

1 Application Details

Council Reference:	2220790-RMALUC
Applicant:	C Otway Limited
Property Address:	1526 State Highway 10, Kerikeri 0293
Legal Description:	Lot 2 DP 462527
Description of Application:	To construct and operate a medical centre and associated chemist, retail and cafe in the rural production zone as a discretionary activity breaching stormwater management, setback from boundaries, building coverage and scale of activities, traffic intensity and carparking spaces rules.
Reporting Planner:	Stephanie Andrews-Paul
Operative District Plan Zoning:	Rural Production Zone
Operative District Plan Notations:	Kiwi Distribution Area – present: 5 calls per hour.
Other Notations of Relevance:	NIL.
Proposed District Plan Zoning:	Special Purposes Zone - Horticulture
Proposed District Plan Overlays:	Airport Protection Surfaces
Proposed District Plan Designations:	NIL.

2 Procedural Details

Date Received:	19-May-2022
Date of Site Visit:	11-Oct-2022
Further Information Requested:	25-Oct-2022
Further Information Received:	25-Nov-22, 28-Mrarch-2023
Suspended under section 88E:	N/A
Extension Pursuant to section 37:	N/A



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Pre-application Meeting Held: Nil

Pre-lodgement Consultation by Applicant: NZTA consulted prior to lodgement.

Locality Plan

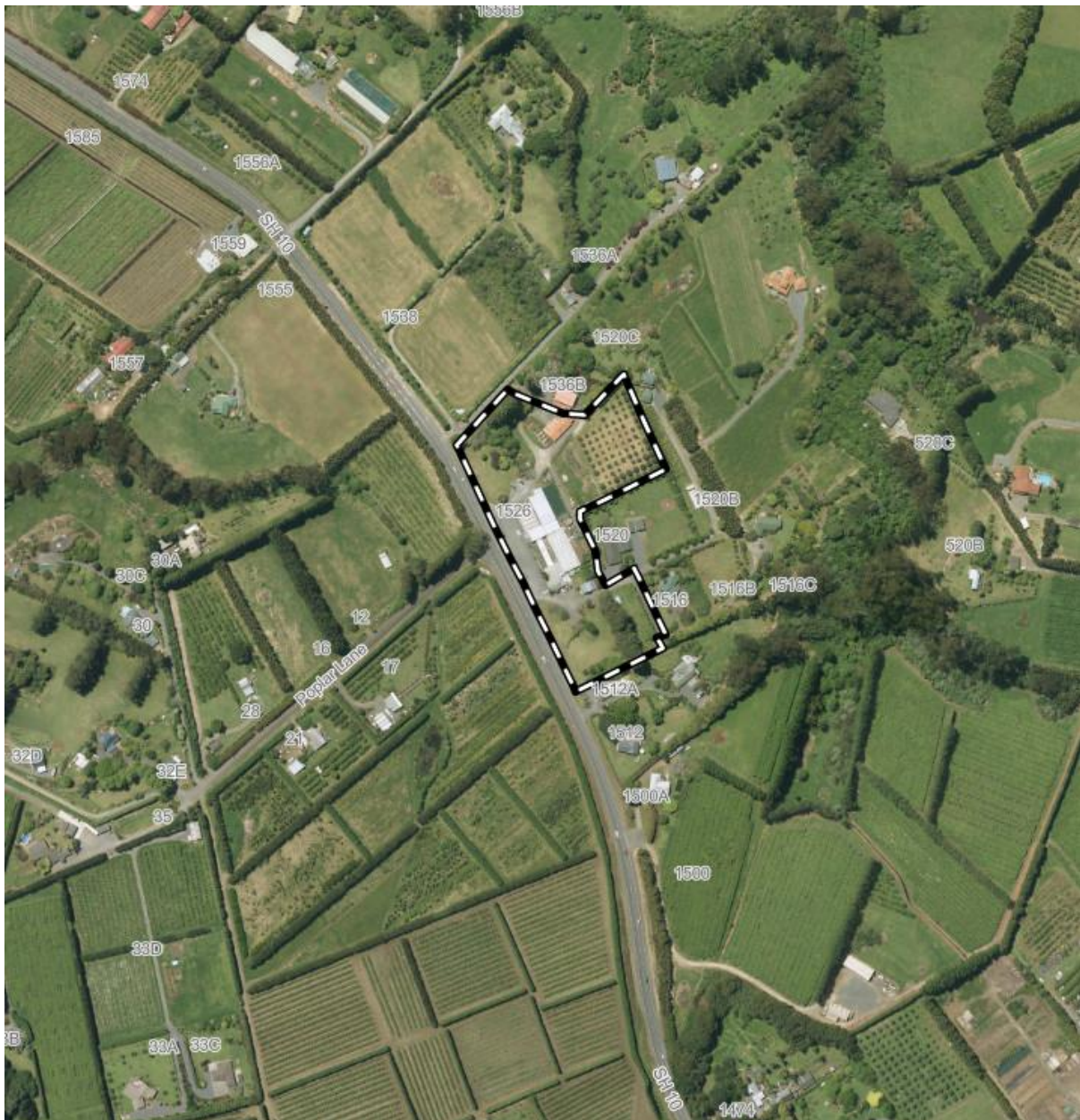


Figure 1: The location of the site

3 Description of Site

Area: 2.1942 ha.

Contour: The subject site is most flat with a gentle slope to the east.

Road frontage: There are two accessways onto the subject site along the western boundary from State Highway 10. These crossings are shared by the subject site and several other properties that have R.O.W over the subject site.

Existing built development: The property is a mixed-use centre comprising of Redwoods Garden Centre and Café, Highway Vets, Kerikeri Skin Cancer and Care, and a number of associated sheds/storage buildings.

Parking: There is a gravel car parking lot used for the existing commercial activities on the western portion of the site.

Vegetation cover: There is clump of trees in the north-western corner of the subject site, with other dispersed trees and hedges across the of the property. All vegetation has been cleared from the area where the proposed building is to be located.

Relevant existing RCs/BCs:

Reference	Date Issued	Description
782120-TCPPA		Redwood Horticultural Tourist Centre
782244-TCPLUC	December 1991	Two show homes, office and ablution facilities
1970923-RMALUC	May 1997	Dwelling in a Significant Landscape and breaching boundary setback
1980196-RMALUC	October 1997	Continued operation of a sales office, two show homes and ablution facilities (refer above)
2051150-RMAEWK	June 2005	Excavation works
2051219-RMALUC		New show home
2130124-RMASUB	February 2013	Subdivision creating the application site
2130287-RMALUC	July 2013	Breach of impermeable surfaces up to 18.8% site coverage – associated with the tunnel house
2200086-RMALUC	September 2019	Proposed Green House



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BP569065	January 1973	Machinery Shed
BP780803	June 1975	Fertiliser Store and Lean-to Packing Shed
BP9073458	July 1979	Implement Shed
BP2036669	October 1983	Additions to Packing Shed
BP2097468	June 1984	Extension to install facade and floor
BP5006472	November 1986	Extension of roof to close off area under canopy
BP8052383	June 1990	Concrete floored plant potting shed
BP1037538	July 1991	Addition to Pack House
BP1038570	August 1991	Shade House
BP1065202	April 1992	Show Home and Garage
BC 1993-617	December 1993	Restaurant/ Tearooms
BC 1995-1509	June 1995	Carport storage area extension
BC 2001-271	August 2000	Relocate Shed
BC 2001-342	September 2000	Showhome/new dwelling
BC 2003-896	January 2003	New show home – display only
BC 2003-2088	July 2003	Plumbing & Drainage
BC 2005-601	November 2004	New Show Home
BC 2005-1710	June 2005	Swimming pool
BC 2005-2133	July 2005	New dwelling – show home only (see RC 1980196)
BC 2006-789	December 2005	Show Home (See RC 1980196)
BC 2007-688	November 2006	New dwelling – show home only
BC 2013-1298	July 2013	Construct new tunnel houses and covered deck (refer RC 2130287)

Record of Title

The Record of Title has the following interests/consent notices that are relevant to the proposal:

- Easements C342148.4 & C660259.5:
 - The applicant is pursuing the cancellation of a redundant R.O.W easements (CER-2220790-CEROTH).
- Easement Certificate C843353.5.
- Easement Certificate C660259.5 contains several easements relating to the Right of Way on the property. The right to convey water is shown as 'F' on the title plan and is located within the Right of Way (to be utilised by the activity). Kerikeri Water Company Ltd provide water to the site via this easement.
- Consent Notice 939294.2, registered in 2013:



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SCHEDULE

Lot 1 – DP 462527

- i. In the event of the property water supply allocated by Kerikeri Irrigation Company Ltd discontinuing, future land owners will be required to ensure that any habitable building shall have a roof water collection system with minimum tank storage of 50,000 litres. The tank(s) shall be positioned so that they are accessible (safely) for fire-fighting purposes and fitted with an outlet compatible with rural fire service equipment. Where more than one tank is utilised they shall be coupled together and at least one tank fitted with an outlet compatible with rural fire service equipment. Alternatively, the dwelling can be fitted with a sprinkler system approved by Council.
- ii. The operation of agricultural and horticultural equipment including sprays and chemicals (subject to compliance with any relevant legislation) may be a permitted activity. Accordingly, where rainwater is collected from exposed surfaces for human consumption in connection with any residential development on the site, the occupiers of any such dwelling shall install: an approved water filtration system consistent with the New Zealand Drinking Standards 1995 and any amendments thereto; and including the use of a designed sludge trap with a minimum volume of 100 litres.

Properties within the vicinity of this allotment are engaged in horticultural activities where the use of spray and other related activities will occur. Compliance with all operational requirements will be adhered to by the horticulturalists in accordance with the appropriate requirements. As a result of being adjacent to these commercial operations noise, spray, and associated effects could occur but always in accordance with the permitted standards within the district and regional plans.

Lot 2 – DP 462527

- i. In the event of the property water supply allocated by Kerikeri Irrigation Company Ltd discontinuing, future land owners will be required to ensure that upon construction of any habitable building, it shall have a roof water collection system with minimum tank storage of 50,000 litres. The tank(s) shall be positioned so that they are accessible (safely) for fire-fighting purposes and fitted with an outlet compatible with rural fire service equipment. Where more than one tank is utilised they shall be coupled together and at least one tank fitted with an outlet compatible with rural fire service equipment. Alternatively, the dwelling can be fitted with a sprinkler system approved by Council.
- ii. The operation of agricultural and horticultural equipment including sprays and chemicals (subject to compliance with any relevant legislation) may be a permitted activity. Accordingly, the occupiers of an existing dwelling are advised of the risk of contamination of any water supply which comes from roofs. Such contamination can be addressed by appropriate treatment of the water supply.

Properties within the vicinity of this allotment are engaged in horticultural activities where the use of spray and other related activities will occur. Compliance with all operational requirements will be adhered to by the horticulturalists in accordance with the appropriate requirements. As a result of being adjacent to these commercial operations noise, spray, and associated effects could occur but always in accordance with the permitted standards within the district and regional plans.

- iii. Any increase in the impermeable surface coverage on this Lot above 20% will require on-site detention of stormwater with flow attenuation of the outflow to limit outflow to the existing level. The design of the detention storage and flow attenuation shall be submitted to and approved by Council prior to any work which increases the area of impermeable surfaces above 20% of site coverage.



4 Description of Proposed Activity

The proposed activity is to describes on Page 1-2 of the applicant's AEE. In summary, the proposed activity is to construct a commercial building to contain a medical centre with associated chemist, retail outlet and café. The proposed building will have a total footprint of 2,385m² (45m x 53m).

Request for Further Information

Council's Engineer had concerns regarding stormwater management and the below information was requested on 23 October 2022:

- 1. Review the rainfall data used in the Stormwater Attenuation Assessment Report due to it being found to vary from that on the NIWA database for the subject site location (Variance observed circa ~15%). Review to be for both sets of calculations for the roof attenuation and soak pit respectively.*
- 2. Provide Preliminary design of Secondary system for stormwater overflow from soak pit during events that exceed the design capacity of the soakage device (1%AEP).*
- 3. Provide the commentary and recommendations for a stormwater pre-treatment solution for the soak pit and the water quality management for the whole stormwater system.*

The applicant provided a response to point 1 on 25 November 2022 and an updated Stormwater Report on 20 February 2023 regarding points 2 and 3.

On 17 October 2022 the Central Government released the National Policy Statement for Highly Productive Land (NPSHPL) and the applicant was asked to provide assessment of their application against the relevant provisions of the NPSHPL on 23 November 2022.

The applicant provided a Land Use Capability Report prepared by AgFirst on 23 February 2023, deeming that the land where it proposed medical centre it is be situated is no longer available for primary production and trying to persist with primary production on the small parts of the site that are unoccupied and available cannot be justified and would create adverse reverse sensitivity effects.

5 Distribution and Correspondence

Internal Specialists

The proposal has been reviewed and assessed by the following Council specialists and the matters within the scope of this application have been taken into account in the assessment below.

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Internal Specialist	Date Sent	Date Received
RC Engineer	20 September 2022	24 February 2023
IAM	20 September 2022	21 September 2022
NTA / Roding	21 September 2022	29 September 2022

External Party

Correspondence has been received from the following external party, and the matters within the scope of this application have been considered in this assessment below.

External Party	Date Sent	Date Received
Waka Kotahi (NZTA)	13 October 2022	14 November 2022

6 Reasons for the Application

Rule Assessment

The proposal requires resource consent for the following reasons:

Operative Far North District Plan

section 9(3) – Land use

Rule Number and Name	Non-Compliance Aspect	Activity Status
8.6.5. PERMITTED ACTIVITIES 8.6.5.1.3 STORMWATER MANAGEMENT The maximum proportion or amount of the gross site area covered by buildings and other impermeable surfaces shall be 15%.	Impermeable surface coverage is estimated to increase by 4252m ² as a result of this proposal. This will increase the % coverage above the currently consented 18.8% - up to 38% of total site area.	Discretionary Activity
8.6.5.1.4 SETBACK FROM BOUNDARIES No building shall be erected within 10m of any site boundary	The proposed building is setback 4.3m from a portion of subject site's eastern boundary and 5m from southern boundary.	Discretionary Activity
8.6.5.1.5 TRANSPORTATION	Proposal does not meet Rules under the Transportation Chapter.	Discretionary Activity
8.6.5.1.10 BUILDING COVERAGE Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 12.5% of the	The existing building coverage (existing and proposed) is estimated at 4507m ² , or 20% of total site area. It therefore exceeds the 12.5% requirement by 7.5%.	Discretionary Activity

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gross site area.		
8.6.5.1.11 SCALE OF ACTIVITIES For activities other than those provided for in the exemptions below, the total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the household shall not exceed i. For activities ancillary to farming or plantation forestry activities, 8 persons per site or 2 person per 1 hectare of net site area, whichever is the greater ii. ii. For all other activities, 4 persons per site or 1 person per 1 hectare of net site area, whichever is the greater.	In addition to the existing activity, the proposed activity will increase of the use of the site by approximately 50-60 people at any one time.	Discretionary Activity

Transportation

Rule Number and Name	Non-Compliance Aspect	Activity Status
15.1.6A.2.1 TRAFFIC INTENSITY The Traffic Intensity threshold value for a site shall be determined for each zone by Table 15.1.6A.1 above. The Traffic Intensity Factor for a proposed activity (subject to the exemptions identified below) shall be determined by reference to Appendix 3A in Part 4.	The proposal does not meet the Traffic Intensity threshold values in Table 15.1.6A.1 as a permitted or restricted discretionary activity, given that more than 200 one-way traffic movements are anticipated on the subject site.	Discretionary Activity
15.1.6B.1.1 ON-SITE CAR PARKING SPACES Where: (i) an activity establishes; or (ii) the nature of an activity changes; or (ii) buildings are altered to increase the number of persons provided for on the site; the minimum number of on-site car parking spaces to be provided for the users of an activity shall be determined by reference to Appendix 3C.	The proposal does not meet the permitted activity On-Site Car Parking Spaces Rule 15.1.6B.1.1, which would require 133 car parking spaces to be provided on the subject site. The proposal only includes the provision of 70 car parking spaces.	Discretionary Activity

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15.1.6C.3 AFFECTED PERSONS Where an application is required because of non compliance with rule within this Chapter and the access is off a State Highway or nearby (up to 90m of an intersection with a State Highway) the New Zealand Transport agency may be considered an affected party for notification purposes.	The applicant has provided written approval from NZTA, subject to conditions.	
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Proposed Far North District Plan

The Proposed Far North District Plan (PDP) was notified on 27 July 2022. Rules in a Proposed Plan have legal effect once the council makes a decision on submissions relating to that rule and publicly notified this decision, unless the rule has immediate legal effect in accordance with section 86(3) of the Resource Management Act 1991 (the Act).

The submission period on the PDP has now closed, however submissions are not yet summarised. Therefore, only rules in the PDP with immediate legal effect are relevant. These rules are identified with a 'hammer' in the plan. Rules that do not have immediate legal effect do not trigger the need for a resource consent under the PDP.

An assessment of the proposal against the rules with immediate legal effect has been undertaken. In this case there are none that are relevant to the proposal. Therefore, no consideration needs to be given to any of the rules under the PDP.

Overall Activity Status

Overall, the application is a Discretionary activity.

7 National Environmental Standards

The following National Environmental Standards are considered relevant to the site; however, resource consent is not required under the standard as addressed below.

National Environmental Standard for Assessing and Managing Contaminants in Soils to Protect Human Health 2011 (NESCO)

The site is identified as containing, or has contained, or has more likely than not contained an activity or industry described in the HAIL and is therefore a piece of land under regulation 5(7). The site was identified as more than likely historically been used as commercial orchard. However a detailed site investigation has been provided by the applicant, that demonstrates that any contaminants on the piece of land are at, or below, background concentrations. As such pursuant to regulation 5(9) the NESCO does not apply.

National Environmental Standards for Freshwater 2020 (NESFW)

While the NESFW is enforced by the regional council, it is still relevant to consider whether the activities subject of this application may have implications in terms of the NESFW regulations.

The site does not contain any wetlands or freshwater, nor does the application involve a dairy farm activity and therefore the NESFW is not relevant.

8 Notification Assessment

Section 95A – Public Notification Assessment

Section 95A requires a decision on whether or not to publicly notify an application and sets out a step by step process by which to make this decision.

Step 1: Mandatory public notification in certain circumstances

s95A(3)(a)	Has the applicant requested that the application be publicly notified?	No
s95A(3)(b)	Is public notification required under section 95C?	No
s95A(3)(c)	Has the application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?	No

Step 2: If not required by step 1, public notification in certain circumstances.

s95A(5)(a)	Is the application for a resource consent for one or more activities and each activity is subject to a rule or national environmental standard that precludes public notification?	No
s95A(5)(b)	Is the application for a resource consent for 1 or more of the following, but no other, activities; a controlled activity; a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity?	No

Step 3: If not precluded by step 2, public notification required in certain circumstances not

s95A(8)(a)	Is the application for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification?	No
s95(8)(b)	In accordance with section 95D, does that the activity will have or is likely to have adverse effects on the environment that are more than minor? The assessment below addresses this matter.	No

Assessment of Environmental Effects

To determine whether the activity will have or will be likely to have adverse effects on the environment that are more than minor, an assessment of environmental effects carried out in accordance with section 95D of the Act is required.

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Effects that must be Disregarded

Adjacent Land

Pursuant to section 95D(a) the consent authority must disregard any effects on the land in, on, or over which the activity will occur, and on persons who own or occupy any adjacent land.

The land adjacent to the subject site is identified in Table 1 and Figure 1 below.

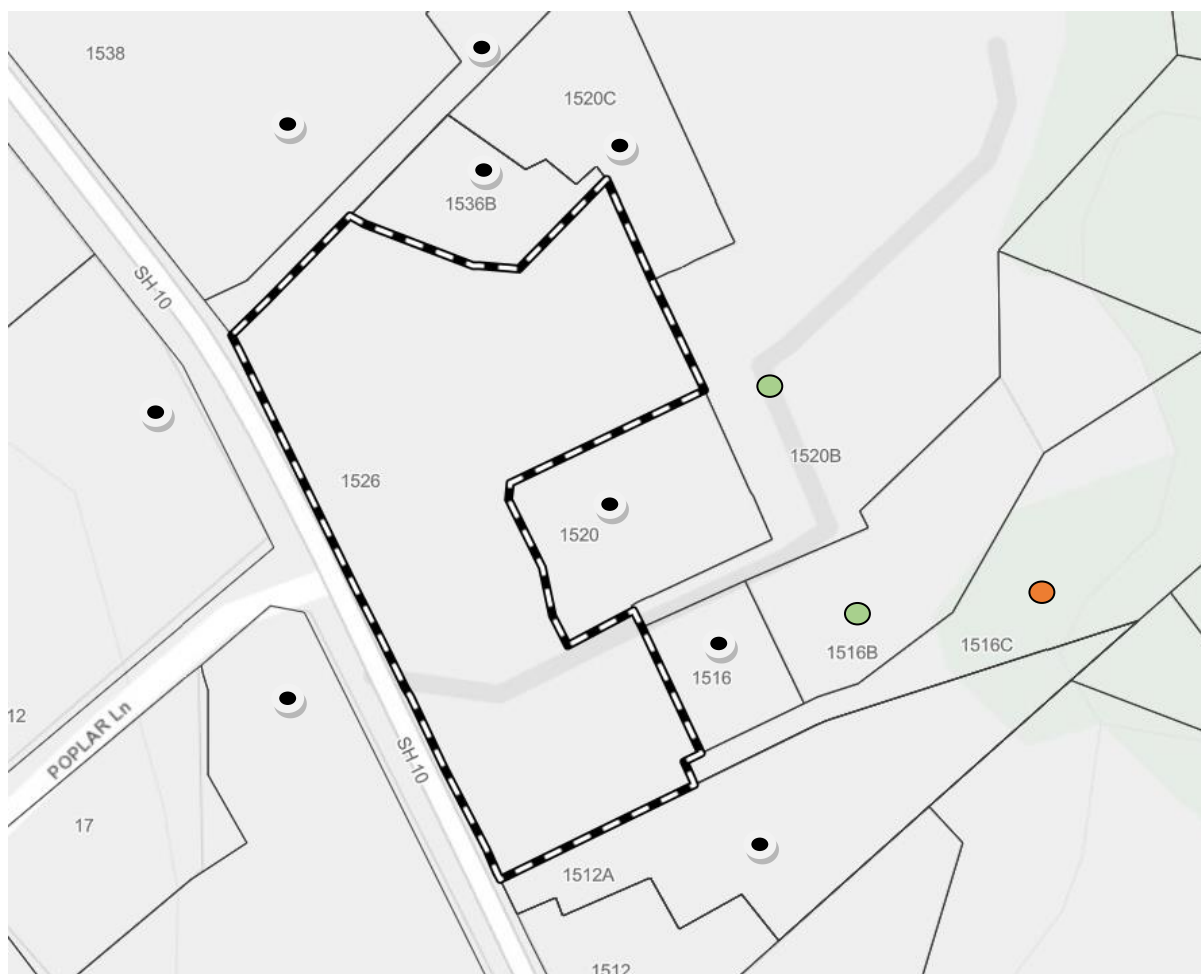
Table 1: Adjacent Land

Legal Description	Address
Lot 1 DP 153278	1536A State Highway 10
Lot 2 DP 158177	1536B State Highway 10
Lot 2 DP 476657	1520C State Highway 10
Lot 2 DP 536728	1520B State Highway 10
Lot 1 DP 462527	1520 State Highway 10
Lot 1 DP 160151	1516 State Highway 10
Lot 1 DP 206238	1516B State Highway 10
Lot 2 DP 206238	1515C State Highway 10
Lot 2 DP 192569	1512A State Highway 10
Lot 1 DP 533924	Poplar Lane, Keri Keri
Lot 2 DP 202789	12 Poplar Lane, Keri Keri

Figure 2: Adjacent Land



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Restricted Discretionary Activities

Pursuant to section 95D(c) in the case of a restricted discretionary activity, the consent authority must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion.

The application is not for a restricted discretionary activity and therefore the consent authority can take into account any relevant matter when assessing the environmental effects.

Written Approvals

Pursuant to section 95D(e) the consent authority must disregard any effect on a person who has given written approval.

The following persons have provided written approval and any adverse effects on them have been disregarded:

Table 2: Written approvals provided

Legal Description	Property	Name	Owner or
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C Otway Limited

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			Occupier
Lot 2 DP 536728	1520B SH10	C&G Lovegrove and Lovegrove Family Trust	Owner
Lot 1 DP 160151	1516B SH10	J & J Andrews and S Kidd	Past Owner of property

Trade Competition

Pursuant to section 95D(e) the consent authority must disregard trade competition and the effects of trade competition.

There are trade competition matters to consider in this instance as the proposed activity includes a cafeteria and the existing environment includes the Café @ Redwoods. As mentioned above, any effects of the trade competition must be disregarded in terms of profitability. However, it is noted that the parking demand for the proposed activity may impose on the customer parking of the existing businesses onsite which is addressed in the assessment of environmental effects below.

Effects that may be Disregarded

Permitted Baseline

Pursuant to section 95D(b) the Council has the discretion to disregard effects of an activity if a rule or national environmental standard permits an activity with that effect, this is known as the permitted baseline.

The permitted baseline is not relevant to the application as the proposal includes a number of rule breaches and is not a usual activity in the Rural Production zone of the District Plan and therefore should be considered in its entirety.

Assessment

Receiving Environment

The receiving environment consists of commercial and retail activities, located within the rural production zone along State Highway 10. Residential properties lie to the northeast and east of the subject and commercial buildings lie to the north and south of the subject site. The site is accessed via two crossing points on State Highway 10. A ROW over the subject site, services 5 residential lots with existing dwellings on each.

This is the environment within which the adverse effects of the application must be assessed.

Adverse Effects Assessment

Taking into account the above, the following assessment determines whether the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor.



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Visual Amenity & Character:

Boundary setbacks:

The proposed building is single storey, with a building footprint of approximately 2385m² and height of 5.6m. The proposed building falls short of the minimum 10m setback to boundaries for the Rural Production Zone along two facades.

The proposal breaches minimum setback requirements by 5.7m at most, however, this is limited to the southern side of the building and a small portion of the eastern boundary in the corner of the subject site at the nearest point between the building and easement boundary. A 1m high fence has been erected along the eastern boundary of the subject site in order to provide separation between the activity and the eastern boundary. In terms of outlook, the building will have a number of small windows facing the adjoining southern property and minimal planting is proposed along the southern boundary. The encroachment will be visible from State Highway 10, however as it is a busy highway with no footpath, any views from the road frontage will be fleeting from passengers in vehicles. Additionally, no entrances are proposed along the southern boundary other than an emergency exit.

The building and associated parking has been designed in a way to not restrict access and egress to properties utilising the R.O.W. Given the encroachments relate to the rear and side yard, the position of the building tucked towards the corner of the site will not create visual dominance or shading. In the context of the wider environment, any effects on visual amenity in terms of boundary setback will be less than minor.

Building Coverage:

The proposal will result in a total building coverage (including the existing and proposed building) of approximately 4507m², or 20% of total site area. It therefore exceeds the 12.5% minimum by 7.5%.

Landscaping and visual mitigation:

In terms of landscaping, there is minimal landscaping proposed for the activity. A one metre garden is proposed to be established along the western façade (State Highway facing) of the building. No landscaping is proposed along the road frontage, other than the grassed verge and minimal landscaping is proposed along the southern boundary of the site. Notably, there is little to no landscaping around the existing buildings on site and the adjoining property (also containing a commercial activity) is not landscaped either. The landscaping proposed along the eastern side of the building, parallel to the ROW is minimal to ensure the any access is not encroached by vegetation. A wooden fence has been erected along the eastern boundary of the ROW, which will somewhat mitigate the visual impacts by shielding the view of carparking on this side of the building from the east. A planted-up area is proposed at the north-western corner of the building and around the proposed signage to be located at the southern entrance to the site. In regard to the western boundary adjoining State Highway 10, no landscaping has been proposed. While the building is setback from this boundary, given the height and scale of the building and carparks along the



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boundary, landscaping would aid in maintaining the visual amenity of the zone and roadside. A condition requiring landscaping along the western boundary between the carpark area and the road will be recommended, should consent be granted. Overall, it is considered that the landscaping provided is minimal but is consistent with the existing environment and any effects will be less than minor subject to conditions.

Bulk and design of building:

The proposed building will complement the existing buildings on the subject site, given that the extent of the proposed building is consistent with the character and scale of existing buildings on the subject site.

The proposed building is single storey and has a footprint of approximately 4507m², which will result in a 20% building coverage of the total subject site. Although the proposal does not meet building coverage requirements under the District Plan, it is considered that given the existing use of the site for commercial activities and its associated buildings within the rural production zone, the proposal will not be out of character and scale with its immediate receiving environment.

The building will be orientated in a position which promotes foot traffic towards the northern side of the building, which faces the centre of the subject site and the existing commercial facilities. There is also an entrance into the building on the State Highway facing (west) elevation, allowing people to use the proposed western carpark and quickly access the building to an internal reception area, which does not face any adjacent properties.

Overall, any effects of the scale and bulk of the proposed building will be less than minor in relation to the wider environment.

Open Spaces:

As discussed above, the proposal will result in total building coverage of 20%, with a remainder of 80% for open spaces. Given the existing use of the subject site is commercial and retail, the open space lies at the front of the site between the buildings and State Highway 10. The proposed building will be in keeping with this character as the open space will remain along the western boundary.

Cumulative visual effects and dominance:

The applicant has stated that the cumulative visual effects of all buildings on the subject site have been considered for the proposal. In total the building coverage will be 4507m², which exceeds the 12.5% requirement by 7.5%. While total footprint of the proposed building is larger than any single footprint of the existing buildings on site, the size of the proposed building will be able to accommodate multiple activities (medical centre, chemist, retail and café) which provide for the community. Further, the building has been intentionally designed to fit in the southern portion of the site on an angle which will align parallel with the boundaries. The main entrance to the building will face towards the existing activities on the site and will support the Redwoods hub.

Overall, the siting, setback, design of building is consistent with the existing environment and any cumulative effects as a result of the activity will be less than minor in regard to the wider environment.

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Scale of Activities

The proposed activity anticipates an additional 50-60 people at any one time on the subject site. This includes staff who are present throughout the day and visiting patients/patrons. The proposed operating hours of the activity are 8am to 5pm up to 7 days a week.

The proposal will allow of the continued operation of the existing activities in the surrounding area. While there is not a functional need for a medical centre to be located in the rural production zone, the site is suitable given the rural productive use of the site is compromised by the existing commercial activities onsite. Further, the existing activities on the site includes a Skin Cancer Care Clinic which is related to medical treatment but is not a medical centre per se. The building has been sited in the best possible location within the site relative to the road frontage and landscaping and fencing have been proposed to reduce loss of privacy to the surrounding environment.

The proposed hours of operation are generally consistent with the operational hours of the existing activities on the site. The proposed increase in vehicular and pedestrian traffic is addressed below. Adequate water supply and provisions for stormwater and wastewater management have been addressed by engineering. While the activity will increase the scale of activities on the site, the site is already a commercial hub and the activity will provide amenities which operate in conjunction with those existing and therefore will not create effects on the wider environment in terms of reverse sensitivity. Further, the activities will take place inside the building and any additional noise will most likely be limited to traffic and voices as people enter and exit the building. Overall, the effects associated with the scale of activities will be less than minor given the context of the site and existing activities within.

Transport:

The proposal will result in a breach of traffic intensity given that the more than 200 one-way traffic movements are anticipated on the subject site in total. In terms of on-site car parking spaces, the proposal was revised to have a total of 70 carparks meaning the shortfall of parking spaces under the District Plan is 63 car parking spaces. The applicant has provided a Transport Assessment, prepared by Stantec titled: Redwoods: 1526 Springbanks Road Kerikeri, and dated 1 November 2021, which address the breaches and have also obtained conditional written approval from Waka Kotahi New Zealand Transport Agency further discussed below.

In summary, the report used actual trip generation of activities and concludes that in terms of traffic intensity the additional trips generated from the proposal can be accommodated and will not have a more than minor effect on the safe and efficient use of State Highway 10. In terms of car parking, there is shortfall of 63 car parking spaces as per FNDC standards but considered as 40 according to the traffic report. However, this report takes into account the existing 23 carparks on the site which are required for the existing businesses. The report states that the parking shortfall is considered acceptable due to there being sufficient capacity for the parking overflow in the northern portion of the subject site, without a risk to overflow onto the road reserve. However, it is noted the northern portion of the site is to contain leased display cabins and may not always be available for overflow parking.

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The applicant consulted Waka Kotahi New Zealand Transport Agency (NZTA) prior to lodgement who provided feedback on the proposal and written approval subject to several conditions. The commentary received was submitted with the application (page 88 – 93) and it was identified that the southern most vehicle crossing to the site was most likely to be used by the proposed activity. This access also services five residential lots with existing dwellings. Given the existing and proposed vehicle generation at the southern crossing, NZTA required that the access be upgraded to safely and efficiently cater to the users and maintain efficiency of the State Highway. A suite of conditions has been recommended by Waka Kotahi NZTA in relation to access upgrade and design noise levels given the building is to contain a noise sensitive activity.

Northland Transport Alliance (NTA) were contacted by Council as an interested party, however, it was confirmed that NTA is not the roading control authority in this instance given the site adjoins the State Highway controlled by Waka Kotahi New Zealand Transport Agency. Accordingly, no conditions were recommended by NTA.

In order to address the parking shortfall, the applicant has advised that they propose to set up a shuttle bus running from the medical centre to the to Waipapa and Kerikeri via the Retirement Village and back to aid in transportation requirements and reduce number of traffic movements. The applicant has offered a condition with a review clause for carparking which to allow for reassessment on how the carparking is working when the activity is up and running. Should consent be granted, a condition of this nature will be recommended.

The Resource Consent Engineer concurs with the findings in the transportation report, which concludes that the parking shortfall is considered acceptable, and the conditions from Waka Kotahi NZTA. Based on these recommendations, any effects on transportation as a result of the activity will be minor.

Noise Effects:

A medical centre is regarded as a ‘noise sensitive’ activity as it is likely to be affected by noise from the State Highway. In this regard, on the applicant’s consultation with Waka Kotahi, they agreed to number of conditions including a design report prepared by a suitably qualified and experienced acoustics specialist. The application is supported by a Traffic Noise Assessment prepared by Marshall Day Acoustics referenced Report No. Rp 001 20220019, dated 23 February 2022.

The traffic noise assessment included the following:

Marhsall Day Acoustics calculated the internal noise levels for the proposed building and assessed compliance against the Waka Kotahi noise rules for noise sensitive activities near a State Highway. The assessment modelled façade construction and recommends minor upgrades to the proposed wall and roof build-up.

The NZTA guide require an alternative means of ventilation to be provided to the noise sensitive rooms identified on the western façade of the building. Marshall Day acoustics understand that all noise sensitive spaces are proposed to be air-conditioned and ventilated to New Zealand standards.

Stormwater Effects:

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The total impermeable surface coverage of the proposed building and parking areas is estimated to be 4252m², which will increase the % coverage above the currently consented 18.8%, up to 38% of the total site area.

The application is supported by a Stormwater Management Report prepared by Geologix Consulting referenced 1526 State Highway 10, Kerikeri C0134-SW-01 February 2023 Revision. It is noted that Geologix provided a stormwater design/plan which was totally different to the previous report (prepared by Vision) submitted. The design by Geologix included the attenuation solution for 10%AEP event and the network design for 1%AEP event. Only runoff from roof is to be treated. Runoff from carpark is directly discharged to the network.

The Resource Consent Engineer has reviewed the stormwater design and is satisfied with the proposed attenuation and there will be no run-off to the surrounding environment. However, it was identified that the Engineering standard ARC TP2013 states that “parking areas, and associated accessways that are exposed to rainfall and carry more than 50 vehicles per day” is considered as High contaminant generating areas (HCGA) which is required to apply stormwater treatment. Given the activity is to create approx. 2000m² parking area with 216 vehicle per hour estimated (Traffic report). The applicant will need to provide a stormwater treatment solution for carparks, which will be a recommended condition, should consent be granted.

Therefore, any effects of stormwater will be less than minor subject to consent conditions.

Wastewater:

A separate and customised wastewater system has been designed to service the proposed activities. The proposed wastewater system has been granted by Northland Regional Council on 13 June 2022, File No. 43825.

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

The application is supported by a Detailed Site Investigation prepared by Vision Consulting referenced Job No. J14765, dated 7 December 2021.

The DSI states the following:

The site history study revealed that an area of the site was more likely than not to have historically been used as a commercial orchard; orchards are itemised on the HAIL. A potential piece of land was identified based on the historical information. A systematic sampling regime was undertaken. The analysis assumed that the activity at the property is change of use and soil disturbance of the piece of land.

The land use scenario applied was commercial outdoor worker, as defined in the Methodology for Deriving Standards for Contaminants in Soil to Protect Human Health (MfE, 2011b). All of the results were below threshold values for the land use scenario investigated at the site. No results identified detectable levels of Organochlorine pesticides. All of the results were well below the published background concentrations for the local geologic group.

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In summary, while a piece of land has been identified, this Detailed Site Investigation shows that contaminants in the soil are at or below background concentrations. In accordance with regulation clause 5(9) of the NESCS the land identified as a piece of land is not covered; i.e. the regulations do not apply. It is likely that other areas of the property are an unconfirmed piece of land, however the area of the proposed works is not covered by the legislation.

I adopt the findings of the DSI and any effects on the environment in regard to potential contamination will less than minor.

Adverse Effects Conclusion

In conclusion, I consider that the proposal will not have and is not likely to have more than minor adverse effects on the wider environment.

Step 4: Public notification in special circumstances

s95A(9)	Do special circumstances exist in relation to the application that warrant the application being publicly notified? The assessment below addresses this matter.	No
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Special circumstances are those that are:

- Exceptional or unusual, but something less than extraordinary;
- Outside of the common run of applications of this nature, or;
- Circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

In this instance, the proposal is for a commercial development in the rural production zone. However, given the context of the subject site, it is not considered the application is exceptional to suggest public notification should occur.

Section 95B – Limited Notification Assessment

Where an application is not publicly notified under section 95A, section 95B requires a decision on whether there are any affected persons (under section 95E) and sets out a step by step process by which to make this decision.

Step 1: Certain affected groups and affected persons must be notified

s95B(2)(a)	Are there any affected protected customary rights groups?	No
s95B(2)(b)	Are there any affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity)?	No
s95B(3)(a)	Is the proposed activity 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?	No
s95B(3)(b)	Is the person to whom the statutory acknowledgement is made is an affected person under section 95E?	No

Step 2: If not required by step 1, limited notification precluded in certain circumstances

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s95B(6)(a)	The application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification.	No
s95B(6)(b)	The application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).	No

Step 3: If not precluded by step 2, certain other affected persons must be notified

s95B(7)	In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person..	No
s95B(8)	In the case of any other activity, determine whether a person is an affected person in accordance with section 95E. The assessment below addresses this matter.	Yes

Affected Persons Assessment

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to, pursuant to s95B(7) or (8), in accordance with 95E. A person is affected if the activity's adverse effects on a person are minor or more than minor (but not less than minor).

Pursuant to section 95E(2)(c) the consent authority must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

Effects that must be Disregarded

Controlled or Restricted Discretionary Activities

Pursuant to section 95E(2)(b) the activity is a restricted discretionary activity and the consent authority must disregard any 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 restricts discretion.

The application is for a Discretionary activity and therefore a full consideration of effects can be made.

Written Approvals

Pursuant to section 95E(3)(a) a person is not an affected person if they have given written approval to the application (and not withdrawn it).

The written approvals listed in the section 95A Assessment have been obtained and not withdrawn and effects on those persons are disregarded.

Effects that may be Disregarded

Permitted Baseline

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Pursuant to section 95D(b) the permitted baseline may be taken into account and the Council has the discretion to disregard those effects.

The permitted baseline has not been taken into account as addressed in the section 95A Assessment above.

Assessment

The owners and occupiers of the following properties are considered affected persons.

Legal Description	Address	Owner
Lot 2 DP 476657	1520C State Highway 10	Anthea Wren McIntyre, Tom Evans
Lot 1 DP 462527	1520 State Highway 10	Christopher John Staff, Sharon Glen Churton
Lot 1 DP 160151	1516 State Highway 10	Jonathan Kendrick Mclean (eastern boundary)
Lot 2 DP 192569	1512A State Highway 10, Kerikeri & 1512B State Highway 10, Kerikeri	William Bingham (Southern boundary)
Other Parties		
Kerikeri Water Company Ltd		
Café @ Redwoods		
Jenny Morgan Professional Dog Grooming		
Aesthetic Skin Care		
Kerikeri Highway Vets		
Redwoods Garden Centre		

Taking into account the assessment above, the reasons the properties above are considered affected are outlined below.

The encroachment of the boundary setback to the east and south will result in visual dominance of the building that will have an impact of the adjacent properties (1512A & 1512B and 1516 State Highway 10, Kerikeri). Additionally, the proposal involves the use of the Right of Way which serves 5 properties (one provided approval). A private way is only permitted to serve a maximum of 8 household equivalents and given the increase in traffic movements, the activity will have a direct effect on the owners and occupiers of these properties. Additionally, Kerikeri Water Company Ltd use the Right of Way easement to convey water. They were not consulted during the application process and are considered to be affected as the proposed intensity of use of the right of way has a minor effect on the ability to convey water.

In regards to parking, there is a large shortfall of carparks available for the proposed activity. The Transportation Report submitted takes into account the existing 23 car parks which are in fact required for the existing businesses onsite. Given any overflow parking is likely to use these parks

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rather than car parks some 80m to the north, there will be minor effect on the existing businesses onsite.

Given the footprint of the building and the scale of the activity the activity will detract from the amenity of the immediate environment for those adjoining properties in close proximity to the building. It is anticipated that the adjoining properties listed above will experience more than minor effects in regard to amenity, privacy and transport.

It is noted that two informal objections have been made in relation to the proximity of the building and lack of screening as well as transportation effects.

Step 4: Further notification in special circumstances

s95B(10)	Do special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons)? The assessment below addresses this matter.	No
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The effects on all persons were able to be considered in Step 3 above. As such there are no additional persons that need to be considered in this assessment and therefore consideration of special circumstances is not required.

9 Notification Recommendation

Based on the assessment above under section 95A of the Act, this application may be processed without public notification. Pursuant to section 95B of the Act, limited notification is required as the assessment determines there are affected persons that the application is required to be limited notified to, pursuant to s95B(8) and (9), in accordance with 95E.

I therefore recommend that this application is processed limited notified and served on the parties listed above.



Date: 14/04/2023

Stephanie Andrews-Paul, Intermediate
Planner

10 Notification Determination



NOTIFICATION DETERMINATION UNDER SECTIONS 95A TO 95G OF THE RESOURCE MANAGEMENT ACT 1991

Acting under delegated authority, and for the reasons set out in the above assessment, under sections 95A and 95B this application shall be processed on a limited-notified basis.

A handwritten signature in blue ink that reads "P. J. Killalea."

Name: Pat Killalea

Date: 14/04/2023

Title: Principal Planner