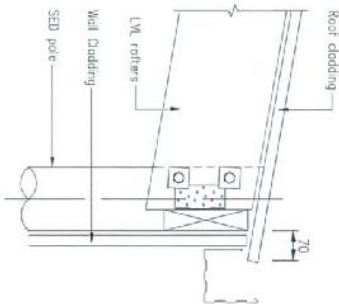
Item 2 Attachment E



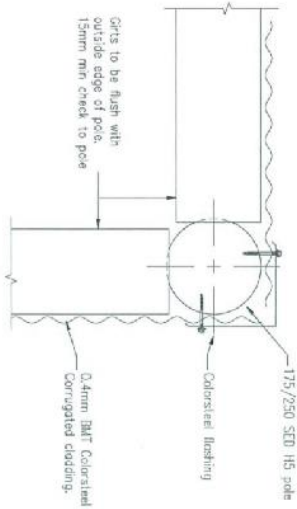
Detail - Barge & Purlin Fixing
1:10 et A3



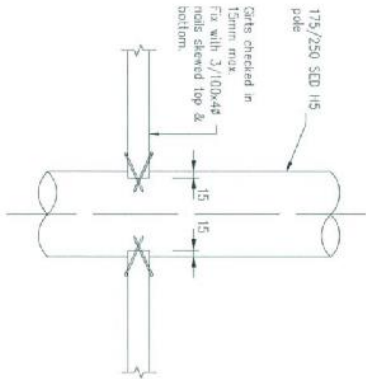
Detail - Gable End Outer Fixing
1:10 et A3



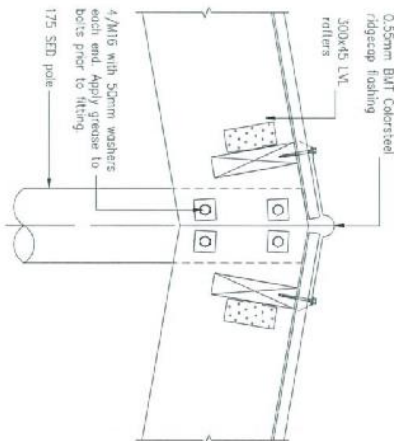
Detail - Eaves Cladding Detail
1:10 et A3



Plan Detail - Girt Fixing At Corner
1:10 et A3



Detail - Girt To Pole Fixing
1:10 et A3



Detail - Gable End With Purlin Fixing
1:10 et A3

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HEET 14

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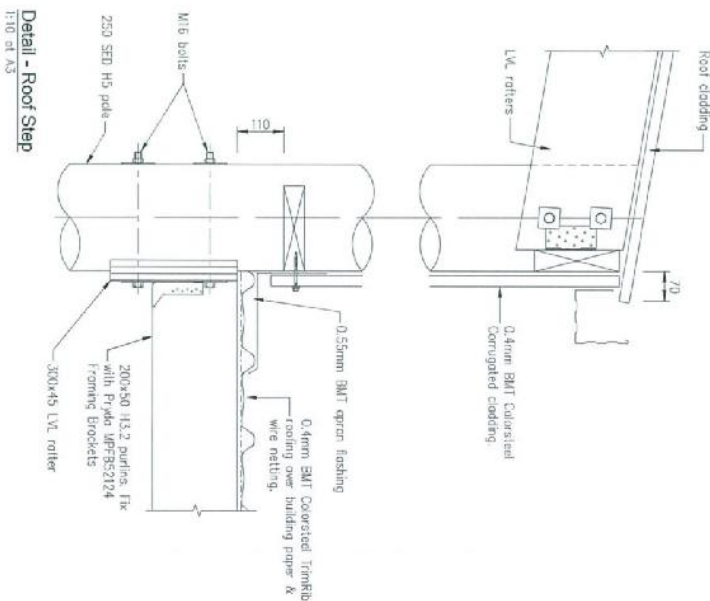
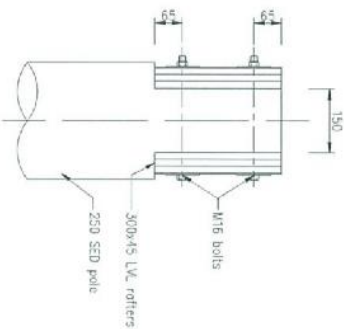
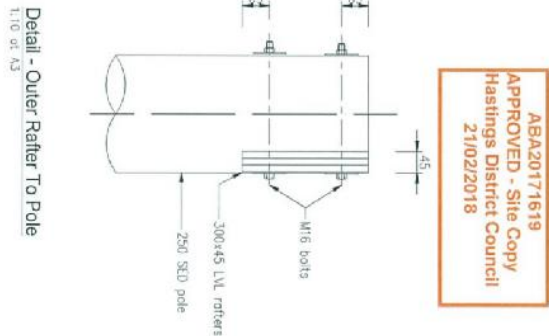
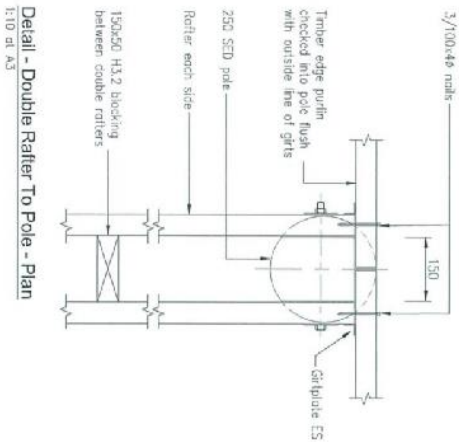
Custom Gable Details 2 of 7

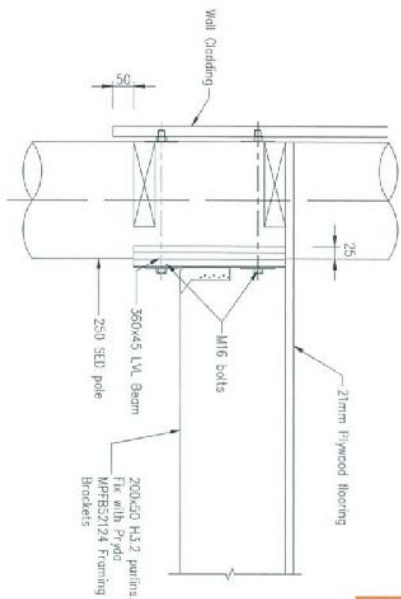


HEET 14

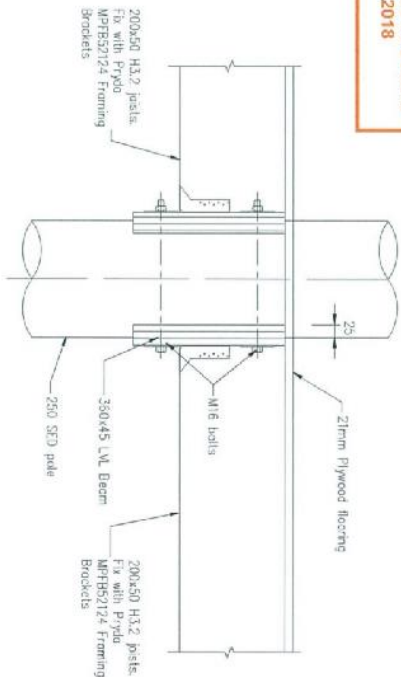
12500/140 HA 09044 - KARRY ON INVESTMENTS

LIT DESIGN
Sheet 9 of 15



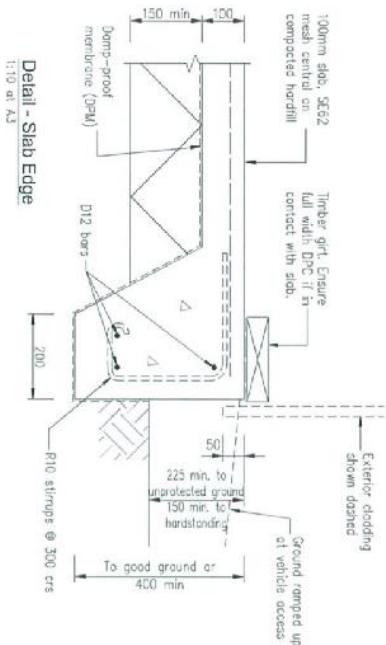


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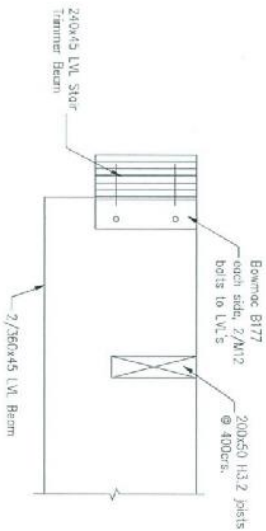


Detail - Mezz Beam to Pole
1:10 at A3

Detail - Mezz Beam to Pole
1:10 at A3



Detail - Slab Edge
1:10 at A3



Detail - Stair Trimmer to LVL Beam
1:10 at A3



3887 TSL

Custom Gable Details 4 of 7
12500/140 HA 09044 - KARRY ON INVESTMENTS

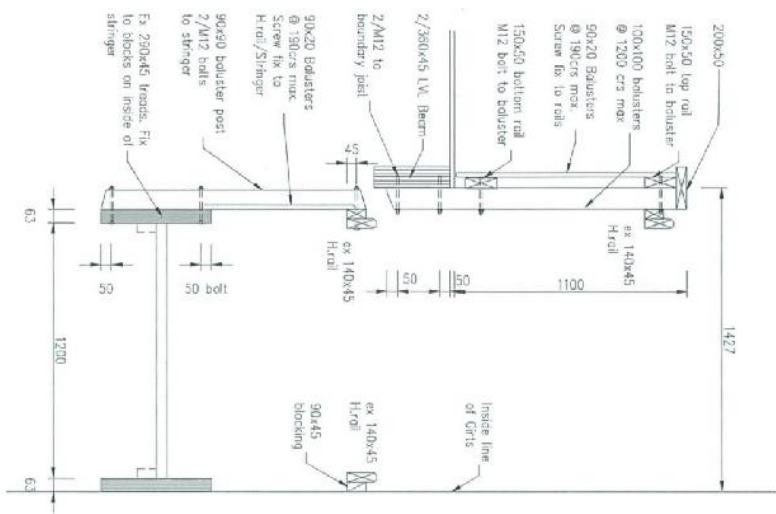


Sheet 11 of 15

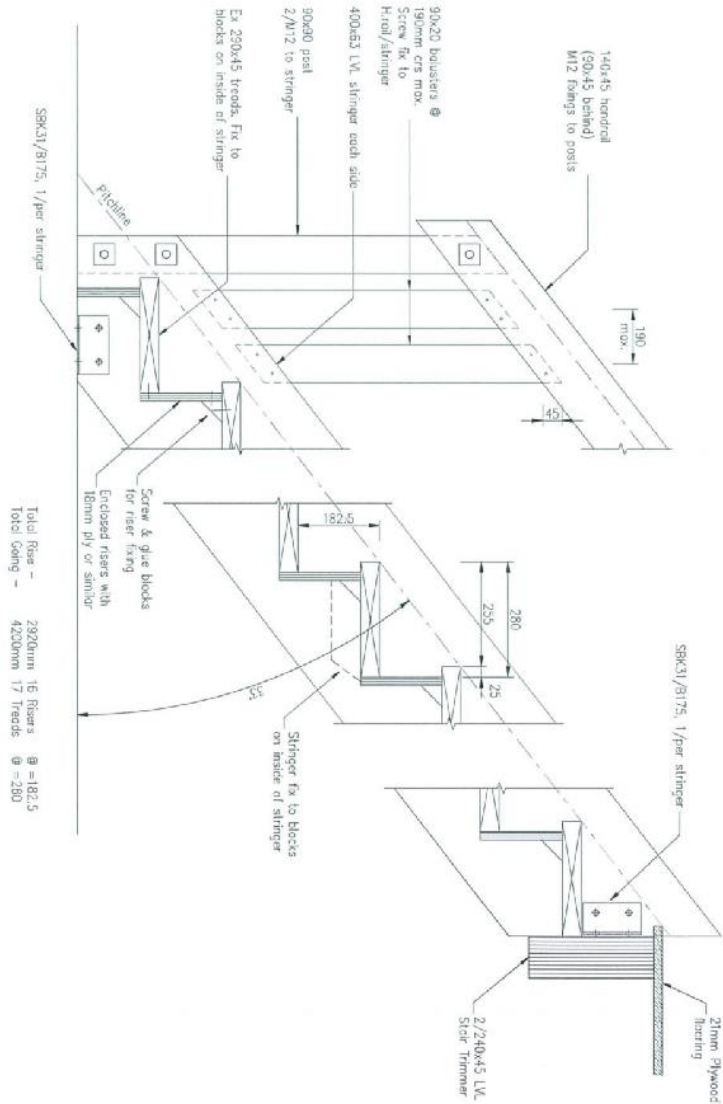
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Detail - Stair & Mezz. Barrier
1:20 at A3



Detail - Stair
1:10 at A3

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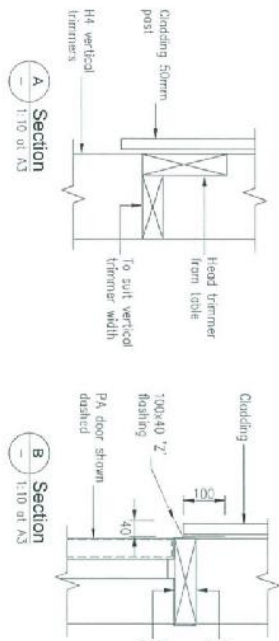
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Custom Gable Details 5 of 7

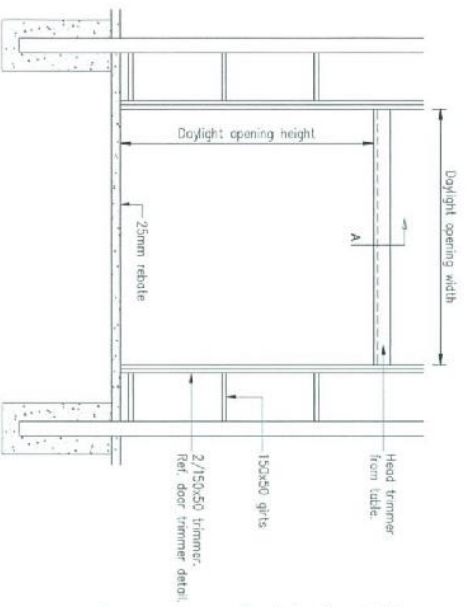
12500740 HA 09044 - KARRY ON INVESTMENTS

LIT DESIGN
Sheet 12 of 15

14 February 2018

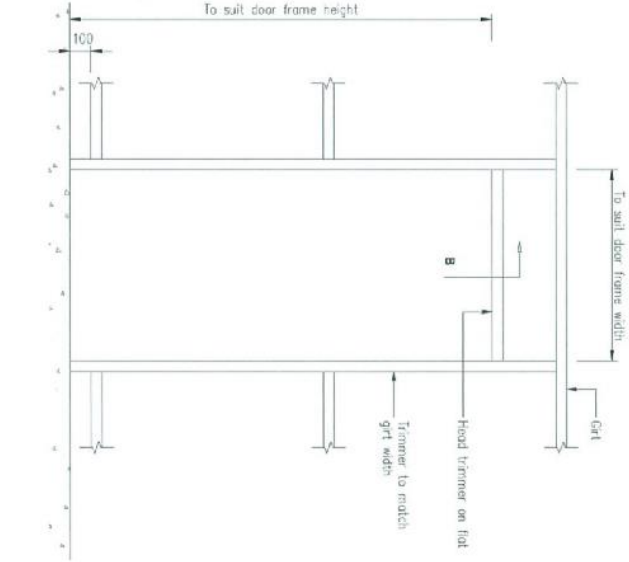
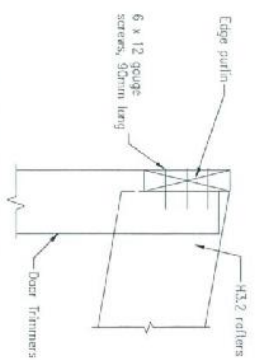


Span	Door Head Trimmer Sizes
0m-2m	150x50 H3.2
2m-3m	200x50 H3.2
3m-4m	250x50 H3.2
4m-5m	300x50 H3.2

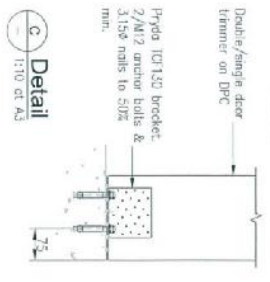


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Door Trimmer

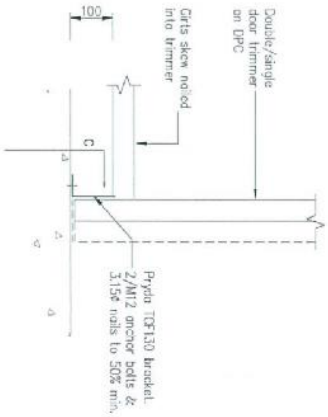
Detail - Typical Jamb Flashing
1:20 or A3



Detail - PA Door Framing
1:20 or A3



Detail
1:10 or A3



Detail - Door Trimmer
1:10 or A3



PROJECT TITLE

12500/140 HA 09044 - KARRY ON INVESTMENTS



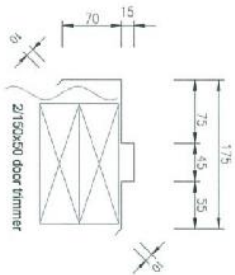
Sheet 13 of 15

Custom Gable Details 6 of 7

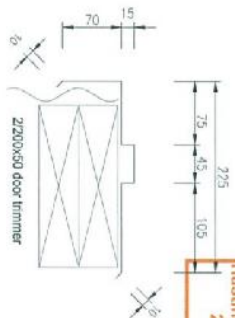
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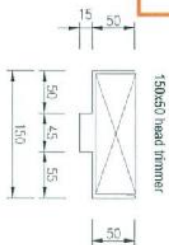
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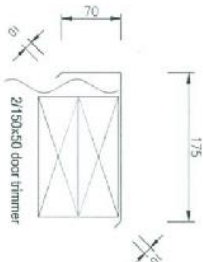
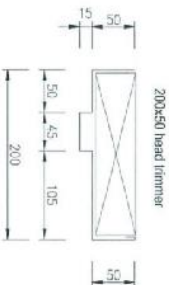
PA Door Jamb Flashings



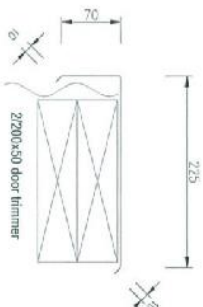
* For Impairance level 2 buildings, flashings must cover 2 connections min.



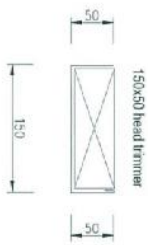
PA Door Top Flashings



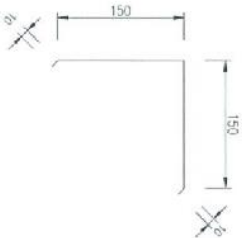
Roller Door Jamb Flashings



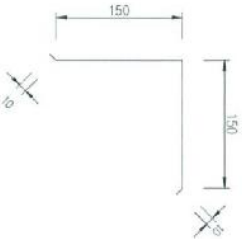
* For Impairance level 2 buildings, flashings must cover 2 connections min.



Roller Door Top Flashings



Corner Flashing



Barge Flashing



Ridge Flashing



Apron Flashing



PRODUCT TITLE

Custom Gable Details 7 of 7
12500/140 HA 09044 - KARRY ON INVESTMENTS



Sheet 14 of 15

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SHEET TITLE

14 February 2018

DRAWING CONTENTS		SHT
<hr/>		
SITE PLAN	1	
DRAINAGE PLAN	2	
GROUND FLOOR PLAN	3	
1ST FLOOR PLAN	4	
ELEVATIONS	5-6	
SECTION A-B	7	
DECK PLAN & DETAILS	8	
DETAILS	9-11	

REVISION	A
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TE HUIA SHED

151-163 WAITANGI ROAD, WAIMARAMA

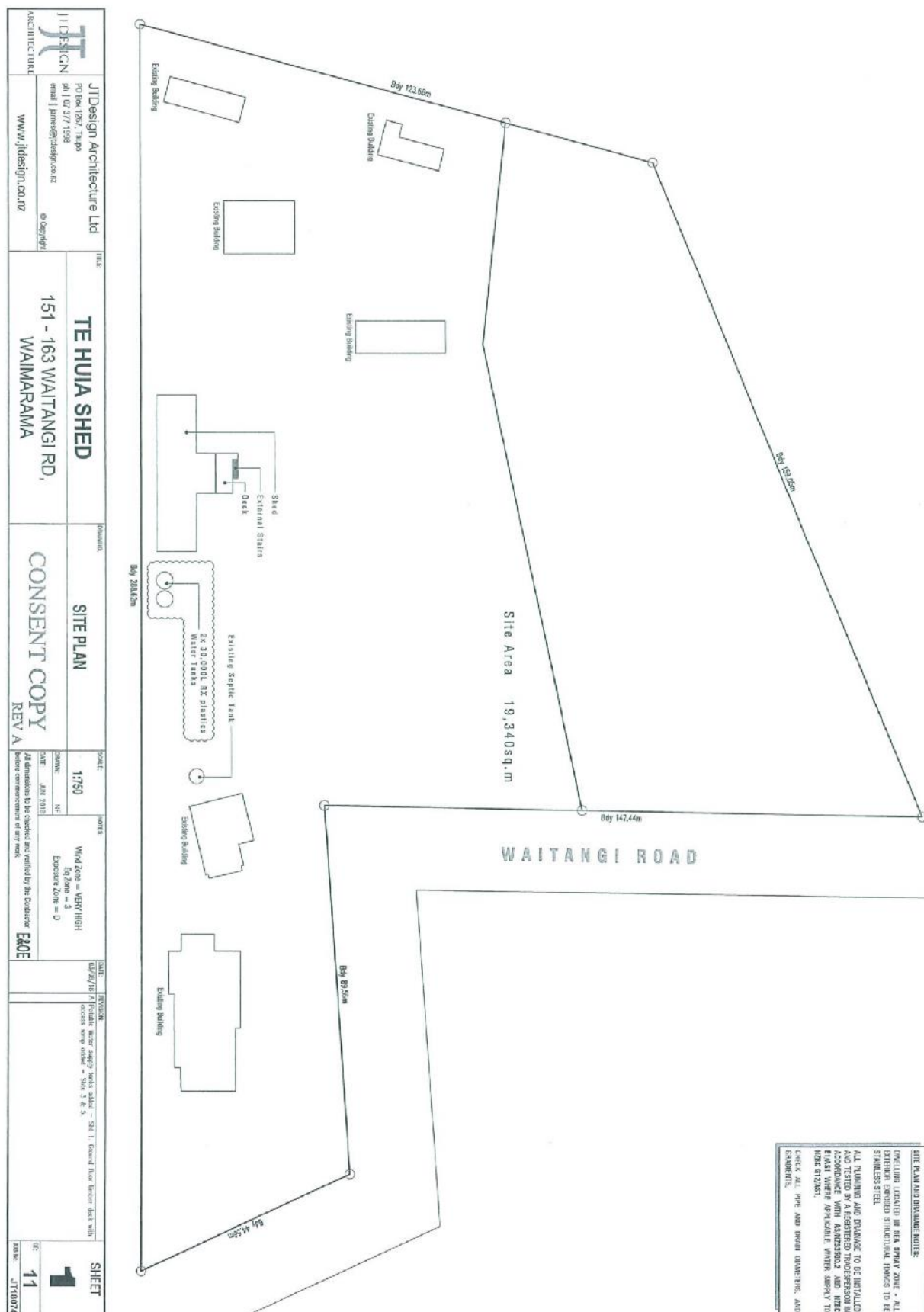
TRUSCON ARCHITECTS

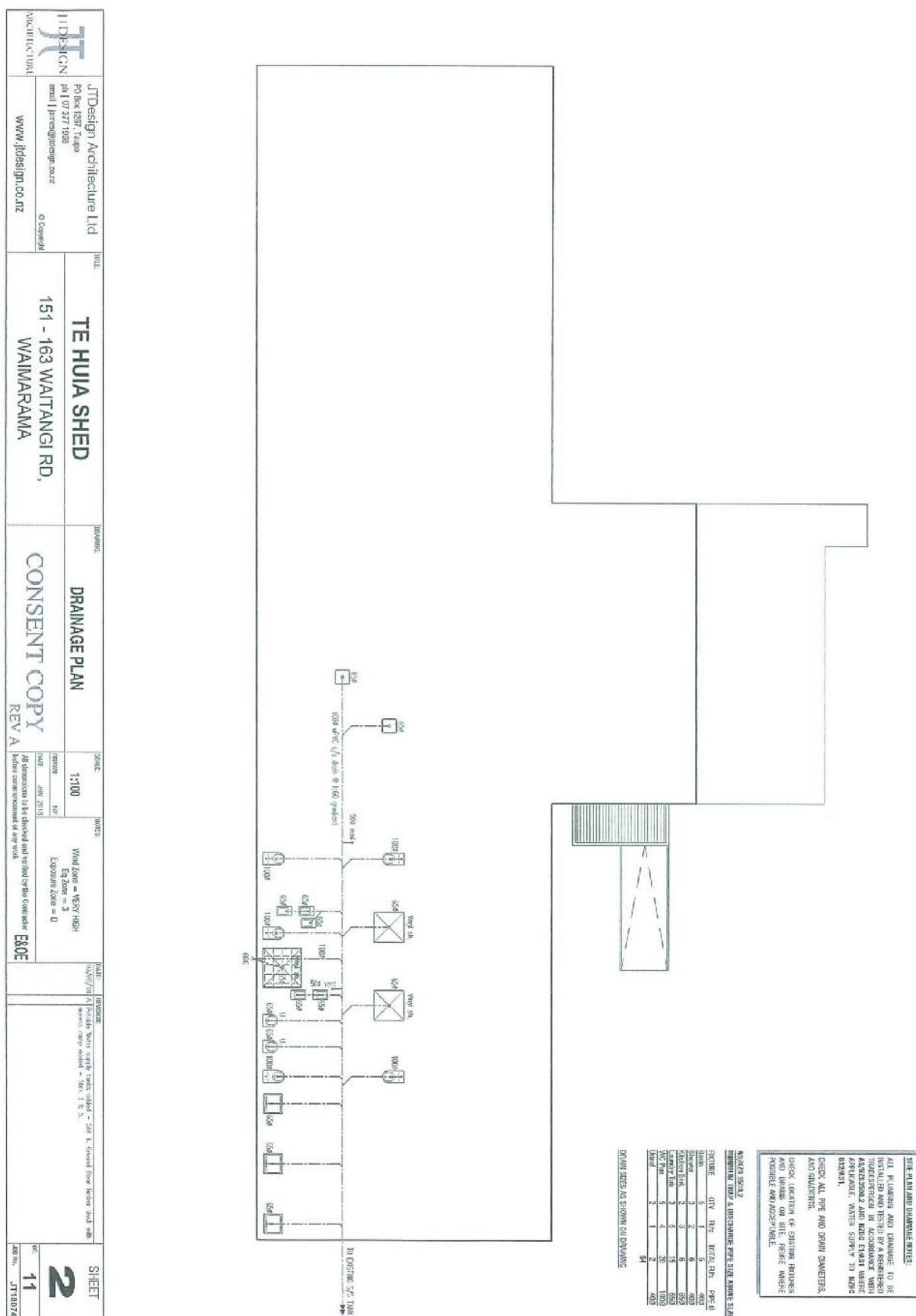


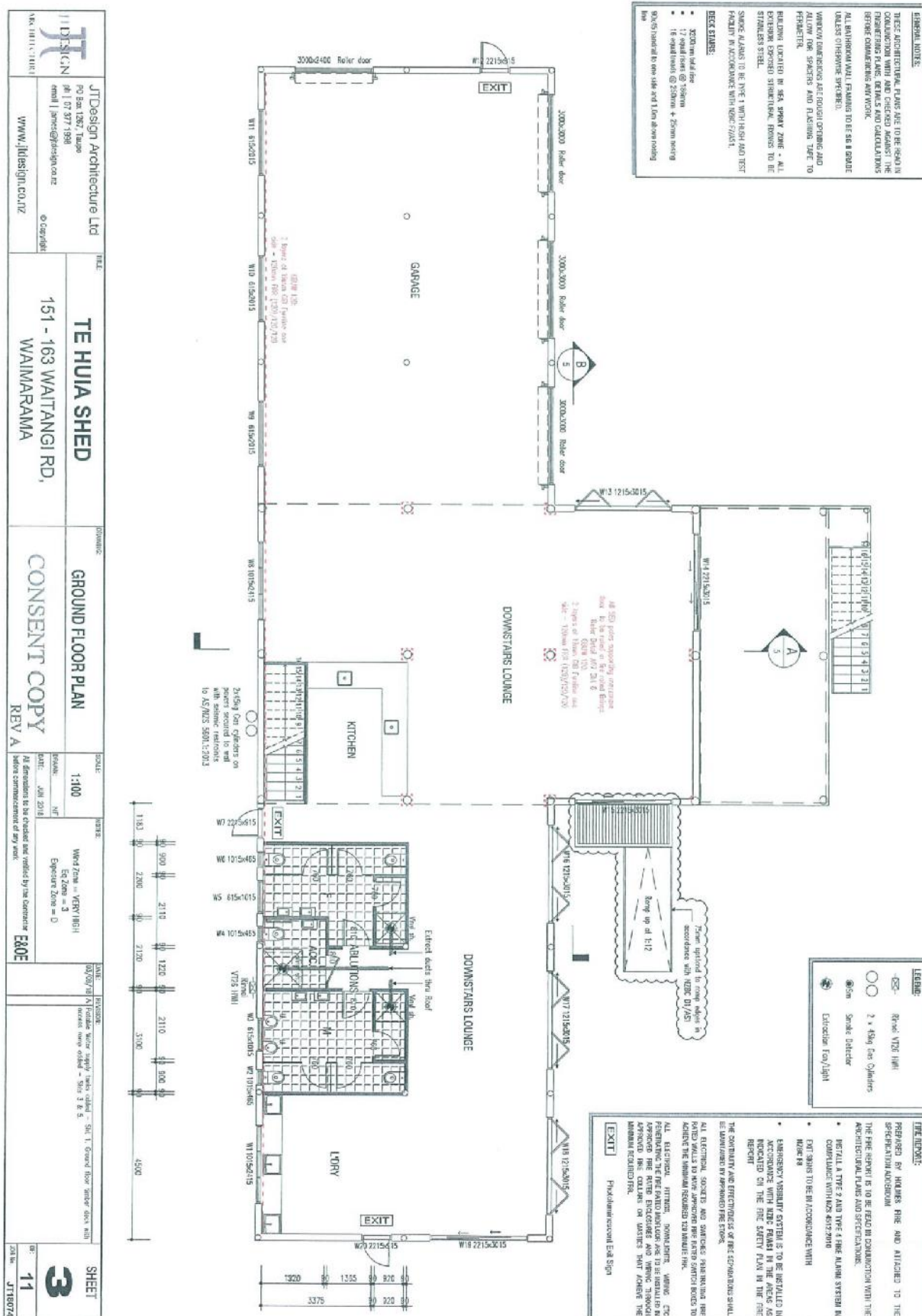
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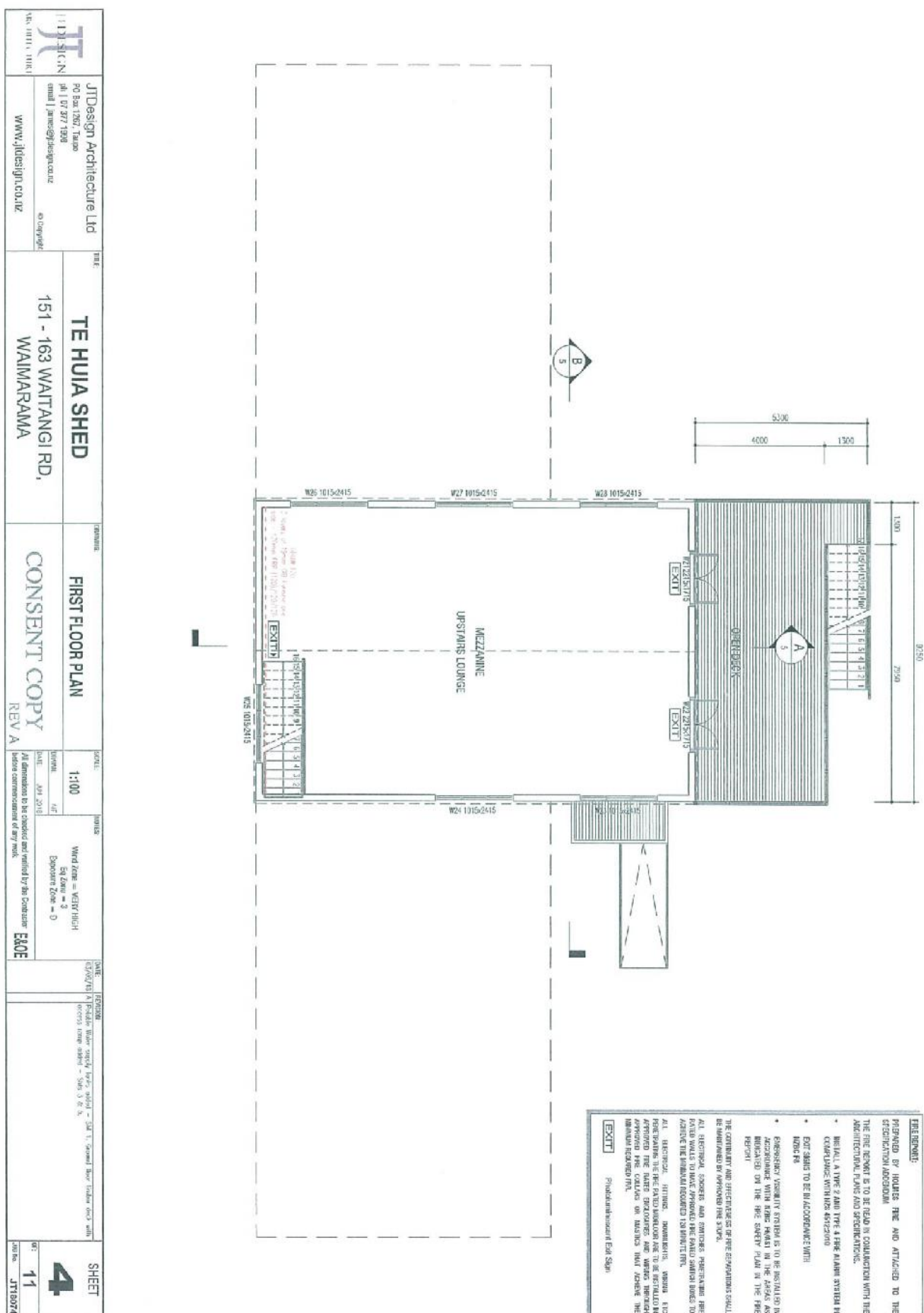
Item 2

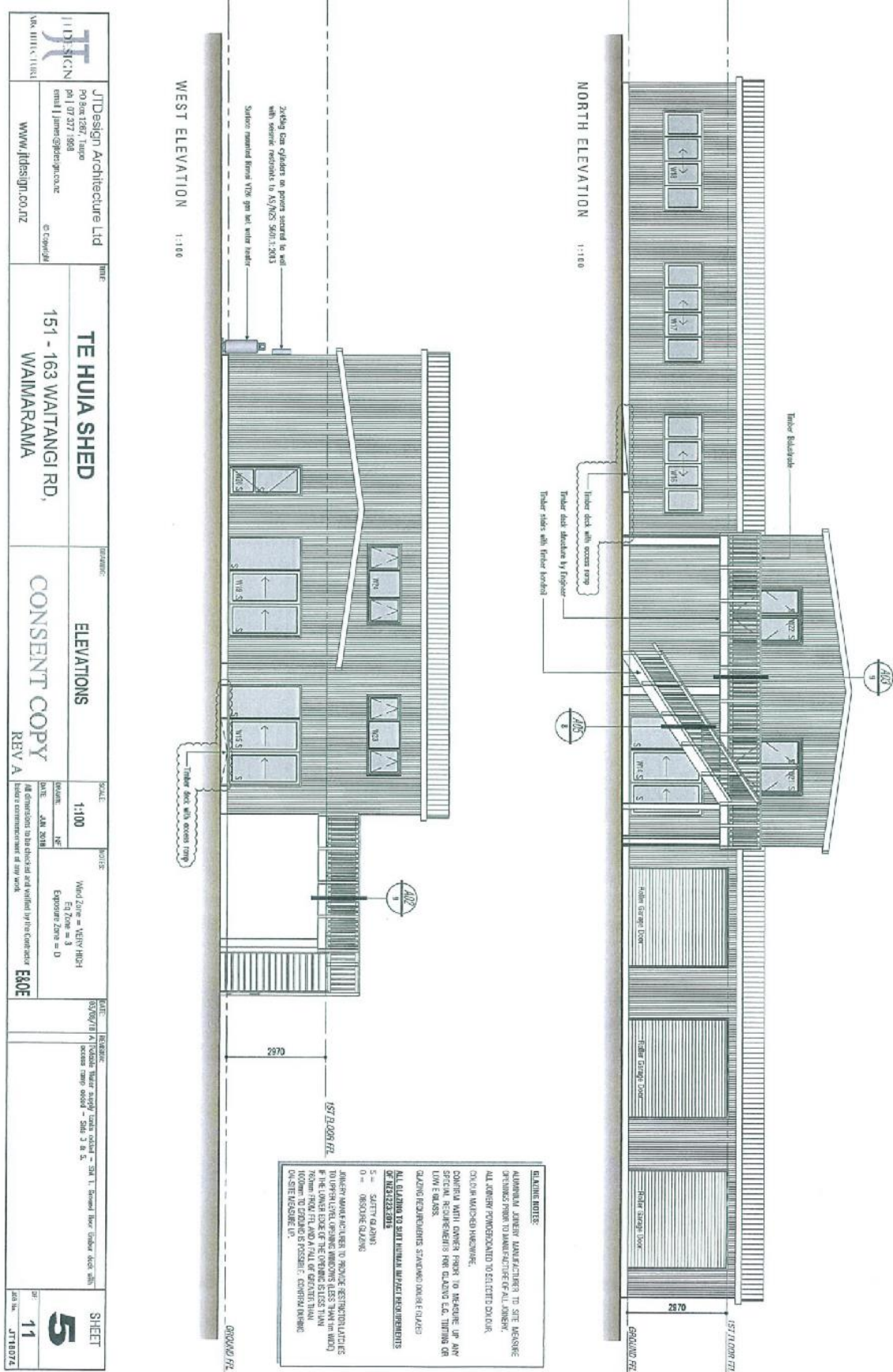
Attachment F





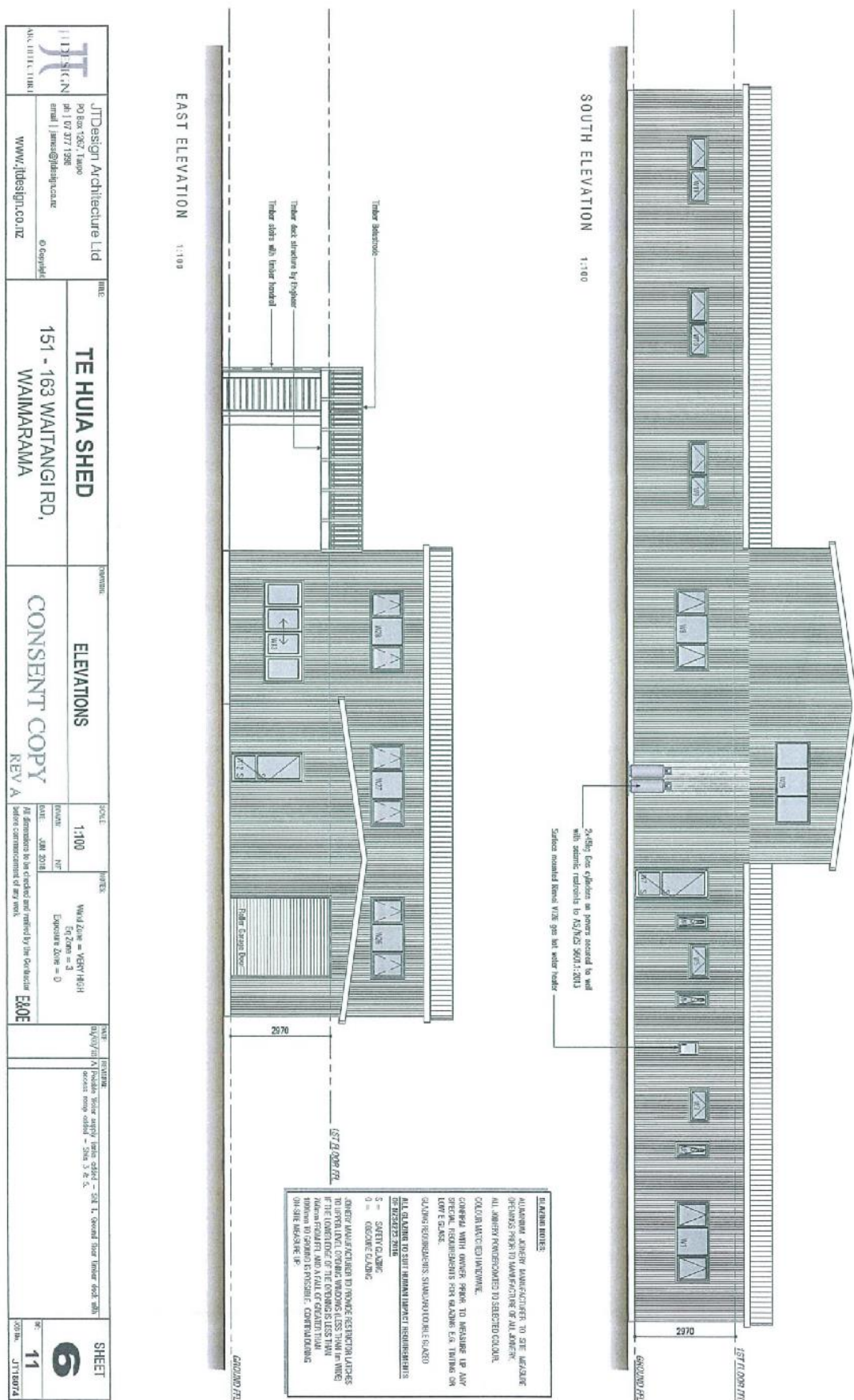


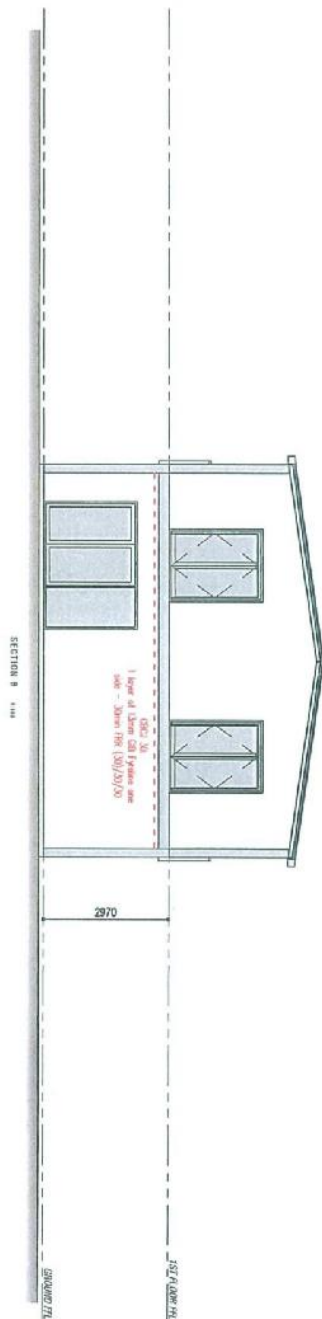
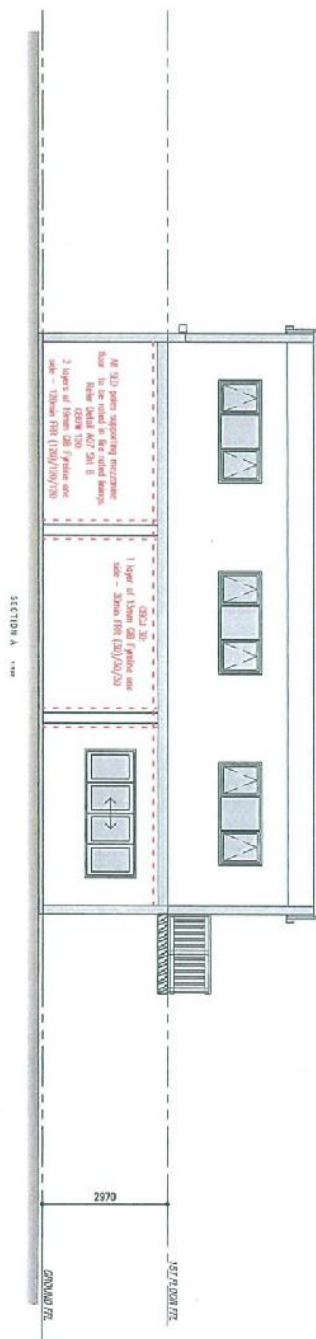


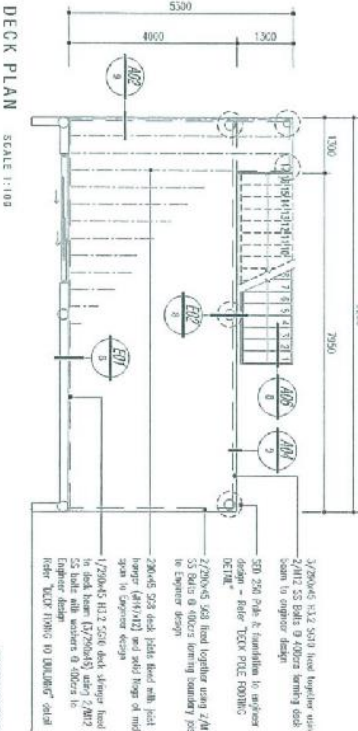
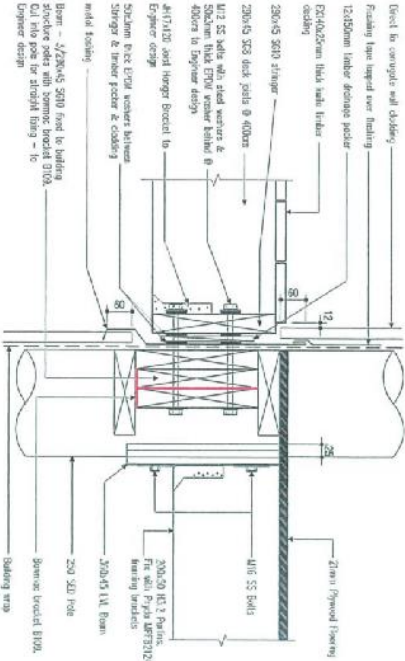


Item 2

Attachment F







DECK STRUCTURE GENERAL NOTES:

THESE ARCHITECTURAL PLANS ARE TO BE READ IN CONJUNCTION WITH AND CHECKED AGAINST THE BUILDING CODE AND ALL CALCULATIONS, SPECIFICATIONS AND NOTES.

BUILDING LOCATED IN SEA SPRAY ZONE - ALL EXTERIOR EXPOSED STRUCTURAL FORMS TO BE STAINLESS STEEL.

GRADE PLANS TO BE TYPE 1 WITH HIGH AND TEST FACILITY IN ACCORDANCE WITH NZS 1775:1.

DECK STAIRS:

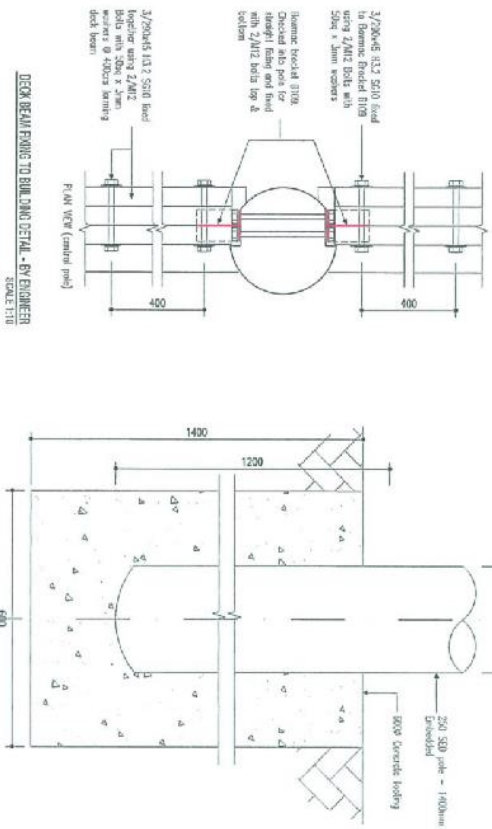
- 200mm total rise
- 17 equal treads @ 180mm
- 16 equal treads @ 220mm + 25mm nosing
- 16 equal treads @ 220mm + 25mm nosing

GRADE PLANS TO BE TYPE 1 WITH HIGH AND TEST FACILITY IN ACCORDANCE WITH NZS 1775:1.

8 DECK FRAMING TO BUILDING DETAIL - BY ENGINEER SCALE 1:10

SECTION (continued)

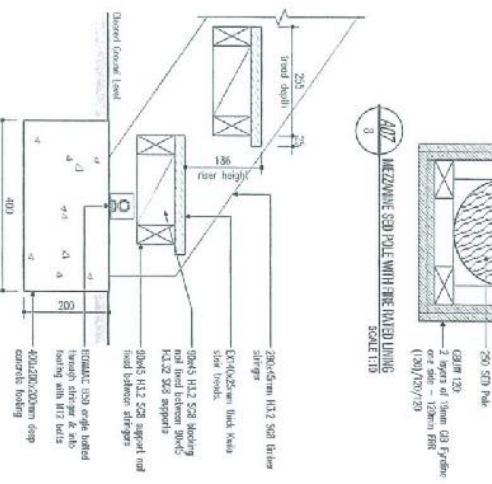
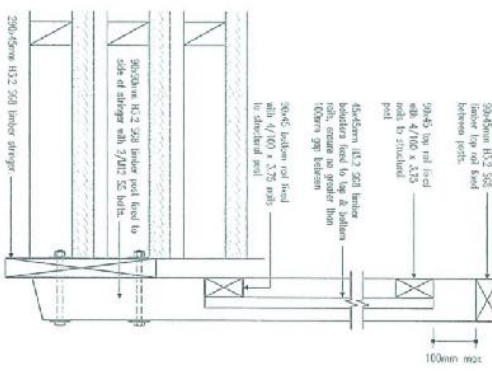
DECK PLAN SCALE 1:100



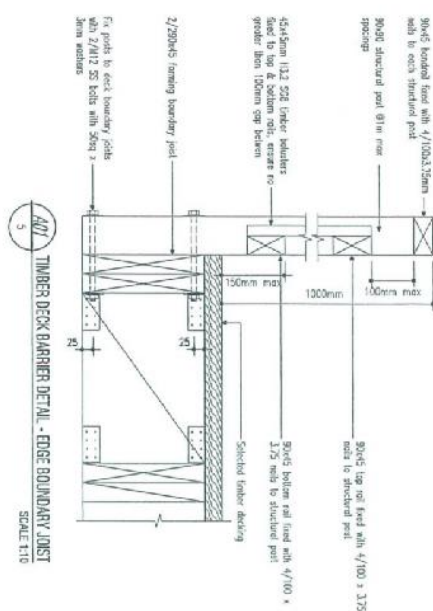
8 DECK FRAMING TO BUILDING DETAIL - BY ENGINEER SCALE 1:10

8 DECK STAIRS BALUSTRADE DETAIL SCALE 1:10

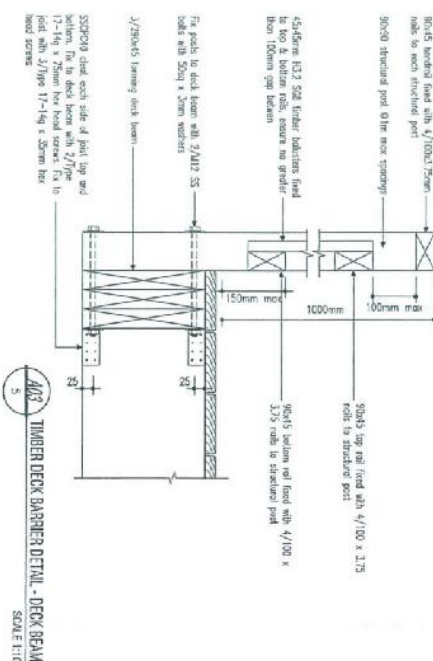
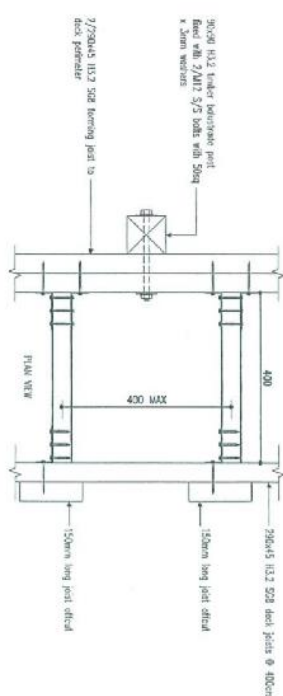
8 DECK STAIRS STRINGER FRAMING DETAIL SCALE 1:10



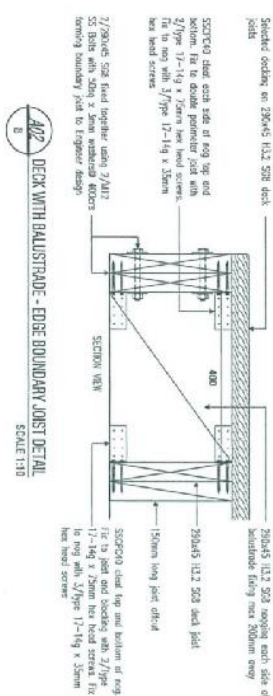
JTDesign Architecture Ltd PO Box 1207, Tauranga tel: 07 377 1988 email: jtdesign@tdesign.co.nz www.jtdesign.co.nz	TE HUIA SHED 151 - 163 WAITANGI RD, WAIMARAMA	DECK PLAN & DETAILS REVISIONS REV A	SHEET 9 11



A01 TIMBER DECK BARRIER DETAIL - EDGE BOUNDARY JOIST
SCALE 1:10
5



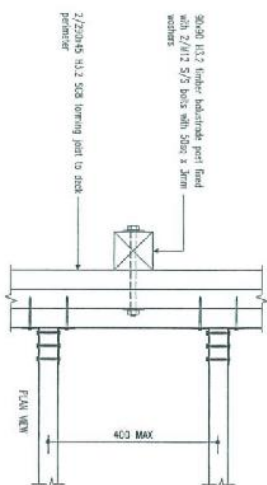
403
5
TIMBER DECK BARRIER DETAIL - DECK BEAM
SCALE 1:10



402
B

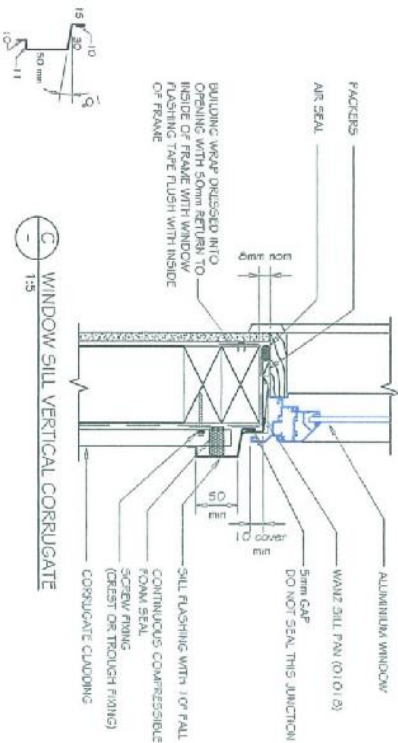
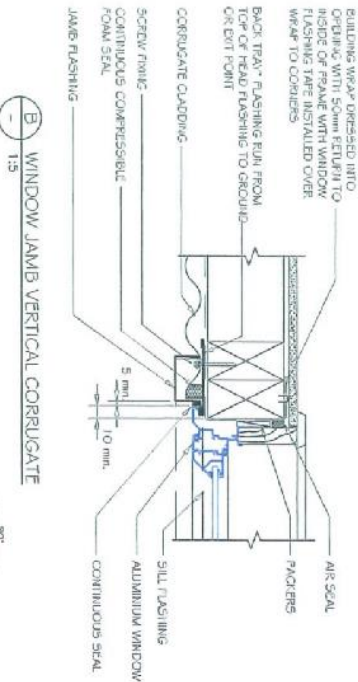
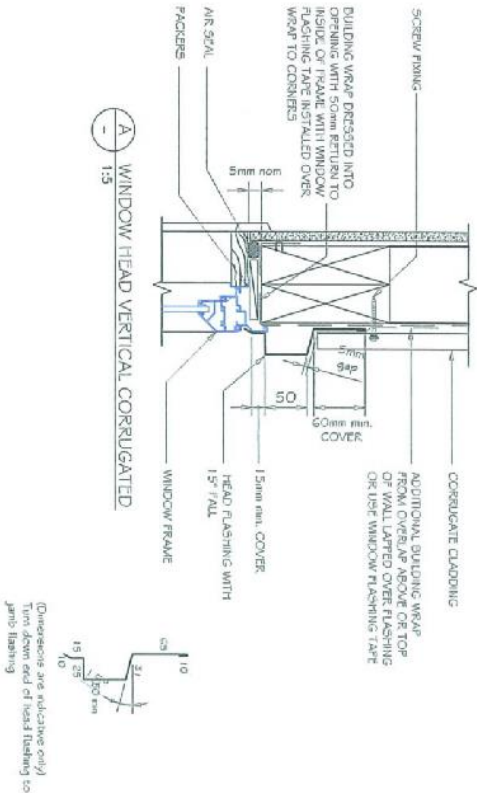
DECK WITH BALUSTRADE - EDGE BOUNDARY JOIST DETAIL

SCALE 1:10



9

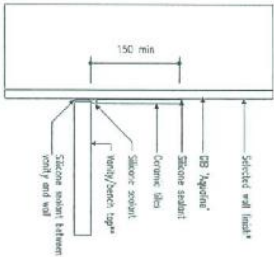
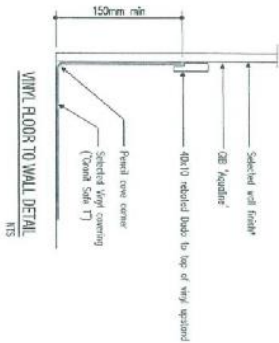
 JTD DESIGN email jtdesign@jtdesign.co.nz © Copyright ARCHITECTURE		JTDesign Architecture Ltd PO Box 1257, Napier pn 07 377 1038	
www.jtdesign.co.nz		TITLE	
151 - 163 WAITANGI RD, WAIMARAMA		TE HUIA SHED	
CONSENT COPY REVA		DECK DETAILS	
DATE: JAN 2018 All dimensions to be checked and verified by the Client under a before commencement of any work.		SCALE: 1:10 NOTES: Wind Load = VEGETATION Exposure 2 Exposure Zone = 0	
DATE: JAN 2018		DATE: 11/01/2018 REVISION: 1 REVISION: 2 REVISION: 3 REVISION: 4 REVISION: 5 REVISION: 6 REVISION: 7 REVISION: 8 REVISION: 9 REVISION: 10 REVISION: 11 REVISION: 12 REVISION: 13 REVISION: 14 REVISION: 15 REVISION: 16 REVISION: 17 REVISION: 18 REVISION: 19 REVISION: 20 REVISION: 21 REVISION: 22 REVISION: 23 REVISION: 24 REVISION: 25 REVISION: 26 REVISION: 27 REVISION: 28 REVISION: 29 REVISION: 30 REVISION: 31 REVISION: 32 REVISION: 33 REVISION: 34 REVISION: 35 REVISION: 36 REVISION: 37 REVISION: 38 REVISION: 39 REVISION: 40 REVISION: 41 REVISION: 42 REVISION: 43 REVISION: 44 REVISION: 45 REVISION: 46 REVISION: 47 REVISION: 48 REVISION: 49 REVISION: 50 REVISION: 51 REVISION: 52 REVISION: 53 REVISION: 54 REVISION: 55 REVISION: 56 REVISION: 57 REVISION: 58 REVISION: 59 REVISION: 60 REVISION: 61 REVISION: 62 REVISION: 63 REVISION: 64 REVISION: 65 REVISION: 66 REVISION: 67 REVISION: 68 REVISION: 69 REVISION: 70 REVISION: 71 REVISION: 72 REVISION: 73 REVISION: 74 REVISION: 75 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Sill flashings sloped ended to receive jamb flashings
(Dimensions are indicative only
4 show minimum lip covers)

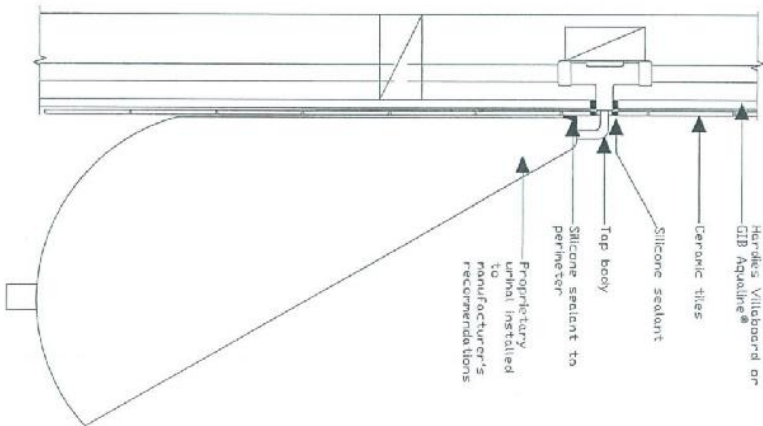
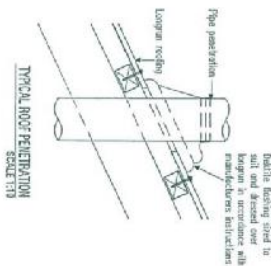
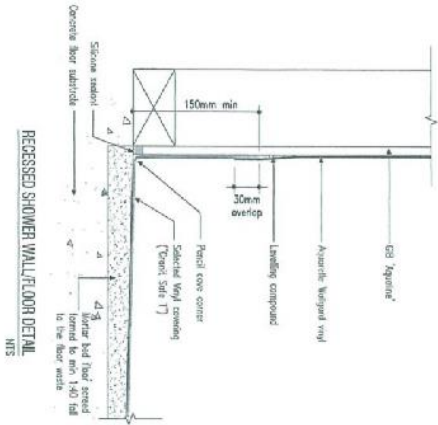
- GENERAL NOTES:
- (1) REFER TO E230.1 FOR GENERAL WINDOW OPENING FOR WEAPING OR FLALED OPENING PRIOR TO WINDOW INSTALLATION.
 - (2) A WALL OF DAM EFFECTIVE COVER AT SILL SHALL BE PENETRATED WHERE NECESSARY TO ALLOW FOR TOLERANCES TO BE SELECTED TO ACHIEVE COVER.
 - (3) WINDOW FINISHES TO BE SELECTED TO ACHIEVE COVER.
 - (4) ANCHORAGES ARE SHOWN FOR CONSISTENCY ONLY.
 - (5) DETAIL MAY BE USED WITH REPEATED LINER.
 - (6) WHERE SUPPORT BRACKETS ARE REQUIRED BY THE WINDOW MANUFACTURER TO CARRY THE FRAME AND GLASSING LOADS THEY MUST BE SUPPLIED AS AN INTEGRAL PART OF THE WINDOW MANUFACTURERS RECOMMENDATION.
 - (7) REFER TO E230.1 FOR ALTERNATIVE.

		JTDesign Architecture Ltd		151 - 163 WAITANGI RD, WAIMARAMA		TE HUIA SHED		DETAILS		1:5		WIND LANE = 163Y HIGH		DATE: 10/07/2017		REVISION: 1		SHEET 10	
111 DESIGN		PO Box 1261, 1800 Tel: 07 371 1990 Email: jtdesign@jtdesign.co.nz		www.jtdesign.co.nz		151 - 163 WAITANGI RD, WAIMARAMA		151 - 163 WAITANGI RD, WAIMARAMA		1:5		WIND LANE = 163Y HIGH		DATE: 10/07/2017		REVISION: 1		SHEET 10	
111 DESIGN		PO Box 1261, 1800 Tel: 07 371 1990 Email: jtdesign@jtdesign.co.nz		www.jtdesign.co.nz		151 - 163 WAITANGI RD, WAIMARAMA		151 - 163 WAITANGI RD, WAIMARAMA		1:5		WIND LANE = 163Y HIGH		DATE: 10/07/2017		REVISION: 1		SHEET 10	



* REFER TO DATA 3.1.2 FOR ACCEPTABLE MATERIALS AND FINISHES IN WET AREAS
** REFER TO CL/AS1 1.1.3 FOR ACCEPTABLE MATERIALS OR FOR REPAIR/REPLACEMENT SURFACES

VANITY/BENCH TOP DETAIL
NTS



 JT Design Architecture Ltd PO Box 1597, Tapanui ph 07 377 1998 email jared@jtdesign.co.nz © Copyright www.jtdesign.co.nz	TITLE TE HUIA SHED 151 - 163 WAITANGI RD, WAIMARAMA	FORMAT DETAILS	SCALE 1:51.1:10	WORKS Wind Zone = VERY HIGH Eq Zone = 3 Exposure Zone = D	DATE JAN 2014	REVISION All dimensions to be checked and verified by the Contractor before commencement of any work.	SHEET 11 JTB0074

If calling ask for Lisa Rosandich

1. TRIM/File Ref 59548#0291
- 2.
3. 5 December 2018
- 4.
- 5.
6. Development Nous Limited
7. PO Box 385
8. Hastings 4156
- 9.

Dear Sir/Madam

Application for Resource Consent: 151 Waitangi Road, Waimarama, RMA20180494

An initial assessment of your application for resource consent has been completed.

Under Section 92 of the Resource Management Act (RMA) 1991, the Hastings District Council requires further information to fully assess your proposed activity, its effect on the environment and the ways in which any adverse effects on the environment might be mitigated.

1. Please provide a site plan showing where the proposed place of assembly is located and distance/setback from all site boundaries.
2. Please provide all elevations for the proposed place of assembly.
3. Please provide a floor plan/internal layout for the proposed place of assembly.
4. Please provide details showing the changes to the external appearance of the accessory building that will occur due to the proposed change of use (place of assembly).
5. Please provide details on what methods will be used to ensure public safety in the instance of a natural hazard event occurring such as a Tsunami. What early warning systems, emergency management contingency plans, escape routes or other mitigation techniques will be put in place. Is a Civil Defence Tsunami Risk Management Plan proposed to be provided, due to the increasing number of individuals proposed to be exposed to the risk of a tsunami hazard while at the site?
6. Please provide identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted regarding the proposal, as per Schedule 4 of the Resource Management Act.
7. As this is a land use activity that is not anticipated by the District Plan in this zone, please provide a traffic impact assessment. How many traffic movements are expected to and from the site each day/week/month with the proposed increase in use? Will all visitors to the site arrive via private car, or are buses or other alternative transport options envisaged? Will the increase in use cause an increase in dust effects along the private road? How will this be managed? Will there be any potential road safety conflicts with other road users? Are people likely to arrive by foot access, bicycle or other alternative transportation means?
8. How many car parks, bicycle racks and loading spaces are to be provided on site?
9. What will be the total building coverage on site?

10. What are the proposed times/days of use for the place of assembly? Will it be open 24 hours a day, 7 days a week or within restricted hours? Are any special events proposed?
11. Is a no-complaints covenant proposed in terms of the neighbouring rural zoned land so reverse sensitivity effects are avoided?
12. What is the gross floor area (GFA) of the new building proposed as a place of assembly? What is the GFA of the existing place of assembly buildings on the site?
13. Is any additional landscaping proposed on site? If so please provide details.

In accordance with section 92A of the Act you must within 15 working days of the date of this request, take one of the following options:

1. Provide the information; or
2. Inform the Council in a written notice that you agree to provide the information; or specify a reasonable timeframe for providing the information for agreement of Council, or;
3. Inform the Council in a written notice that you refuse to provide the information.

Please note that Section 95C(2) of the Resource Management Act requires Council to publicly notify your application if:

- i) the information is not received within either 15 days, or;
- ii) the information is not received within any agreed timeframe, or;
- iii) if you decline to provide the information.

Council's deposit fee for public notification is **\$15,000.00**.

A decision on your application has been placed on hold awaiting your response to this request, in accordance with Section 88B of the Act. Where possible however, the application will continue to be processed as allowed by the information already supplied.

Please contact me if you have any questions regarding the above information request or the further processing of the application.

Yours sincerely



Lisa Rosandich
Environmental Planner (Consents)
lisar@hdc.govt.nz

Christine A. Hilton

From: Sophia Edmead <sophia.edmead@developmentnous.nz>
Sent: Wednesday, 19 December 2018 2:19 PM
To: Lisa Rosandich
Subject: RE: RMA20180494 - Further information request
Attachments: H20180110 S92 Response V1.pdf

Hi Lisa,

Please see the attached response to the S92 request. The TIA is to follow once complete.

I am going to be on leave from this Friday (21st December) until January 28th, so am submitting this to you without the TIA to allow you to continue processing the application in my absence.

We are aware that the working days clock will not begin until the section 92 request has been satisfied and the TIA has been submitted to council.

Hope you have a lovely Christmas break.

Kind regards,

Sophia

Development Nous Limited
 Phone +64 6 876 2159
 Mobile +64 27 300 0262

From: Lisa Rosandich <lisar@hdc.govt.nz>
Sent: Thursday, December 6, 2018 12:50 PM
To: Sophia Edmead <sophia.edmead@developmentnous.nz>
Subject: RMA20180494 - Further information request

Good afternoon Sophia

Please see attached the further information request for RMA20180494 – 151 Waitangi Road.

Kind Regards



LISA ROSANDICH
 ENVIRONMENTAL CONSENTS PLANNER

Phone (06) 871 5000 extn: 5374
 Email lisar@hdc.govt.nz Web hastingsdc.govt.nz
 Hastings District Council, Private Bag 9002, Hastings 4156, New Zealand

Attention:

Contact: Sophia Edmead
Ref: H20180110

Wednesday, 19 December 2018

Lisa Rosandich
Hastings District Council
Private Bag 9002
Hastings 4156

Development Nous Ltd

212 Queen Street East
Hastings 4122
New Zealand

PO Box 385
Hastings 4156
New Zealand

06 876 2159

Dear Lisa,

Application for Resource Consent: 151 Waitangi Road, Waimarama, RMA20180494

Response to Section 92 Request for Further Information

Thank you for the request for additional request under Section 92 of the Act letter dated 15th December 2018. Please see the below responses to the items set out by Council in the

1. The pole shed proposed to undergo a change of use to make it a Place of Assembly has been established and therefore the site plan is as the Building Consent ABA20171619 (TRIM File: 59548#0245).
2. Elevations for the proposed Place of Assembly are as the variation to ABA20171619 shown in TRIM File: 59548#0274.
3. The floor plan for the proposed Place of Assembly are as the variation to ABA20171619 shown in TRIM File: 59548#0274.
4. Changes to the external appearance of the accessory building that will occur due to the proposed change of use are as per the elevations plan provided as the variation to ABA20171619 shown in TRIM File: 59548#0274.
5. The site benefits from immediate access to the high ground to the west of the site which would provide an escape route from tsunami.

The applicant has volunteered the site with the local Civil Defence group to adopt their civil defence plans and potentially look to add an alarm system for tsunami warning which would be linked to the Waimarama fire station alarm system.

6. As stated in the AEE, it is considered that as the activity is already established at the site and the two established Place of Assembly buildings infringe the same side yard setback as the proposed activity set out in this application, the neighbouring land is not affected by the marginal increase of an already established activity. Therefore, there are no owners of neighbouring land affected by a boundary infringement. In accordance with s95E of the Act, there are not considered to be any affected persons to the application.
7. A Traffic Impact Assessment is currently being undertaken by Ian Constable at Traffic Solutions Limited. This assessment will be forwarded to Council once complete.
8. The Proposed District Plan outlines the following requirements for parking:

26.1.6D Parking
Provision of On-Site Parking



Every owner or occupier who proposes to construct or substantially reconstruct, alter or add to a building on any site, or change the activity carried out on any land or in any building, shall provide suitable areas on the site for parking in accordance with the requirements listed in Table 26.1.6.1-3 below.

Recreation Activities, Entertainment Activities, Places of Assembly:

1 space per every 10 seats the facility is designed to accommodate. Where a building is not intended for seating, 5 spaces per 100m² of recreation space or playing fields.

As stated in the AEE, the established Place of Assembly has easy and effective access and there has been no known adverse effects or complaints in relation to transport and parking during the previous years of operation. There is ample space within the site for parking and manoeuvring of vehicles without formalising the location.

To expand on this in more detail, after the proposed change of use, the total GFA of Places of Assembly on site will be 1,261.49m². As such 63 spaces would need to be provided.

Some 21 parking spaces have already been provided, including 2 accessible spaces associated with the wharehau and whare (see Figure below), the hardstanding has been developed to facilitate the manoeuvring of vehicles.

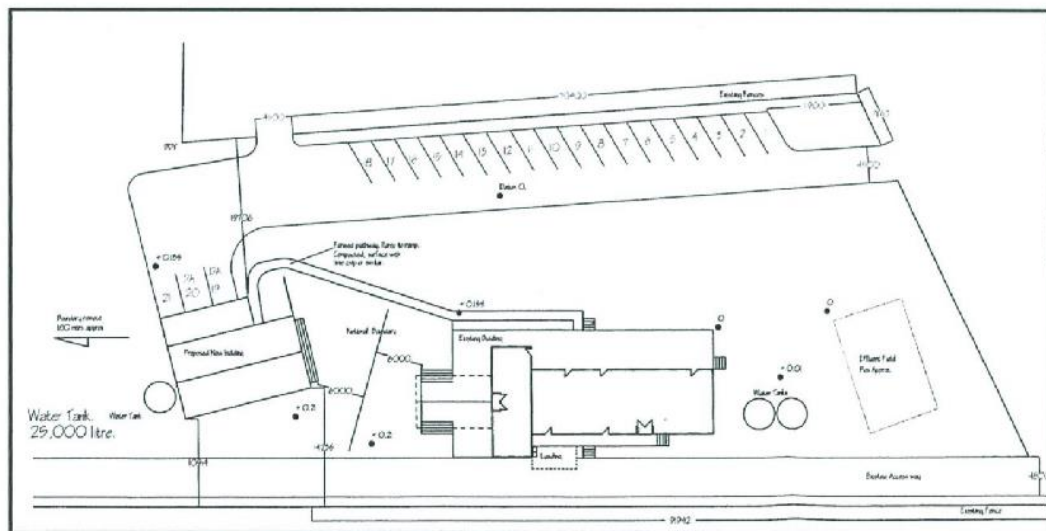


Figure 1: Parking spaces provided for the whare and wharenui (TRIM File: 59548#0105)

An additional 42 parking spaces could readily be provided on site as illustrated by the below figure. As per Appendix 71 of the Proposed District Plan, 2 disabled person parking spaces are required for up to a total of 100 parking spaces, two are already provided (as above) and therefore no additional accessible spaces have been provided.

Please note, the below figure is illustrative only and designed to show how required number of parking space could be accommodated on site. Due to the nature of the activity, groups usually arrive to the site by buses with only a small number of cars accessing the site. Accordingly, it is considered unnecessary to formalise these spaces as they will not be used and would substantially increase the hardstanding within the site, with associated consequences.

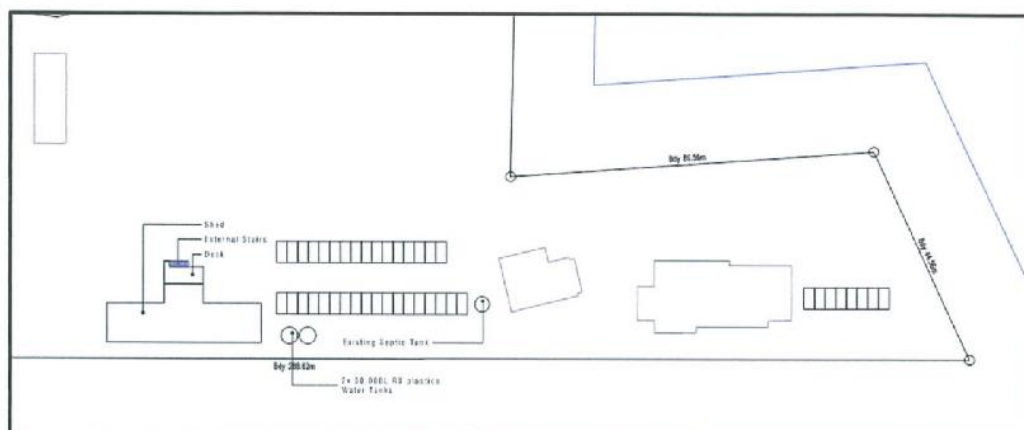


Figure 2: Capacity on site for an additional 42 spaces

9. Without conducting a detailed survey of the site, the total building coverage has been estimated. From the architectural drawings (TRIM File: 59548#0274, Figure 1 below), the collection of buildings to the southern section of the site (including the 543.49m² of the existing pole shed / proposed place of assembly) is 1,687m².

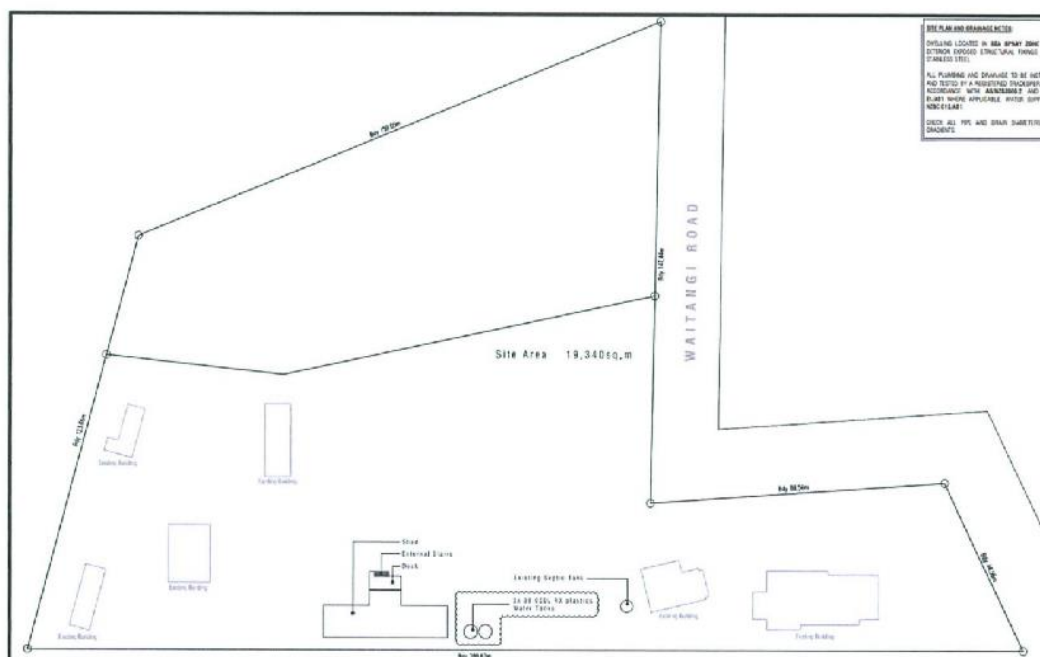


Figure 3: The site plan update from JT Design Architecture Limited (TRIM File: 59548#0274)

The additional three buildings in the northern portion of the site have an approximate building coverage of 647m² collectively.

This brings the total site coverage to approximately 2,334m².

10. The Place of Assembly is already established and documented on Council's property file. The proposed change of use of the pole shed is not introducing a new activity to the site. As such, the operating hours of the Place of Assembly will not change as a result of the proposed resource consent.

As the operation is residential in nature (the existing whare containing four bunk rooms, sleeping 12), the increase in beds as a result of the proposed change of use of the pole shed will not change the times of day of the operation.

Generally, the summer months are busier than the winter months. To give a general idea of the type of use, the applicant has informed us that currently they are renting the facility out one weekend a month for Te Reo Maori classes and one week a month for school groups (usually Tuesday – Friday).

11. The activity has existed on site since 2012 with no known complaints about reverse sensitivities.

Additionally, given the context of the surrounding area (much of the surrounding land is recorded as Maori Land with a greater flexibility of permitted uses on neighbouring site), the character of the area as low density, 'bach' environment. These features are inconsistent with the general expectations for land size, tenure, configuration and utilisation within the Rural Zone and result in the site being anomalous within the Rural Zone. As such, it is considered unlikely for reverse sensitivity effects to be experienced within the site as a result of neighbouring rural activities.

Notwithstanding the above, the applicant is willing to accept a no-complaints covenant being applied to the title of the site.

12. The GFA of the proposed place of assembly building is:
- Ground floor (including roofed area under deck) = 413.89m²
 - Mezzanine level = 129.6m²
 - Total = 543.49m²

The GFA of the wharenuī is 198m².

The GFA of the whare is 520m².

Therefore, the total GFA of the Places of Assembly on site will be 1,261.49m².

The Proposed District Plan does not specify a GFA limit for Places of Assembly within the Rural Zone.

13. The applicant proposes to retain and enhance the vegetation along the infringed boundary (within the applicant's property), we would welcome this being secured by way of appropriate condition.

I trust that the enclosed information is complete and suitably addressed your section 92 requirement for further information, but please do not hesitate to contact me should you require any further clarification of the information provided above.

Yours sincerely,

Development Nous Ltd



Sophia Edmead
Environmental Consultant
 027 300 0262
 sophia.edmead@developmentnous.nz

Christine A. Hilton

From: Thomas Petrie <thomas.petrie@developmentnous.nz>
Sent: Tuesday, 30 April 2019 8:40 AM
To: Lisa Rosandich
Subject: 151 Waitangi Road RMA20180494
Attachments: 968-190429Rep.pdf

Hi Lisa,

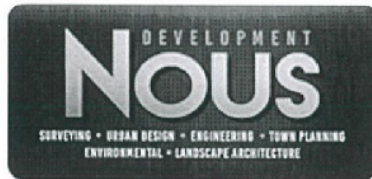
Hope you had a good break over Easter and Anzac day.

Sorry for the delay in getting this to you but please find attached the completed traffic impact assessment for 151 Waitangi Road RMA20180494 as requested in the s92.

I believe that this is the last item needing to be addressed from the s92 as Sophia provided responses to the other points? However please contact if you need anything else.

Kind regards,

Thomas Petrie
 Environmental Consultant
 Development Nous Limited



Phone +64 6 876 2159
 Mobile +64 21 670 824
 Physical 212 Queen Street East, Hastings 4122, New Zealand
 Postal P.O. Box 385 Hastings 4156
 Email thomas.petrie@developmentnous.nz

www.developmentnous.nz



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29 April 2019



Development Nous Limited
P O Box 385
Hastings 4156

Ref: 968

Attention: Thomas Petrie

**PROPOSED PLACE OF ASSEMBLY
151 WAITANGI ROAD, WAIMARAMA
TRAFFIC ASSESSMENT**

INTRODUCTION

A resource consent application has been made to Hastings District Council for a proposed place of assembly to be located at 151 Waitangi Road in Waimarama. The site is located on the western side of the road at the location shown on Figure 1. The site has frontage only to Waitangi Road. That part of Waitangi Road off which the site is accessed, is a private road.

Figure 1: Site Location

82 Hindmarsh Drive, Taupo 3330
Ph: 021 315 882 • Email: ian@tsol.co.nz

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As part of its assessment of the proposal, the Council has requested that a traffic impact assessment report be prepared (by letter dated 5 December 2018), containing the following information:

- Number of traffic movements to and from the site each day/week/month
- Will visitors all arrive by private car or are buses or alternative transport options envisaged?
- Dust effects along the private road
- Potential road safety conflicts with other road users.
- Are people likely to arrive by foot, bicycle or alternative transportation means?

This report assesses the traffic matters relating to the proposal identified in the letter.

PROPOSED ACTIVITY

The building that will contain the place of assembly is presently consented as an accessory building. It is to be refitted to provide lounges and ablution facilities, and 3-car garaging. The building will accommodate up to 40 persons and will be used for community, education and cultural activities in association with other activities already taking place on the site.

The layout of the building is shown on the plans prepared by JT Design dated June 2018.

DISTRICT PLAN REQUIREMENTS

Parking

Table 26.1.6.1-4 in the Hastings District Plan requires that the proposed place of assembly provides the following minimum amount of parking:

Place of assembly:	40 persons @ 1 space per 10 persons	4 spaces
--------------------	-------------------------------------	----------

With 3 garage spaces in the building, and ample room elsewhere on the site for additional parking as needed, the requirement can be effectively met.

NZS 4121:2004 requires that one disabled space be provided where the total parking proposed is between 1 and 20 spaces. The place of assembly therefore requires one disabled space, which can be provided and identified by signage as necessary.

Bicycle Parking Requirement

Rule 26.1.7B requires 1 bike park per 5 carpark spaces. The site is remote and therefore it is unlikely that attendees will travel by bicycle, although some locally resident staff could do so. Nevertheless, bicycles could be parked securely within the garages as needed. The cycle parking requirement is met.

- 3 -

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Item 2

EXISTING ROAD NETWORK

Waitangi Road

Waitangi Road is unsealed. That part which is public road, as identified on Figure 1, is 4.6m wide between pavement edges. The horizontal alignment is mostly straight except for three horizontal curves. The vertical alignment is mostly level. I estimate that travel speeds along the road are in typically the range 40-50 km/h.

The roadway is wide enough to accommodate one direction of vehicle flow at a time comfortably, although two opposing cars can pass each other at very slow speeds. On the straight parts there is not enough room for a car to pass a larger vehicle such as a truck or bus unless the vehicles drive partially off the pavement. However, the roadway widens at two of the curves in the road alignment, where there is enough width for opposing vehicles to pass easily, as shown on Figure 2.

Figure 2: Vehicle Passing Areas (public road)



The tracking paths shown on Figure 2 were generated using Autodesk Vehicle Tracking software. The vehicles represented are a 12.6m long tour coach (as defined in the Land Transport New Zealand publication RTS 18 "New Zealand On-road Tracking Curves for Heavy Vehicles 2007") and a 5.2m long car (B99 car as defined in AS/NZS 2890.1:2004). The tour coach is the largest vehicle that the place of assembly could generate, and it is likely that buses actually used could be smaller than this. Thus the tracking paths on Figure 2 are conservative.

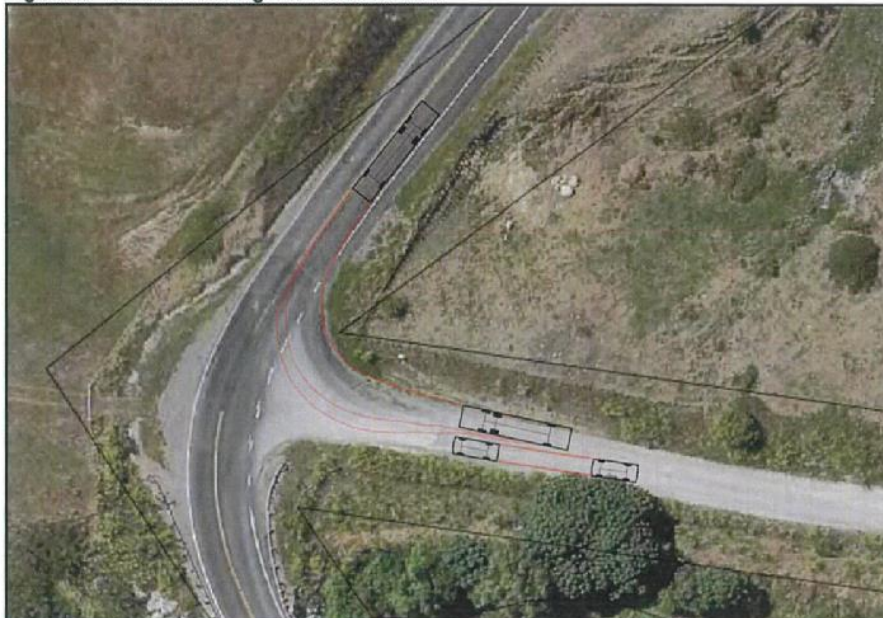
There is also enough passing width near the intersection at Waimarama Road, due to the wider pavement and a metalled shoulder area, as indicated on Figure 3.

Attachment I

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Figure 3: Vehicle Passing Near Intersection



Hence there are three locations along the public part of the road where passing areas already exist.

That part of the road which is private has similar geometrics to the public part. It is also typically about 4.6m wide. The roadway widens at one curve in the road, sufficient that opposing vehicles can pass easily at that location. There is either no pavement widening, or only slight widening, at the other curves along the private part.

The vertical alignment is also more or less level.

Waimarama Road

Waimarama Road is a sealed high speed rural two-laned road, with typical seal width in the range 6.5 to 6.8m. The alignment varies between straight parts where high travel speeds can be achieved, and some very tight curves with 35 km/h advisory speeds. The vertical alignment is undulating.

The legal speed limit is 100 km/h although actual speeds are significantly lower along much of its length, due to the road alignment.

Traffic Volumes

I estimate that the existing traffic volume using Waitangi Road near its intersection with Waimarama Road is less than 400 vehicle movements per day. This reduces with distance from Waimarama Road, down to below an estimated 350 vehicles per day at the site.

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Count data obtained from the Council show that Waimarama Road south of Ocean Beach Road carried the following traffic volumes in March 2018:

Table 1: Existing Traffic Volumes

Period	Traffic Volume
7-day average daily	947 vehicles per day
AM peak hour	91 vehicles per hour
Midday hour	48 vehicles per hour
PM peak hour	89 vehicles per hour
Saturday peak hour	103 vehicles per hour

Both Waitangi Road and Waimarama Road are lightly trafficked, and are operating well within their available capacity.

Traffic Safety

A study of accident records shows that no accidents were recorded on Waitangi Road during the 5-year period 2014 to 2018. Waitangi Road appears to be operating safely, albeit it carries very little traffic.

During the same period, 11 accidents were recorded on Waimarama Road between Ocean Beach Road and Waitangi Road. These included the following:

- 8 x losses of control
- 2 x lost trailer loads
- 1 x right turn collision

The records show there is an existing traffic safety issue on Waimarama Road that results in lost control vehicles. Contributing factors include alcohol and excessive speed for the conditions.

The right turn accident occurred at the intersection at Waitangi Road, and involved a collision between a car right turning out of Waitangi Road and a southbound car on Waimarama Road. This was a one-off occurrence and does not indicate a particular safety issue at this intersection.

TRAFFIC GENERATION

It is estimated that attendees at gatherings will be transported by approximately 5 cars and one bus. These vehicles equate to flows of about 10 vehicle trips per hour, for two hours per week, assuming that attendees are dropped off and picked up by family members or other non-attendees at the start and end of a gathering. There may be some other incidental trips of similar or lesser volume at other times. In terms of additional traffic volume on the transport network, this will have very little effect on the operation of the road network.

Even if all attendees travelled by private cars, and no bus was used, I predict that the volume would be a maximum of about 30 vehicle trips per hour, at the start and end of a gathering, which would also have low impact.

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None of these flows will have a noticeable effect on the operation of Waimarama Road.

Such flows are also unlikely to significantly affect the operation of the public part of Waitangi Road, because existing flows are already very low, and because there is room for opposing cars to pass at various strategic locations as indicated above, albeit at very slow speeds.

If a bus is used then the bus volume will equate to 2 trips per hour maximum, assuming the bus departs shortly after having dropped off its passengers at the start of a gathering, and arrives to the site just prior to pick-up at the end of a gathering. The additional vehicle flow is insignificant. However, it is possible that at times a bus and an opposing car will meet on Waitangi Road, and need to pass each other.

Figures 2 and 3 above already identify three passing areas that already exist on the public part of the road. With respect to passing opportunity, I consider that the existing geometrics of the public part of the road are adequate, for the additional traffic volume anticipated.

As already indicated, there are several curves along the private part of the road. Only one of these is wide enough to enable a large vehicle such as a bus to pass another vehicle. Since this is a private road the Council has no authority over it, and any effects are only of concern to the co-owners of the road. It is recommended that the operator consults with other co-owners of the road with a view to providing some widening at the curves, if expected traffic flows unduly obstruct others using the road after the place of assembly becomes operational.

Because Waitangi Road is unsealed there is a potential for additional dust disturbance. However, I consider that any dust effects will be minimal because traffic flows will not increase significantly and will only increase at limited times. In addition, observations at the site show that travel speeds along the road are generally low, which tends to reduce dust nuisance.

PARKING

The place of assembly will generate 5 parked cars and a parked bus at times. Part of the building will contain 3 garage spaces, which could be used for some parking. Overall there is ample room on the site for vehicles to park.

I consider there will be no adverse off-site parking effects as a result of this proposal.

CONCLUSIONS

The proposed place of assembly will generate very little additional traffic on Waitangi Road or Waimarama Road, and these roads will both continue to operate well within their available capacity. The activity will only generate trips during isolated short periods during a week.

Heavy vehicle trips will be limited to the occasional bus. Although Waitangi Road is narrow, I consider that there are ample passing opportunities along the public part of the road to enable these vehicles to be accommodated without significantly obstructing other road users.

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- 7 -

In the private part of the road there are presently few passing opportunities available, if a large vehicle such as a bus is used to ferry attendees to and from the site. If other users of that part of the road become unduly obstructed as a result of the proposal, then the operator should consult with the other co-owners, with a view to providing some roadway widening at selected locations, such as at the various curves, by private arrangement.

Taking all of the above into consideration, I consider that the proposed place of assembly will have less than a minor effect on the operation of the transport network, and traffic safety. In my opinion resource consent could be granted from a traffic engineering perspective.



Ian Constable
Traffic Engineer

Christine A. Hilton

From: Lisa Rosandich <lisar@hdc.govt.nz>
Sent: Monday, 6 May 2019 2:04 PM
To: 'Thomas Petrie'
Subject: RE: 151 Waitangi Road RMA20180494

Hi Thomas

I'm definitely not at the condition drafting stage. I will be writing the notification decision first which will determine if there are any affected persons in relation to the application.

Are there any mitigation measures you would like to propose or add to the application that address the issues the T.I.A has identified? Or are you happy with what is proposed so far?

Many thanks
 Lisa

From: Thomas Petrie [mailto:thomas.petrie@developmentnous.nz]
Sent: Monday, 6 May 2019 1:17 PM
To: Lisa Rosandich <lisar@hdc.govt.nz>
Subject: RE: 151 Waitangi Road RMA20180494

Hi Lisa,

Thanks for your providing the information below.

At present no mitigation measures are proposed regarding the points raised below relating to traffic and dust. However, the applicant is happy to consider any proposed consent conditions that you might put forward with regard to these items. Is there certain conditions that you had in mind?

Regards,
 Thomas Petrie

Development Nous Limited
 Phone +64 6 876 2159
 Mobile +64 21 670 824

From: Lisa Rosandich <lisar@hdc.govt.nz>
Sent: 6 May, 2019 12:30 PM
To: Thomas Petrie <thomas.petrie@developmentnous.nz>
Subject: RE: 151 Waitangi Road RMA20180494

Good Morning Thomas

I just caught up with Murray Arnold regarding this consent and he is happy to accept a condition in the consent that can address the Tsunami Risk Management/Evacuation plan, given that the site is located within close proximity to a hillside that will be able to provide a quick evacuation route to any potential occupants.

We have also discussed the traffic management plan provided by Traffic Solutions Ltd and just want to know if you have any mitigation measures to offer at this stage in the process, especially around the points that Ian has made regarding: (i) *any effects are only of concern to the co-owners of the road. It is recommended that the operator consults with other co-owners of the road with a view to providing some widening at the curves, if expected traffic*

flows unduly obstruct others using the road after the place of assembly becomes operational. (ii) Because Waitangi Road is unsealed there is a potential for additional dust disturbance. However I consider that any dust effects will be minimal because traffic flows will not increase significantly and will only increase at limited times. In addition, observations at the site show that travel speeds along the road are generally low, which tends to reduce dust nuisance.

I will be drafting the notification decision over the next week or so.

Kind Regards

Lisa

From: Thomas Petrie [<mailto:thomas.petrie@developmentnous.nz>]
Sent: Monday, 6 May 2019 9:55 AM
To: Lisa Rosandich <lisar@hdc.govt.nz>
Subject: FW: 151 Waitangi Road RMA20180494

Morning Lisa,

Hope you had a good weekend?

Just touching base for an update on the processing of the 151 Waitangi Road RMA20180494 application?

As per the email below our client is becoming increasingly anxious over the delays to the building. If you could please provide me an update that would be great.

Regards,
 Thomas Petrie

Development Nous Limited
 Phone +64 6 876 2159
 Mobile +64 21 670 824

From: Jean Te Huia <Jean@choices.maori.nz>
Sent: 6 May, 2019 12:45 AM
To: Sarah Shanley <sarah.shanley@developmentnous.nz>; Rose Smith <rosemarys@hdc.govt.nz>; James Graham <jamesg@hdc.govt.nz>
Cc: Thomas Petrie <thomas.petrie@developmentnous.nz>; Jean Te Huia <Jean@choices.maori.nz>
Subject: Re: Private rd Maori Land

Hi There;

Thank you so much for your assistance in this matter. Can you please advise me please if there is anything else I have to do? I built the marae in 2011 and always believed building the pole shed with toilets and a shower would provide better indoor space for the school camp groups over the winter months. My belief is my building is supporting an existing activity.

The project was stopped by the council in July 2018- Te delay is really stressful, and I am worried about the ongoing damaged caused by the weather, because my building has not been closed in and is exposed to the weather. With winter fast approaching I have sleepless nights when it rains worrying about it.

Jean Te Huia

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Item 2**Attachment J**

Christine A. Hilton

From: Nick Bruin <nickb@hdc.govt.nz>
Sent: Wednesday, 7 August 2019 2:25 PM
To: Liam Wang
Subject: RMA20180494 Traffic

Hi Liam,

I refer to the Traffic Solutions Ltd report dated 29th April 2019 on HPRM Reference No: 59548#0294 that concludes:-

" The proposal place of assembly will generate very little additional traffic on Waitangi Road or Waimarama Road, and these roads will both continue to operate well within their available capacity. The activity will only generate trips during isolated short periods during a week.

Heavy vehicle trips will be limited to the occasional bus. Although Waitangi Road is narrow, I consider that there are ample passing opportunities along the public part of the road to enable these vehicles to be accommodated without significantly obstructing other road users.

In the private part of the road there are presently few passing opportunities available, if a large vehicle such as a bus is used to ferry attendees to and from the site. If other users of that part of the road become unduly obstructed as a result of the proposal, then the operator should consult with the other co-owners, with a view to providing some roadway widening at selected locations, such as at the various curves, by private arrangement.

Taking all of the above into consideration, I consider that the proposed place of assembly will have less than a minor effect on the operation of the transport network, and traffic safety. In my opinion Resource Consent could be granted from a traffic engineering perspective"

I concur with the above mentioned report and conclusion that the report has reached, which states that any effect will be less than minor.

Regards
 Nick

NICK BRUIN
 DEVELOPMENT ENGINEER - PROJECTS



Phone (06) 871 5110 ext 5319 Mobile 027 607 2794
 Email nickb@hdc.govt.nz Web hastingsdc.govt.nz
 Hastings District Council, Private Bag 9002, Hastings 4156, New Zealand

