

3rd June 2025

Resource Consents Team
Far North District Council
Private Bag 752
Kaikohe 0440

Attention Team Leader Resource Consents

SECTION 127 APPLICATION FOR CHANGE OF CONDITIONS FOR RC 2240125 BEING AN APPLICATION BY THE HOLLAND FAMILY TRUST AT 11 FAIRWAY DRIVE, KERIKERI.

Zenith Planning Consultants have been engaged by the Holland Family Trust to prepare a section 127 Change of Conditions application which seeks changes to conditions 1 & 2 of RC 2240125 which related to the relocation of Bay Physio from Homestead Road, Kerikeri to 11 Fairway Drive Kerikeri.

The changes sought relate to the total number of people engaged in activities onsite and to allow extended hours for the physio clinic to include Saturday mornings.

I have attached the following information in support of the application:

- Completed Application Form
- Planning Report and Assessment of Effects
- Updated Floor Plan and existing site plan
- Current Certificate of Title
- Existing Legal Instruments
- Fire report

The applicant has paid the application fee online using the reference Holland s127 application.

Should you have any queries in respect to this application please contact me.

Yours faithfully



Wayne Smith

Zenith Planning Consultants Ltd

Principal | Director

BPlan | BSocSci | MNZPI

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mob: +64 (0) 21 202 3898

Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Schedule 4). Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — [both available on the Council's web page](#).

1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement? ☐ Yes ☐ No

2. Type of Consent being applied for

(more than one circle can be ticked):

- | | |
|---|---|
| <input type="radio"/> Land Use | <input type="radio"/> Discharge |
| <input type="radio"/> Fast Track Land Use* | <input type="radio"/> Change of Consent Notice (s.221(3)) |
| <input type="radio"/> Subdivision | <input type="radio"/> Extension of time (s.125) |
| <input type="radio"/> Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil) | |
| <input type="radio"/> Other (please specify) _____ | |

** The fast track is for simple land use consents and is restricted to consents with a controlled activity status.*

3. Would you like to opt out of the Fast Track Process?

☐ Yes ☐ No

4. Consultation

Have you consulted with Iwi/Hapū? ☐ Yes ☐ No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council tehonosupport@fndc.govt.nz

5. Applicant Details

Name/s:

Holland Family Trust

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

6. Address for Correspondence

Name and address for service and correspondence (if using an Agent write their details here)

Name/s:

Zenith Planning Consultants Limited - Att. Wayne Smith

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

** All correspondence will be sent by email in the first instance. Please advise us if you would prefer an alternative means of communication.*

7. Details of Property Owner/s and Occupier/s

Name and Address of the Owner/Occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)

Name/s:

Holland Family Trust

**Property Address/
Location:**

11 Fairway Drive

Kerikeri

Postcode

8. Application Site Details

Location and/or property street address of the proposed activity:

Name/s:

**Site Address/
Location:**

 Postcode

Legal Description:

Val Number:

Certificate of title:

Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

Site visit requirements:

Is there a locked gate or security system restricting access by Council staff? ☐ Yes ☐ No

Is there a dog on the property? ☐ Yes ☐ No

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. This is important to avoid a wasted trip and having to re-arrange a second visit.

9. Description of the Proposal:

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

10. Would you like to request Public Notification?

☐ Yes ☐ No

11. Other Consent required/being applied for under different legislation

(more than one circle can be ticked):

- ☐ Building Consent
- ☐ Regional Council Consent (ref # if known)
- ☐ National Environmental Standard consent
- ☐ Other (please specify)

12. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following:

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL) ☐ Yes ☐ No ☐ Don't know

Is the proposed activity an activity covered by the NES? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result. ☐ Yes ☐ No ☐ Don't know

- | | |
|---|---|
| <input type="radio"/> Subdividing land | <input type="radio"/> Disturbing, removing or sampling soil |
| <input type="radio"/> Changing the use of a piece of land | <input type="radio"/> Removing or replacing a fuel storage system |

13. Assessment of Environmental Effects:

Every application for resource consent must be accompanied by an Assessment of Environmental Effects (AEE). This is a requirement of Schedule 4 of the Resource Management Act 1991 and an application can be rejected if an adequate AEE is not provided. The information in an AEE must be specified in sufficient detail to satisfy the purpose for which it is required. Your AEE may include additional information such as Written Approvals from adjoining property owners, or affected parties.

Your AEE is attached to this application ☐ Yes

13. Draft Conditions:

Do you wish to see the draft conditions prior to the release of the resource consent decision? ☐ Yes ☐ No

If yes, do you agree to extend the processing timeframe pursuant to Section 37 of the Resource Management Act by 5 working days? ☐ Yes ☐ No

14. Billing Details:

This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

Name/s: (please write in full)

Email:

Phone number:

Work

Home

Postal address:

(or alternative method of service under section 352 of the act)

Postcode

Fees Information

An instalment fee for processing this application is payable at the time of lodgement and must accompany your application in order for it to be lodged. Please note that if the instalment fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20th of the month following invoice date. You may also be required to make additional payments if your application requires notification.

Declaration concerning Payment of Fees

I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without limiting the Far North District Council's legal rights if any steps (including the use of debt collection agencies) are necessary to recover unpaid processing costs I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company in signing this application I/we are binding the trust, society or company to pay all the above costs and guaranteeing to pay all the above costs in my/our personal capacity.

Name: (please write in full)

Signature:

(signature of bill payer)

Date

MANDATORY

15. Important Information:

Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You may apply for 2 or more resource consents that are needed for the same activity on the same form. You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, www.fndc.govt.nz. These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

15. Important information continued...

Declaration

The information I have supplied with this application is true and complete to the best of my knowledge.

Name: (please write in full)

Signature:

Date

A signature is not required if the application is made by electronic means

Checklist (please tick if information is provided)

- ☐ Payment (cheques payable to Far North District Council)
- ☐ A current Certificate of Title (Search Copy not more than 6 months old)
- ☐ Details of your consultation with Iwi and hapū
- ☐ Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- ☐ Applicant / Agent / Property Owner / Bill Payer details provided
- ☐ Location of property and description of proposal
- ☐ Assessment of Environmental Effects
- ☐ Written Approvals / correspondence from consulted parties
- ☐ Reports from technical experts (if required)
- ☐ Copies of other relevant consents associated with this application
- ☐ Location and Site plans (land use) AND/OR
- ☐ Location and Scheme Plan (subdivision)
- ☐ Elevations / Floor plans
- ☐ Topographical / contour plans

Please refer to Chapter 4 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website. This contains more helpful hints as to what information needs to be shown on plans.

14. Billing Details:

This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

Name/ST: (please write in full) ROBIN HOLLAND

Email: [Redacted]

Phone number: [Redacted]

Postal address: (or alternative method of service under section 352 of the act) [Redacted]

Fees Information
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Name: (please write in full) ROBIN HOLLAND

Signature: (signature of bill payer) [Redacted]

Date 14/5/25

MANDATORY

15. Important Information:

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Planning Report and
Assessment of Effects for
Section 127 Application
Change to Conditions of
Consent

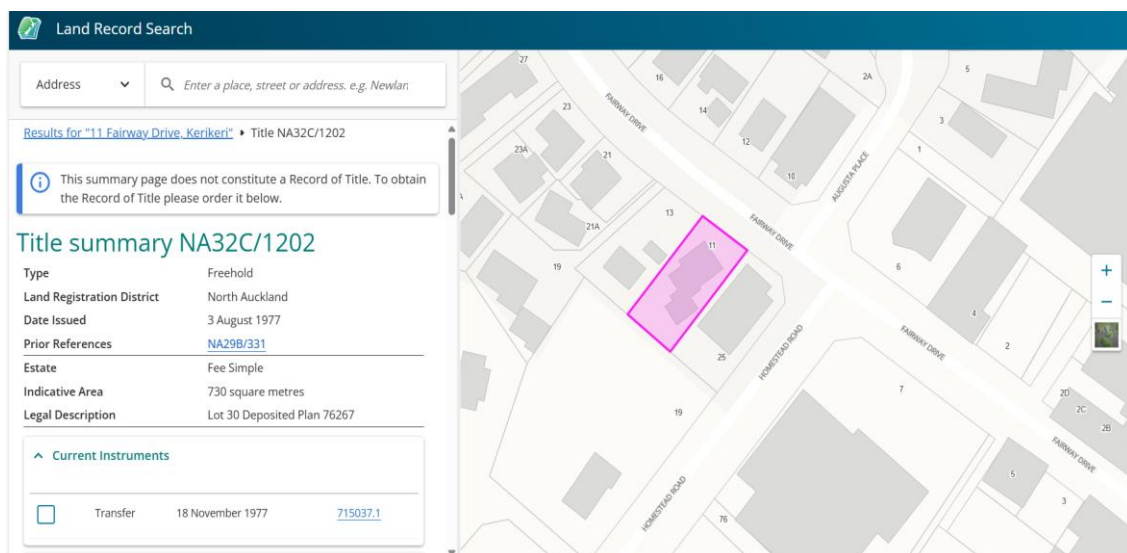
Holland Family Trust

**Change Conditions for RC 2240125
which established a Physiotherapy
Clinic (Bay Physio Limited)
at
11 Fairway Drive,
Kerikeri**

PLANNING REPORT AND ASSESSMENT OF EFFECTS

1. Application and Site Description – Proposed Residential Dwelling

- 1.01 Our clients, the Holland Family Trust seeks to modify conditions imposed on their approved resource consent application RC 2240155-RMALUC, which enabled the relocation of an existing physiotherapy practice (Bay Physio Limited) from Homestead Road to 11 Fairway Drive, Kerikeri. The legal description of the application site is Lot 30 DP 76267. The lot is subject to a land covenant with a copy of this legal instrument included as part of the application pack. The covenant matters were addressed under the original resource consent application and do not need to be re-considered in this proposal. The changes sought under this s127 application do not impinge on the original findings and outcomes with respect to the covenant document.



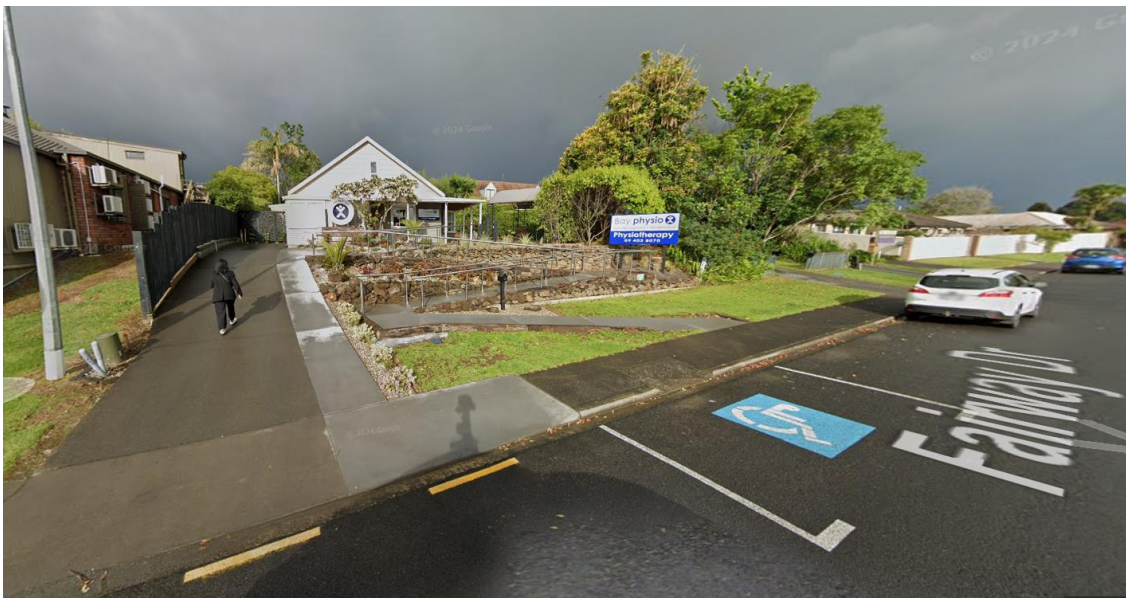
- 1.02 The changes sought to the existing resource consent include:

To increase the total number of people engaged in onsite activities from the consented seven people comprising two physios, up to four patients, and one administrator to eighteen (18) comprising the following composition:

- five (5) physios or related medical specialists;
- three (3) administrators; and,
- up to ten (10) patients being two per specialist – one patient receiving treatment and one patient waiting.

This increased number is an absolute maximum when there is a full schedule of clients/patients and all physios or medical specialists working from the premise. The wider scope of people providing the medical service enables other medical specialists to provide a service to usual clients/patients on an as required basis. The primary business for the facility is, and always will be, a physiotherapy clinic.

- 1.03 The increase in numbers of people engaged in onsite activities is demand driven and a desire by the clinic owners to meet the public's need for physiotherapy and related medical services. This proposal will improve existing health care needs for Kerikeri and the surrounding areas. Unlike the original proposal which resulted in a relocation of services, this change will increase the number of physios and other medical specialists and will increase the provision of services. This will enable a greater number of clients/patients to be treated and serviced.
- 1.04 The second change sought relates to a minor change to the consented operating hours with the option being sought to offer a Saturday morning service. This additional time targeted for those people who are unable to attend the clinic during normal weekday hours and would again meet a client/ patient demand. The additional Saturday morning session would be between 8am and 1pm and matches similar operating hours for other businesses within the Kerikeri CBD.
- 1.05 The original application provided a detailed description of the site and provided justification for the relocation of the physiotherapy clinic to the current Fairway Drive location. Significant works were required to be completed outside of the former dwelling to create disability access and improve overall amenity. These alterations are clearly shown on the site plan and in the photo below. There are no further changes proposed outside of the building and within the property. There is no increase in the floor area of the buildings onsite.

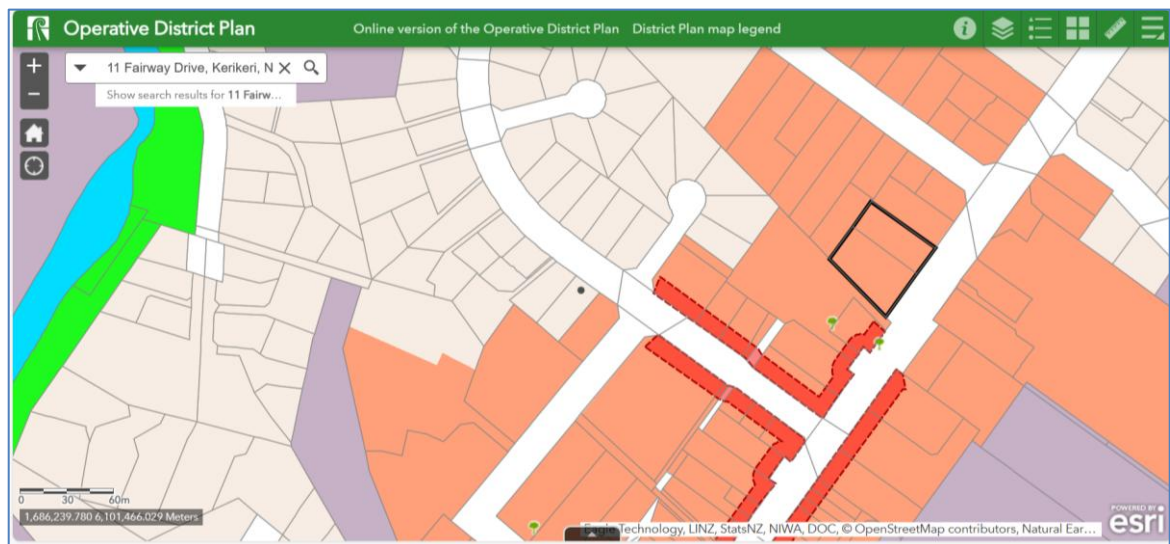


The current street scene which will remain un-changed under this updated proposal. The disability access was a requirement of the previous application as well as the disabled parking space.

- 1.06 The site is generally flat but the site is slightly elevated above Fairway Drive. The applicant has established a disability access from the footpath to the building and due to the existing gradient was required to zig-zag up the modest slope to meet building code and design requirements. Landscaping in this area has been undertaken in the

road frontage area and there remains extensive and mature gardens which screen the existing building from neighbouring properties on the side and rear boundaries.

- 1.07 The parking and access arrangements are to remain the same under this updated application. As with any application seeking to change conditions of an approved resource consent, there is an assessment of the potential effects from the changes sought required to be completed. The parking shortfall remains a shortfall and traffic movements continue to exceed the permitted allowances. The assessed breaches do not change as the formula considers the building size which is not changing. The application places reliance on the means of travel for clients/ patients and the availability of extensive roadside parking located within a short distance of the application site. The potential effects will be discussed in greater detail later within this report.
- 1.08 The application site is zoned Residential (beige) under the Operative District Plan. To the east and south of the site, properties are zoned Commercial (dark orange).



District Plan (property located in the centre with a black dot) confirming the Residential Zoning and adjoins the Commercial zone.

- 1.09 The internal layout of the dwelling requires only minor works to be undertaken in order to provide the necessary facilities for the additional treatment rooms. A floor plan detailing the proposed changes has been provided. A maximum of five treatment rooms for the five physios or medical experts is provided. There is a waiting room area and reception, and other facilities required as required to be provided. The applicant has had an updated fire report completed. The proposed increase in numbers of people engaged in onsite activities under this application are well within the allowances detailed within the fire report.
- 1.10 The following photos provide a representation of the site characteristics and views of Fairway Drive and the neighbouring streets which offer street parking. These photos were used in the original application. The street scene has not changed (other than the

provision of a disability car space) immediately outside the existing premise. Other than parking on both sides of Fairway Drive, there is parking available on Homestead Road (also both sides) and within the CBD. There is a small chance of car spaces being available on Augusta Place although these are usually occupied from casual observations. Details of how patients arrived at the physio clinic were provided in the original application and this assessment was accepted by Council. It is not considered that the composition and means of travel with increased numbers would deviate from this original assessment.



A view of the roadside parking on Fairway Drive. These spaces immediately outside the property with other spaces being a short flat walk to the application site.



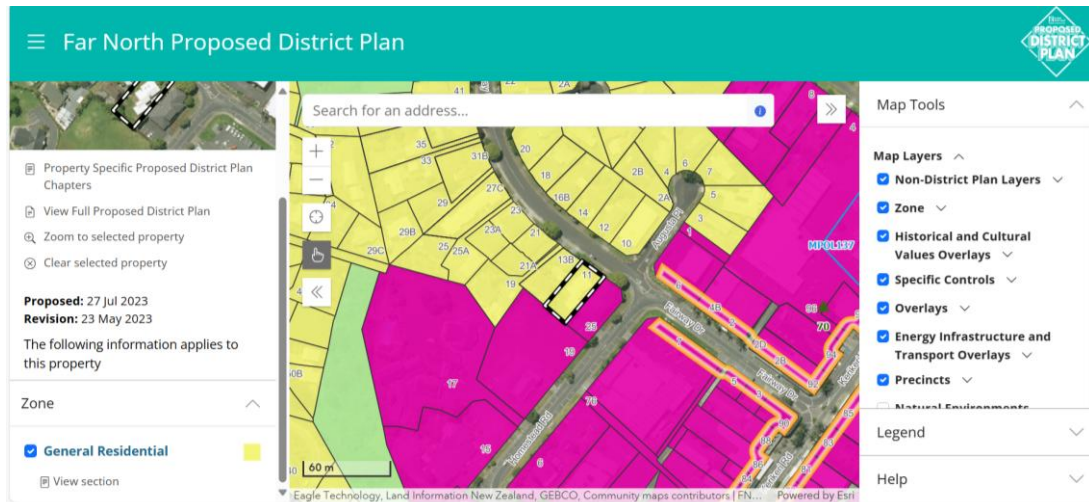
A view opposite the application site towards accountant Whitelaw Weber (blue building) and Augusta Place where additional roadside parking is available. Augusta Place is the transition between Commercial and Residential Zone properties.



A view from the entrance of the application site towards the Kerikeri CBD. The existing one-way traffic system is illustrated. The brown building pictured on the right adjoins the application site and is zoned Commercial.

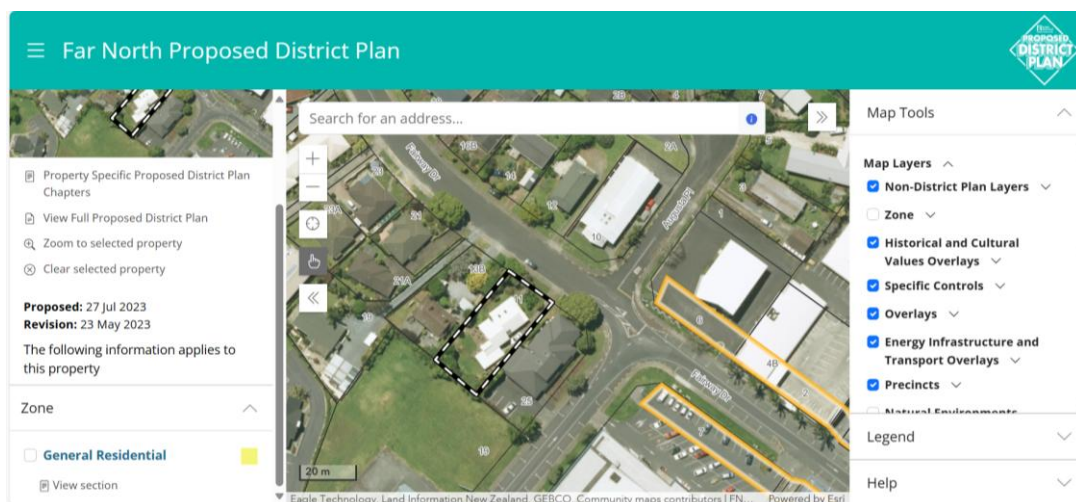
- 1.11 The application site is also subject to the Proposed Far North District Plan which was publicly notified on the 27th July 2022 with submissions having closed on the 21st October

2022. Further submissions were sought from the public, and all submissions have been summarised by Council. The proposed plan has progressed with hearings currently being held and are expected to conclude in late 2025. Upon completion of the hearings and deliberations decisions will be released on the matters which are being considered.



The application site is zoned General Residential (yellow) and adjoins lots zoned Mixed Use (crimson)

- 1.12 The application site is zoned General Residential under the proposed district plan with adjoining lots being zoned Mixed Use. It is considered that this Mixed Use is more appropriate for the application site and other commercial properties also zoned general residential, but the opportunity to consider this is no longer available.



Aerial view of the application site detailing the position of the building on the site and which has limited space for onsite parking.

- 1.13 While the zone rules do not have immediate legal effect, there are certain rules that have been identified within the proposed plan which do have immediate legal effect and from which consents may be required. The application does not result in any additional

breaches but rather extends some of the current breaches due only an increase in the number of people engaged in onsite activities.

- 1.14 There were no submissions to the Proposed District Plan which challenged the zoning of the application site. There were some submissions made over the extensive application of the Mixed Use zone (in general terms) and which applies to the current commercially zoned properties adjoining the application site to the east and south.
- 1.15 The surrounding area is best described as a transition area between the commercial CBD of Kerikeri and the residential area west of the application site. Fairway Drive eventually changes to Golf View Road which leads to the Kerikeri Golf Club which is located on the western side of the Puketotara Stream. The river marks the end of the urban area in this location.
- 1.16 The commercial activities surrounding the site are mainly commercial office space which then changes to retail (large store and speciality shops) and eateries with a community gym also a short distance away. The area has roadside parking in most locations with some public parking also within short walking distance to the site. In many instances the locally available parking has no time restrictions. A number of people also park up in the various public parking areas who then visit multiple destinations due to close proximity of required services and facilities.
- 1.17 There are no previous resource consents for the application site other than that which established the physiotherapy clinic.
- 1.18 The proposed changes are detailed as follows with new conditions and wording being underlined and words to be ~~deleted~~ crossed out. The proposed changes to activities and conditions do not change the original activity status. The application remains within the scope and scale of the original development.
- 1.19 The modified consent decisions as sought to be approved is as follows:
 1. *The activity shall be carried out in accordance with the updated approved plans prepared by ~~Bert van Vliet of Living Architecture, referenced Floor Plan for Bay Physio Ltd, dated 28th September 2023~~ Housse Architectural Design Limited, dated 6th May 2025, and attached to this consent with the Council's "Approved Stamp" affixed to # them.*
 2. *The consent holder shall ensure a maximum occupancy of ~~seven (7)~~ eighteen (18) people (includes up to 10 patients) on site at a time and the operating hours of 7:30am-5pm, Monday to Friday and on Saturday between 8am and 1pm is adhered to for the duration of the consent.*

The updated decision to read as follows:

Conditions

Pursuant to sections 108 of the Act, this consent is granted subject to the following conditions:

- 1. The activity shall be carried out in accordance with the updated approved plans prepared by Housse Architectural Design Limited, dated 6th May 2025, and attached to this consent with the Council's "Approved Stamp" affixed to them.*
- 2. The consent holder shall ensure a maximum occupancy of eighteen (18) people (includes up to 10 patients) on site at a time and the operating hours of 7:30am-5pm, Monday to Friday and on Saturday between 8am and 1pm is adhered to for the duration of the consent.*

Pre works

- 3. The consent holder shall provide a design for an accessible parking space and pedestrian access on Fairway Drive that has been certified by a Chartered Professional Engineer by way of Producer Statement (PS1), for the approval of Far North District Council prior to construction. Such works are to be designed in accordance with NZS 4121:2001. The design is to detail the location, appropriate signage, park dimensions and the access to and from park to the entrance of the building. Access to the building entrance shall include a ramp, vegetation clearance and pedestrian access (footpath) that does not exceed maximum grade of 8%. Footpath is to be concrete and have a brushed finish.*
- 4. The consent holder shall provide 10 working days' notice to the Far North District Council's Development Engineer or delegated representative prior to the commencement of any work associated with conditions included in this consent.*
- 5. A Chartered Professional Engineer shall determine the level of construction monitoring (CM1-CM5) required prior to the commencement of works and certify that the works has been completed in accordance with the approved plans by way of producer statement (PS 4). The construction monitoring level determination shall be done in accordance with the Engineering New Zealand Construction Monitoring Services Guidelines.*
- 6. The consent holder is to provide evidence that a Traffic Management Plan (TMP) has been approved by Council's Corridor Access Engineer and a Corridor Access Request (CAR) obtained prior to undertaking any works.*
- 7. All buried services within the road boundary shall be located, marked and adequately protected prior to trenching works commencing.*
- 8. Prior to the commencing any physical site works, a Construction Management Plan (CMP) shall be submitted to and approved by the Council. The plan shall contain information on, and site management procedures, for the following:*
 - i. The timing of construction works, including hours of work, key project and site management personnel.*

- ii. *The transportation of construction materials from and to the site and associated controls on vehicles through sign-posted site entrance/exits and the loading and unloading of materials.*
- iii. *The location and timing of construction vehicle parking.*
- iv. *The excavation works, including any necessary dewatering facilities, prepared by a suitably qualified geotechnical engineer.*
- v. *Control of dust and noise on-site and any necessary avoidance or remedial measures.*
- vi. *Prevention of earth and other material being deposited on surrounding roads from vehicles and remedial actions should it occur. Remedial actions will be undertaken at the cost of the consent holder.*
- vii. *Publicity measures and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians, and other users.*
- viii. *Erosion and sediment control measures to be in place for the duration of the works.*

Post works

- 9. *Provide to Council As-built plans complying with schedule 1D of NZS 4404:2004 and section 1.5.2 of Council's Engineering Standards 2023 and guidelines in accordance with the approved design plan referenced in condition 3.*

2 ASSESSMENT OF RULES UNDER THE FAR NORTH DISTRICT PLAN

2.01 The following table is an assessment of the proposal against the respective rules of the Operative District Plan.

RESIDENTIAL ZONE RULES

RULE	ASSESSMENT
<p>7.6.5.1.3 SCALE OF ACTIVITIES</p> <p>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:</p> <p>2 persons per 600m² (sewered)</p> <p>2 persons per 3,000m² (unsewered)</p> <p>None of the exceptions or exemptions apply</p>	<p>The proposed physiotherapy establishment will employ 5 full time physiotherapists or medical specialist and a maximum of three reception person making a total of 8 employed people.</p> <p>Each of the 5 physios could have up to 2 clients on site at any one time. One being treated and the other waiting.</p> <p>This absolute maximum number equates to 18 people on site if all physios are present and each have two clients on site.</p> <p>The site is 730m² so only 2 people can be on site to comply with this rule.</p> <p>Activity is a Discretionary activity</p>

<p>7.6.5.1.13 HOURS OF OPERATION - NON-RESIDENTIAL ACTIVITIES (a) the maximum number of hours the activity shall be open to visitors, clients or deliveries shall be 50 hours per week; and (b) hours of operation shall be limited to between the hours: 0700 - 2000 Monday to Friday 0800 - 2000 Saturday, Sunday and Public Holidays Provided that this rule does not apply: (i) where the entire activity is located within a building; and (ii) where each person engaged in the activity outside the above hours resides permanently on the site; and (iii) where there are no visitors, clients or deliveries to or from the site outside the above hours. Exemptions: This rule does not apply to activities that have a predominantly residential function such as lodges, motels and homestays.</p>	<p>The consented hours of operation are between 7.30am and 5pm Monday to Friday only. The requested change to conditions sees a Saturday morning being offered between 8am and 1pm. This means an additional 5 hours of service.</p> <p>This equates to 47.5 hours (42.5hrs currently and 5hrs additional) per week and therefore is still below the 50 hour maximum and within the range of allowable operational hours each day.</p> <p>Permitted</p>
<p>7.6.5.3.2 SCALE OF ACTIVITIES 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 same household shall not exceed: 3 persons per 600m² (sewered) 4 persons per 3,000m² (unsewered)</p>	<p>The updated proposal does not comply with this rule proposed as per the original application.</p> <p>Discretionary activity.</p>

TRAFFIC AND PARKING

<p>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.</p> <p>Maximum permitted allowance of 20 traffic movements</p>	<p>The district plan requires an assessment of the activity against the relevant criteria within the plan using Appendix 3A. A physiotherapy practice generates a total of 20 traffic movements per 100m² of Gross Floor Area.</p> <p>The building's Gross Floor Area is only 158m² and technically as a result of using the above formula a total of 31.6 (32) traffic movements will be generated.</p> <p>There is technically no increase in the number of traffic movements (as the floor area is not changing) based on the district plan assessment.</p> <p>In practical terms there will be a minor increase in traffic volumes.</p> <p>The application remains Restricted Discretionary</p>
<p>15.1.6B.1.1 ON-SITE CAR PARKING SPACES Where: (i) an activity establishes;</p> <p>The district plan requires (within Appendix 3C) one car park per 20m² of Gross Floor Area.</p>	<p>The district plan requires for a physiotherapy practice a total of one parking space per 20m² of Gross Floor Area.</p> <p>As noted above, the existing dwelling to be used for the physiotherapy clinic has a Gross Floor Area of 158m² and on this basis a total of 8 car park spaces would usually be required.</p>

	<p>There is no additional increase in parking following the assessment although it is acknowledged that there will be additional loading on the surrounding streets.</p> <p>The required parking (assessed as the same amount as the original application) cannot be provided with only two spaces able to be provided.</p> <p>Restricted Discretionary</p>
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2.02 The increased scale of the proposal and extension of hours does not result in a change to the application status under the Operative District Plan. The rule breaches continue as to be for the following rules:

- Scale of Activity – The number of people engaged in activities on site increases from the approved 7 people to proposed 18 people.
- Parking Spaces – Assessed parking does not change as it is based on floor area although there is expected to be a minor increase in parking demand.
- Traffic Intensity Factor – the proposal exceeds the number of permitted traffic movements but the assessed traffic movements does not change.
- The updated hours of operation are permitted

The original application assessment was a **Discretionary Activity** and this remains the case on this updated proposal. Any Section 127 application is considered to be a Discretionary proposal.

PROPOSED DISTRICT PLAN

2.03 Since the approval of the original application, the Proposed District Plan has progressed and the process is currently hearing submissions and expected to conclude at the end of this year. The majority of rules do not have any legal effect until such time as Council publicly notifies its decisions on submissions. With no changes in terms of legal status of rules, the proposed plan need only be acknowledged and conclude that no provisions are applicable to the changes proposed for the consented development.

2.04 The proposal will be assessed against the relevant objectives and policies for the General Residential zone as detailed later in this report.

3. APPLICATION SITE

3.01 The site is described in section 1 of this report and includes photos of the site and immediate area. The application site is already established and operating as a physiotherapy clinic.

3.02 The property has the appearance of a typical residential property except for the modest signage and the disability access leading from the disability parking space on Fairway Drive to the building entrance. There have been no changes to nearby buildings in terms of their uses since the establishment of the physiotherapy clinic at this location.

The Existing Environment

- 3.03 The existing environment is urban with a mixture of residential housing (to the west of the site) and commercial properties to the south, north, and east. The use of a building within this location for low key commercial purposes offers an appropriate transition between the respective uses. The existing, and much larger scaled, commercial office space located within the Residential zone (the Whitelaw Weber building) has similar characteristics in terms of location and positioning but is a purpose built building and has an office appearance.
- 3.04 The existing physiotherapy clinic proposal is considered to have integrated well into the area. The existing development confirms that medical related facilities can be located within residential areas or on the boundaries between residential and commercial sites. This site is an effective and efficient example and is replicated in many towns in the Far North including within other parts of Kerikeri.

Permitted Baseline

- 3.05 Pursuant to section 104(2), when forming an opinion for the purposes of section 104(1)(a) a council may disregard an adverse effect of the activity on the environment if the plan or a NES permits an activity with that effect (i.e. a council may consider the "permitted baseline").
- 3.06 The permitted baseline refers to activities on the subject site which can be undertaken and which has been secured by consent or which could occur under the current rules. The physiotherapy clinic with consents in place, now forms part of the permitted baseline. It is necessary to also reaffirm that from a visual perspective that there are no additional changes sought which would impact from a visual perspective from Fairway Drive. It is also important to highlight that the additional hours on a Saturday morning do not exceed the permitted weekly allowance and fall within permitted operating timeframes.
- 3.07 The Permitted Baseline provides a useful comparison and it is noted that smaller scaled commercial operations are acceptable and an example is located immediately opposite the application site. The additional people sought in this application are also not unreasonable and considered to be comparable to other examples of consented development.

4 ASSESSMENT OF EFFECTS

- 4.01 This most efficient means to address potential effects is to update the previous assessment of effects and its targeted approach. It must be noted that the total number of people proposed under this application (18) is an absolute maximum and it is unlikely to be a regular occurrence. The proposal offers an opportunity for the clinic to organically grow and meet expected demand for this kind of medical services.

Scale of Activity

- 4.02 The changes to the consented physiotherapy practice will see an increase in staff and patients/ clients with the following changes to the composition of people on site:
- two full time physiotherapists or medical experts increasing to five; and,
 - one reception person increasing to a maximum of three; and,
 - potential patients/ clients onsite increasing from four to ten.

The district plan provides a useful assessment criteria which can be used in considering the potential effects of the proposal.

- 4.03 As a Discretionary activity chapter 11 of the district plan provides the following assessment considerations. This criteria includes residential intensity which is not applicable and neither are new buildings proposed, so only some of the matters apply.

- (a) The character and appearance of building(s) and the extent to which the effects they generate can be avoided, remedied or mitigated, consistent with the principal activity on the site and with other buildings in the surrounding area.

The expanded operations is to be within an existing building to which no external changes are proposed. There are modest internal changes as noted on the floor plan but all external changes were made under the original resource consent including the establishment of the disabled access path which was a condition of consent.

- (b) The siting of the building(s), decks and outdoor areas relative to adjacent properties and the road frontage, in order to avoid visual domination and loss of privacy and sunlight.

There is no changes proposed to the external elements of the site and therefore this consideration is not relevant.

- (c) The size, location and design of open space and the extent to which trees and garden plantings are utilised for mitigating adverse effects.

There are no changes sought or proposed to the outside of the building. The changes which have occurred on the site were related to the original consent and related conditions. All matters of compliance for imposed conditions for the original consent have been satisfied.

- (d) The ability of the immediate environment to cope with the effects of increased vehicular and pedestrian traffic.

The proposed increase in staffing levels for physios and medical experts and their administration staff will see an increase in the total number of patients/ clients seen throughout the day within the building. There will be a modest increase in traffic and parking demand, but it is contended that the existing roadside parking and additional traffic can be readily absorbed. The modest increase in demand will not result in adverse effects. More detailed consideration of traffic and parking related effects is provided within the following section.

- (e) The location and design of vehicular and pedestrian access, on site vehicle manoeuvring and parking areas and the ability of those to mitigate the adverse effects of additional traffic.

The existing parking and access cannot be changed or altered and it is not possible to undertake any meaningful changes within the site based on the current site layout. The proposal will result in additional traffic, but it is contended that such effects can be absorbed by the existing roading network. There remains adequate parking and access within a short distance walk of the clinic. Casual observations at various times of the day sees many available spaces on Homestead Road and further down Fairway Drive towards the Kerikeri golf course.

- (f) Location in respect of the roading hierarchy – the activity should be assessed with regard to an appropriate balance between providing access and the function of the road.

The site is located near to the one way bypass network but is on a local/ collector road which services a residential neighbourhood and the Kerikeri golf course. The site is not subject to any through traffic traveling past the site and is therefore typically subject to less traffic with destination traffic only (residences and golf club) being the normal flow experienced.

- (g) The extent to which hours of operation are appropriate in terms of the surrounding environment.

The increased hours of operation continue to fall within the permitted allowances with operational hours and the total number of weekly hours falling within the permitted allowances. The offering of a Saturday morning is not inconsistent with other commercial activities within the general location. The additional hours will enable those who cannot attend the clinic on weekdays to be able to utilize the services offered.

- (h) Noise generation and the extent to which reduction measures are used.

The activity is not a noise generator and the extended hours and numbers of people utilizing the services will not affect this conclusion.

- (i) Any servicing requirements and/or constraints of the site – whether the site has adequate water supply and provision for disposal of waste products and stormwater.

The site is fully serviced with Council's municipal services of water, stormwater and wastewater. There are no restrictions imposed on these services which could impact on this proposal.

The applicant commissioned an updated fire report which confirmed that there remains a significant allowance (in terms of people) for the building which could utilize the premises and that the proposal continues to fall comfortably within the allowances.

- (j) Whether the development is designed in a way that avoids, remedies or mitigates any adverse effects of stormwater discharge from the site into reticulated stormwater systems and/or natural water bodies.

No additional physical works are proposed which could impact on the existing stormwater from the site.

- (k) The ability to provide adequate opportunity for landscaping and buildings and for all outdoor activities associated with the residential unit(s) permitted on the site.

As detailed previously there is no intention to undertake any further works outside the building. There were conditions of consent imposed on the establishment of the clinic and these have been complied with by the applicant. This included additional landscaping to complement the disability access and the retention of boundary treatments along all other boundaries.

- (l) The degree to which mitigation measures are proposed for loss of open space and vegetation.

There is no loss of open space resulting from the changes sought.

- (m) Any adverse effects on the life supporting capacity of soils.

Not applicable

- (n) The extent of visual and aural privacy between residential units on the site and their associated outdoor spaces.

The proposal does not impact on the privacy of adjoining residential units. The hours of operation fall within the permitted allowances for the residential zone and as noted previously no additional works outside the building is proposed.

- (o) Visual effects of site layout on the natural character of the coastal environment.

Not applicable

- (p) The effect on indigenous vegetation and habitats of indigenous fauna.

Not applicable

- (q) The extent to which the activity may cause or exacerbate natural hazards or may be adversely affected by natural hazards, and therefore increase the risk to life, property and the environment.

The proposal does not increase the risks from natural hazards.

- (r) Proximity to rural production activities and potential for incompatible and reverse sensitivity effects.

Not applicable in this instance as no residential use is proposed.

- (s) When establishing a minor residential unit

- (i) the extent of the separation between it and the principal dwelling;
- (ii) the degree to which the design is compatible with the principal dwelling;
- (iii) the extent that services can be shared;
- (iv) the extent that the floor plan is fit for purpose;
- (v) the extent to which landscaping is utilised to mitigate adverse effects;
- (vi) the design of the building in regard to how easily it may be removed from a site should circumstances change.

Not applicable

- (t) With respect to access to a State Highway (SH) that is a Limited Access Road, the effects on the safety and/or efficiency on any SH and its connections to the local road network and the provision of written approval from the NZ Transport Agency.

Not applicable

Traffic Intensity

- 4.04 The district plan requires an assessment of the traffic movements generated by an activity and for this the formula detailed within Appendix 3A is used. A physiotherapy practice (using the formula) generates a total of 20 traffic movements per 100m² of Gross Floor Area. In considering this it is acknowledged that no two activities are the same and for this purpose the assessment provides really only an activity classification which is then used to assess the individual characteristics of the operation. The Residential zone allows only 20 traffic movements to remain a permitted activity.
- 4.05 Using the above formula, a physiotherapist practice generates 20 traffic movements per 100m² of Gross Floor Area. The building's Gross Floor Area is 158m² and therefore the activity generates 31.6 (32) traffic movements. This exceeds the permitted allowance of 20 per day.
- 4.06 The building in which this assessment was calculated for traffic intensity for the physiotherapy clinic is not changing with no expansion of the building proposed. Although only part of the building was originally used in the original application, the assessment is made on the entire building. Despite this proposal technically not increasing the number of traffic movements, there will be an increase in traffic movements as a direct result of increasing the number of people involved in all activities on site.
- 4.07 The applicant originally provided a breakdown of how clients arrived with respect to their former and now current physiotherapy practice. The following information has been provided by the applicant based on their current operation and remains current for their current operations. It is expected that even with increased staffing, that these percentages will remain the same.

Detail how clients will arrive:

- Drive 50%
- Walk 30% (usually from their place of work or the local medical centres)
- Cycle 5%

- Dropped off 15% (and then picked up at the conclusion of the appointment).

4.08 In terms of the number of clients that each physiotherapist will see on a daily basis this averages at approximately 11 people for a full operational day (or 22 per day for the overall practice). With 50% of these clients seeking parking nearby this will generate a demand of 5 spaces per day. Given the number of roadside spaces within a short distance of the application site this is an insignificant number.

4.09 With this background information which is also relevant to expected parking demand the following assessments can be made with respect to Traffic Movements. The following assessment sourced from the original application generally holds true but has been updated to reflect the increased scale of all activities.

In assessing an application where a traffic intensity breach occurs the following matters:

- (a) the time of day when the extra vehicle movements will occur;

The operational hours of the physiotherapy practice are between 7.30am and 5pm Monday to Friday with additional hours now proposed to include Saturday morning from 8am to 1pm.

- (b) the distance between the location where the vehicle movements take place and any adjacent properties;

The site is urban in nature and traffic movements occur close to other properties adjoining and adjacent to the site.

- (c) the width and capability of any street to be able to cope safely with the extra vehicle movements;

Fairway Drive is a wide street with parking available on both sides of the road. It is considered that the actual traffic movements related to the activities on the site can be readily absorbed with little or no adverse effects on the surrounding road network. Impacts on the overall traffic movements is considered to be less than minor.

- (d) the location of any footpaths and the volume of pedestrian traffic on them;

The site has a footpath located between the road verge and the application site. This footpath is well integrated with the immediate area and provides suitable pedestrian connectivity within the location.

There are no changes to the access proposed and therefore the proposed physiotherapy practice will not impact the existing footpath arrangements adjacent to the site. People who arrive by foot – either walking from nearby roadside parking or from elsewhere such as work, will have no issues in reaching the site.

- (e) the sight distances associated with the vehicle access onto the street;

Given the limited onsite parking and limited onsite manoeuvring, any vehicles parking on the site will need to reverse onto Fairway Drive. There is little impediment to this unless a truck is parked in the roadside parking area immediately outside the site. A truck would partially obscure the view to the west but would not impinge on the vehicle's ability to exit the site. It is not envisaged that parking by clients would readily occur on the site and reliance placed on the surrounding available roadside spaces. This will reduce the incidence of reverse manoeuvring.

(f) the existing volume of traffic on the streets affected;

The traffic movements within Fairway Drive (not part of the one roading system) is limited to traffic associated with the residential area and golf club and is also a no exit road. The traffic is therefore modest during the day but may peak at each end of the day when residents return home from work. In considering this peak, the proximity to the CBD would see a number of residents walking or riding a bike to work. This would be a relatively short and easy walk with footpaths on both sides of the road and a wide carriageway for vehicles and cyclists to share.

(g) any existing congestion or safety problems on the streets affected;

There are no congestion issues with the area immediately in front of the site. Towards the CBD is the intersection which links to the existing CBD bypass. This road is heavily used but other than vehicles waiting to enter the one-way system, there would be no delays or congestion experienced which would be an adverse effect or impact on the site and the proposed activity.

(h) with respect to effects in local neighbourhoods, the ability to mitigate any adverse effects through the design of the access, or the screening of vehicle movements, or limiting the times when vehicle movements occur;

The operating hours for the physiotherapy practice are currently from 7.30am to 5pm – Monday to Friday with proposed new hours extending this to Saturday mornings between with typically 30 minute appointments. Within the original application it was noted that each physiotherapist sees an average of 11 clients per day each and there would be a regular flow of arrivals.

The original assessment concluded that 50% of the total patients would be solely arriving to attend an appointment while others will typically park in a location and visit multiple destinations. A significant portion would also walk with some also riding a bike to their appointment.

The accountants – Whitelaw Weber opposite the site and which is also zoned Residential, is in a similar location, and still is larger in scale in terms of employees and visitors. There appears to be no issues for their business in terms of parking demand.

In both instances the Whitelaw Weber site and application site offer a transition from commercially zoned properties to residential. The proposal does not detract from the amenity of adjoining or adjacent residential sites.

- (i) with respect to the effects on through traffic on arterial roads with more than 1000 vehicle movements per day, the extent to which Council's "Engineering Standards and Guidelines" (2004) are met;

Not applicable

- (j) effects of the activity where it is located within 500m of reserve land administered by the Department of Conservation upon the ability of the Department to manage and administer that land;

Not applicable

- (k) the provision of safe access for pedestrians moving within or exiting the site.

There is no impediment for pedestrians moving within or exiting the site. There will be some improvements within the site for clients arriving but this is more to improve the access to the proposed practice entrance.

Conclusion

- 4.10 The potential effects from traffic movements for the physiotherapy practice are considered to be less than minor based on the likely arrival pattern of clients for the physiotherapy practice. While an increase in scale will contribute to additional traffic movements, it is not considered that this will result in an adverse effect. There remains adequate roadside parking on both Fairway Drive and Homestead Road within a short walking distance of the premise.
- 4.11 The proposed location offers a safe, wide road with parking available on both sides of the road. The site is also close enough to the CBD for clients to walk to the site and/or ride their bikes. It is also probable that a number of clients will park in one location and walk to the various locations they need to get to.
- 4.12 The hours of operation are considered to not impact on the amenity values of the immediate residential houses with effects are less than minor.

Parking

- 4.13 The proposed activity (due to existing circumstances) cannot provide the required parking spaces as assessed using the appendices within the district plan. The overall proposal is six (6) parking spaces short with the onsite provision being limited to only two (2) stacked spaces. The following assessment criteria is used when considering a shortfall in the required parking spaces. The revised proposal which sees an increase in the number of people engaged in onsite activities does not increase the parking shortfall.
- 4.14 The previous comments which considered Traffic Intensity matters also apply to the provision of parking and the expected demand for parking. These aspects are related and relate particularly to the expected demand for the practice.

- (a) Whether it is physically practicable to provide the required car parks on site.

The location of the existing building and onsite characteristics means that it is not physically possible to provide the total number of required spaces within the application site. There is simply not the space within the site and the assessed requirements can be absorbed within the surrounding roadside parking.

- (b) Whether there is an adequate alternative supply of parking in the vicinity, such as a public car park or angled road parking.

There is roadside parking located immediately outside the application site and parking located further along Fairway Drive. This particular area within Kerikeri has roadside parking on most roads including the roads used for the one-way system (Homestead Road and part of Fairway Drive). In addition to these roadside spaces there are also some public spaces within a short walk of the site.

The use of roadside parking is commonly used by both customers or clients and potentially employees of the various businesses within the area.

- (c) Whether there is another site nearby where a legal agreement could be entered into with the owner of that site to allow it to be used for the parking required for the application.

There are no sites on which a parking agreement would work as most nearby sites are fully occupied by existing development and have their own parking or the sites are residential in nature. Furthermore, there is a low expected demand for carparking due to the business relocating from its current location and means by which clients will typically arrive at the application site. Hours of operation for commercial activities within the area would be typically the same.

- (c) Whether it can be shown that the actual parking demand will not be as high as that indicated in Appendix 3C.

There has been no assessment completed by a traffic expert which assesses parking demand and the actual spaces able to be provided. The applicant originally provided a breakdown of the means of arrival for clients attending the physiotherapy practice and this was accepted by Council. These considerations are not changing as a result of larger scale with 50% (5 spaces) of clients requiring parking and it is contended that there are more than sufficient parking spaces located within the immediate area that will accommodate any anticipated demand. Parking spaces on the roadside are both close and an easy walk (< 2 minutes) walk depending on how far away the client parks from the site.

- (e) Adequacy of the layout and design of the car parking areas in terms of other recognised standards, including the provision made to mitigate the effects of stormwater runoff, and any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties.

The parking spaces provided exist and used for the current operations in a stacked arrangement. A total of two spaces can be provided on the driveway with reverse manoeuvring required. The driveway can only accommodate two spaces and has existing stormwater measures in place. A disabled parking space was established immediately outside the premise under the original resource consent application.

- (f) Degree of user familiarity with the car park and length of stay of most vehicles.

The parking spaces will be likely used by the practice staff due to the stacked nature of these spaces and requirement to reverse manoeuvre onto Fairway Drive. The spaces will therefore be likely to be in use all day with clients using public roadside parking and or walking/ cycling to their appointments. Staff will be familiar with the available spaces and manoeuvring requirements.

- (g) Total number of spaces in the car park.

A total of two (2) spaces are provided in a stacked arrangement due to the access onto the site being only approximately 3m wide.

- (h) Clear space for car doors to be opened even if columns, walls and other obstructions intrude into a car parking space.

There are no impediments to the parking spaces other than they are stacked and located on a driveway. There are no other impediments as noted above.

- (i) For sites with a frontage with Kerikeri Road between its intersection with SH10 and Cannon Drive:

- (i) the visual impact of hard surfaces and vehicles on the natural environment;
- (ii) the effectiveness of any landscape plantings in screening hard surfaces and vehicles associated with parking areas.

Not applicable

- (j) Whether cycling facilities or open green space have been considered or are appropriate as an alternative to car parking.

A portion of the clients currently walk or cycle to their appointments with a portion also being dropped off and picked up upon completion of the appointment. There are good pedestrian links within the area and a wide road which can accommodate parking (on both sides), vehicles, and cyclists. It is also noted that the volume of traffic on this portion of Fairway drive is modest and is generally a safe environment for all users.

In the event that a member of staff or a client decides to ride their bike to the application site, then there will an area provided for their bikes to be stored.

- (k) Whether adequate consideration has been given to providing accessible car parking spaces for those with disabilities, the location of these spaces and regulating inappropriate use of the spaces.

A disabled parking space was required to be provided on Fairway Drive as part of conditions for the original consent and this has been completed by the applicant. There is no additional demand required by the increase in numbers of people proposed. Sufficient measures within the building have also been completed to meet building code requirements.

- (l) The extent to which the site can be accessed by alternative transport means such as buses, cycling or walking.

There is no publicly provided bus service which services the application site area. There are however no restrictions on pedestrian access or cycling from nearby residential areas or the Kerikeri CBD. The pedestrian and cycle links are safe and well connected as is expected within an urban area.

The use of cycling to and from the property is without restriction and the ability to walk to the premises is readily available and is a viable means of travel.

- (m) The extent to which the reduced number of car parking spaces may increase congestion along arterial and strategic roads.

The reduction of car spaces from that which is required under the district plan will have little or no impact on the surrounding area. The road on which the application site is located is a collector road with only a residential area and golf club. Fairway Drive west of the one-way network is essentially a no exit road. The remaining part of Fairway Drive and Homestead Road which forms part of the CBD's one-way system is a busy road but also offers roadside parking on both sides of the road.

The proposal will not increase congestion on the arterial roading network given the modest expected volumes and existing volumes on the one-way system.

- (n) The degree to which provision of on-site car parking spaces may have resulted in adverse visual effects or fragmented pedestrian links.

The required parking does not create any adverse visual effects and does not result in any fragmentation of pedestrian links. The access already exists and the footpath in front of the property are well established.

- (o) Whether a financial contribution in lieu of car parking spaces is appropriate.

No financial contribution is considered to be necessary in this instance.

- (p) Consideration given to shared parking options between adjacent sites and activities that have varying peak parking demands.

There are no businesses which would be able to be share peak demand given the surrounding environment and the types of businesses within the area.

- (q) The varying parking requirements for staff and customers.

There will be parking demand for staff and it is considered that if onsite spaces are used by staff, then road side parking can be utilized. This is a common practice within the immediate area.

Conclusion

- 4.15 The proposal has been considered in terms of the matters to which Council has discretion. In considering the matters, the effects are less than minor. There is a low

expected demand for parking and there is extensive available roadside parking within close proximity to the site. It is also important to note that this is a relocated business which is only a few hundred metres away from its current location.

Assessment of Effect Conclusion

- 4.16 In considering the proposal for an expanded operation which sees an increase in total number of people engaged in onsite activities from seven to eighteen the application status has not changed. It has been concluded that effects remain comparable to those which presently exist and there remains sufficient scope within the location to absorb the associated effects.
- 4.17 From a parking and traffic movement perspective, the actual assessed parking demand and traffic movements have not changed as the assessment is based on the building size which is not changing under this application. There is an increase in parking demand and related traffic movements but the modest increase in demand is considered to remain appropriate for this central Kerikeri location which has significant quantities of roadside parking located within a short distance of the application site.
- 4.18 The propose additional hours enabling a Saturday morning fall within the permitted allowances for the zone with both the operating number of hours and when they occur complying with the plan requirements.
- 4.19 The potential effects of the existing physiotherapy clinic have been proven to be less than minor and the proposed increase in total number of people engaged in all activities is less than minor. The assessment of effects concludes that the effects resulting from an expanded operation remain less than minor. The activity will continue to integrate well within the existing environment and complement the immediate area which is a transition between the commercially zoned land and residential.

5.0 OBJECTIVES AND POLICIES

RESIDENTIAL ZONE

- 5.01 The following objectives and policies from the operative district plan are considered to be the most relevant to this application. A brief commentary is provided which considers the application in relation to these considerations.

7.6.3 OBJECTIVES

- 7.6.3.1 To achieve the development of new residential areas at similar densities to those prevailing at present.
- 7.6.3.2 To enable development of a wide range of activities within residential areas where the effects are compatible with the effects of residential activity.

7.6.4 POLICIES

- 7.6.4.1 That the Residential Zone be applied to those parts of the District that are currently predominantly residential in form and character.

- 7.6.4.5 That non-residential activities only be allowed to establish within residential areas where they will not detract from the existing residential environment.
 - 7.6.4.6 That activities with net effects that exceed those of a typical single residential unit, be required to avoid, remedy or mitigate those effects with respect to the ecological and amenity values and general peaceful enjoyment of adjacent residential activities.
- 5.02 The modified proposal does not detract from the original assessment and conclusions reached. The approval of the original physiotherapy application concluded that there were consistencies with the proposal and the relevant objectives and policies. This has not changed with the modified proposal.
- 5.03 The plan provides for non-residential activities where the effects are considered to be less than minor. In considering this modified proposal it is estimated that 50% of clients will likely drive and require parking. The remaining clients will be using other facilities, walking or cycling. This expected demand can be absorbed within the existing roadside parking.
- 5.04 The modified proposal does not conflict with the key objectives and policies for the Residential Zone but rather, it is consistent with these objectives and policies. The application status remains as Discretionary and the status does not change.
- 5.05 There is a particular emphasis and recognition to integrate the activity into the receiving environment and for this reason onsite parking has been limited. The limited onsite parking space and available roadside car spaces enabled the activity to be established, and the additional demand is not considered to detract from these findings. There remains a modest visual presence with the only evidence of a commercial activity occurring on the site being the existing signage.
- 5.06 The proposal is therefore considered to be consistent with the objectives and policies of the plan for the Residential zone and results in less than minor effects on the surrounding environment.

TRAFFIC, PARKING & ACCESS

15.1.3 OBJECTIVES

- 15.1.3.3 To ensure that appropriate provision is made for on-site car parking for all activities, while considering safe cycling and pedestrian access and use of the site.
- 15.1.3.4 To ensure that appropriate and efficient provision is made for loading and access for activities.
- 15.1.3.5 To promote safe and efficient movement and circulation of vehicular, cycle and pedestrian traffic, including for those with disabilities.

15.1.4 POLICIES

- 15.1.4.1 That the traffic effects of activities be evaluated in making decisions on resource consent applications.

- 15.1.4.3 That parking spaces be provided at a location and scale which enables the efficient use of parking spaces and handling of traffic generation by the adjacent roading network.
 - 15.1.4.7 That the needs and effects of cycle and pedestrian traffic be taken into account in assessing development proposals.
 - 15.1.4.8 That alternative options be considered to meeting parking requirements where this is deemed appropriate by the Far North District Council.
- 5.07 The proposal and its lack of onsite parking does not conflict with the key objectives and policies for the Traffic and Parking but rather, it is contended that the proposal is consistent with the relevant objectives and policies. The assessed parking demand and traffic movements has not changed while the modest actual increase in demand can be absorbed within the area with the related effects for traffic and parking considered to be less than minor.
- 5.08 The applicant's practice actively encourages walking and cycling and this will form a good percentage of the client arrivals especially given the close proximity of the location to the CBD.
- 5.09 The proposal is therefore considered to be consistent with the objectives and policies of the plan and results in negligible effects on the surrounding environment.

PROPOSED DISTRICT PLAN – OBJECTIVES AND POLICIES

- 5.10 The proposal does not trigger any resource consent requirements based on rules which have immediate legal effect. It is necessary to consider the objectives and policies which relate to the General Residential zone. The most relevant considerations include:

Objectives

- GRZ-O3 Non-residential activities contribute to the well-being of the community while contemplating the scale, character and amenity of the General Residential zone.
- GRZ-O4 Landuse and subdivision in the General Residential zone is supported where there is adequacy and capacity of available or programmed development infrastructure.
- GRZ-O5 Landuse and subdivision in the General Residential zone provides communities with functional and high amenity living environments.

Policies

- GRZ-P1 Enable land use and subdivision in the General Residential zone where:
- a. there is adequacy and capacity of available or programmed development infrastructure to support it; and
 - b. it is consistent with the scale, character and amenity anticipated in the residential environment.
- GRZ-P4 Enable non-residential activities that:
- a. do not detract from the vitality and viability of the Mixed Use zone;
 - b. support the social and economic well-being of the community;

- c. are of a residential scale; and
- d. are consistent with the scale, character and amenity of the General Residential zone.

- GRZ-P8 Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:
- a. consistency with the scale, design, amenity and character of the residential environment;
 - d. for non-residential activities:
 - a. scale and compatibility with residential activities
 - b. hours of operation
 - e. at zone interfaces, any setbacks, fencing, screening or landscaping required to address potential conflicts;

- 5.11 It is contended that the proposal will be consistent with these objectives and policies as the outcomes sought are similar to the existing Residential zoning. The General Residential zone provides for non-residential uses particularly where there are comparable effects to a standard residential dwelling and where amenity values are maintained. It is considered that the proposal is consistent with these objectives and policies.

6 REGIONAL POLICY STATEMENT CONSIDERATIONS

- 6.01 The establishment of any activity which breaches a rule in a plan can be inconsistent with key objectives and policies of the Northland Regional Policy Statement. In this instance however there are no matters required to be considered and no apparent conflict.
- 6.02 It is considered that the use of the site as a physiotherapy clinic will have less than minor effects and that the proposal is considered to be generally consistent with objective and policy considerations from the Regional Policy Statement.

7 PART 2 CONSIDERATIONS

- 7.01 The application does not conflict with any matter or consideration under Part 2 of the Act. The proposal provides an important service to the community by contributing to the well-being of the residents of the town of Kerikeri and wider community.
- 7.02 This application sees the relocation of the physiotherapy practice within the Kerikeri CBD which retains this medical related service while resulting and ensuring the potential effects of the proposal are less than minor on the receiving environment.
- 7.03 It is therefore contended that the proposed use of the application site as a physiotherapy practice is appropriate and consistent with the purpose of the Act.

8 NOTIFICATION ASSESSMENT S95A TO 95G OF THE ACT

- 8.01 Sections 95A to 95G require Council to follow specific steps in determining whether to notify an application. In considering the conclusions findings within this report are relied upon.

8.02 Public Notification section 95A

Step 1

Mandatory public notification in certain circumstances

- (a) the applicant has requested that the application be publicly notified:
- (b) public notification is required under section 95C:
- (c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

The applicant has not requested public notification and none of other matters noted are applicable.

Step 2 Public Notification precluded in certain circumstances

The criteria for step 2 are as follows:

- (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 public notification:
- (b) the application is for a resource consent for 1 or more of the following, but no other, activities:
 - (i) a controlled activity:
 - (ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity:
 - (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity:
 - (iv) a prescribed activity (see section 360H(1)(a)(i)).

Any application under s127 of the Act is assessed as being discretionary. The activity is however not a subdivision, residential, or boundary activity. Therefore, the proposal is not precluded from the potential for public notification.

In considering this potential for public notification, the potential effects have been assessed and concluded as being less than minor.

It is considered that with potential effects being less than minor, that public notification is not required.

Step 3 – Public Notification required in certain circumstances

The criteria for Step 3 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:
- (b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

There is no rule within the NES Regulations that requires public notification of this application.

8.03 Affected Persons Assessment – Limited Notification Section 95B

If the application is not required to be publicly notified, a Council must follow the steps of section 95B to determine whether to limited notify the application.

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

- (2) Determine whether there are any—
- (a) affected protected customary rights groups; or
 - (b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).

There are no protected customary rights or customary marine titles which apply to the application site.

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

The criteria for step 2 are as follows:

- (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;
- (b) the application is for a resource consent for either or both of the following, but no other, activities:
 - (i) a controlled activity that requires consent under a district plan (other than a subdivision of land);
 - (ii) a prescribed activity (see section 360H(1)(a)(ii)).

The application is not precluded from Limited Notification as neither of the exemptions as described above apply to the application.

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

- (7) Determine whether, in accordance with section 95E, the following persons are affected persons:
- (a) in the case of a boundary activity, an owner of an allotment with an infringed boundary; and
 - (b) in the case of any activity prescribed under section 360H(1)(b), a prescribed person in respect of the proposed activity.

The assessment of effects concludes that there are no persons who will be adversely affected by the proposed expanded operating hours or increase in the total number of people engaged in activities on site. This conclusion is reached based on the assessment of effects of the proposal being less than minor.

8.04 Notification Assessment Conclusion

Pursuant to sections 95A to 95G it is recommended that the Council determine that the application can be processed non-notified for the following reasons:

- In accordance with section 95A, public notification is not required, and in particular adverse effects are considered to be less than minor;
- In accordance with section 95B, no persons are considered to be affected by the changes to the existing consent and its conditions proposal; and,
- In accordance with section 95A(9) and 95B(10), there are no special circumstances to require public or limited notification.

9 SUMMARY

9.01 The application seeks changes to RC 2240125 in the form of changes to conditions 1 & 2 of that decision. The essence of the changes sees an increase in both the hours of operation to include a Saturday morning (8am to 1pm) and an increase in the total number of people engaged in onsite activities from the consented seven (7) people comprising two physios, up to four patients, and one administrator to eighteen (18) comprising the following composition:

- five (5) physios or related medical specialists;
- three (3) administrators; and,
- up to ten (10) patients being two per specialist – one patient receiving treatment and one patient waiting.

This number proposed is an absolute maximum with a full schedule of patients and all physios or medical specialists working from the premise. The wider scope of people providing the medical service enables other medical specialists to provide a service on an as required basis. The primary business for the facility is, and always will be, a physiotherapy clinic.

9.02 The increase in numbers of people engaged in onsite activities is demand driven and a desire by the clinic owners to meet the public's need for physiotherapy and related medical services. This proposal will improve existing health care needs for Kerikeri and the surrounding areas. Unlike the original proposal which resulted in a relocation of services, this change sought will increase the number of physios or other medical specialist will increase the provision of services. This will enable a greater number of patients to be treated and serviced.

9.03 The original breaches of the district plan continue to be

- Scale of Activity
- Parking (shortfall)
- Traffic movements

The proposal complies with all other rules including the expanded hours of operation and additionally does not breach any rules under the NES Regulations.

9.04 It has been concluded via an assessment of effects that the potential effects of the proposed changes to conditions are less than minor and that consent for the updated proposal should be granted. There are no persons deemed to be affected by the proposed development.

9.03 It is considered that the updated proposal is not contrary to the relevant objectives and policies of the district plan or the proposed district plan.

9.04 It is considered that the application under Section 127 to change conditions of consent can be approved with the suggested conditions noted within the body of this report.

If there are any changes to the conditions proposed, please forward through a draft set for comments and consideration prior to the issuance of the decision.

Should you have any queries in respect to this application please contact me.

Yours faithfully



Wayne Smith

Zenith Planning Consultants Ltd

Principal | Director

BPlan | BSocSci | MNZPI

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RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
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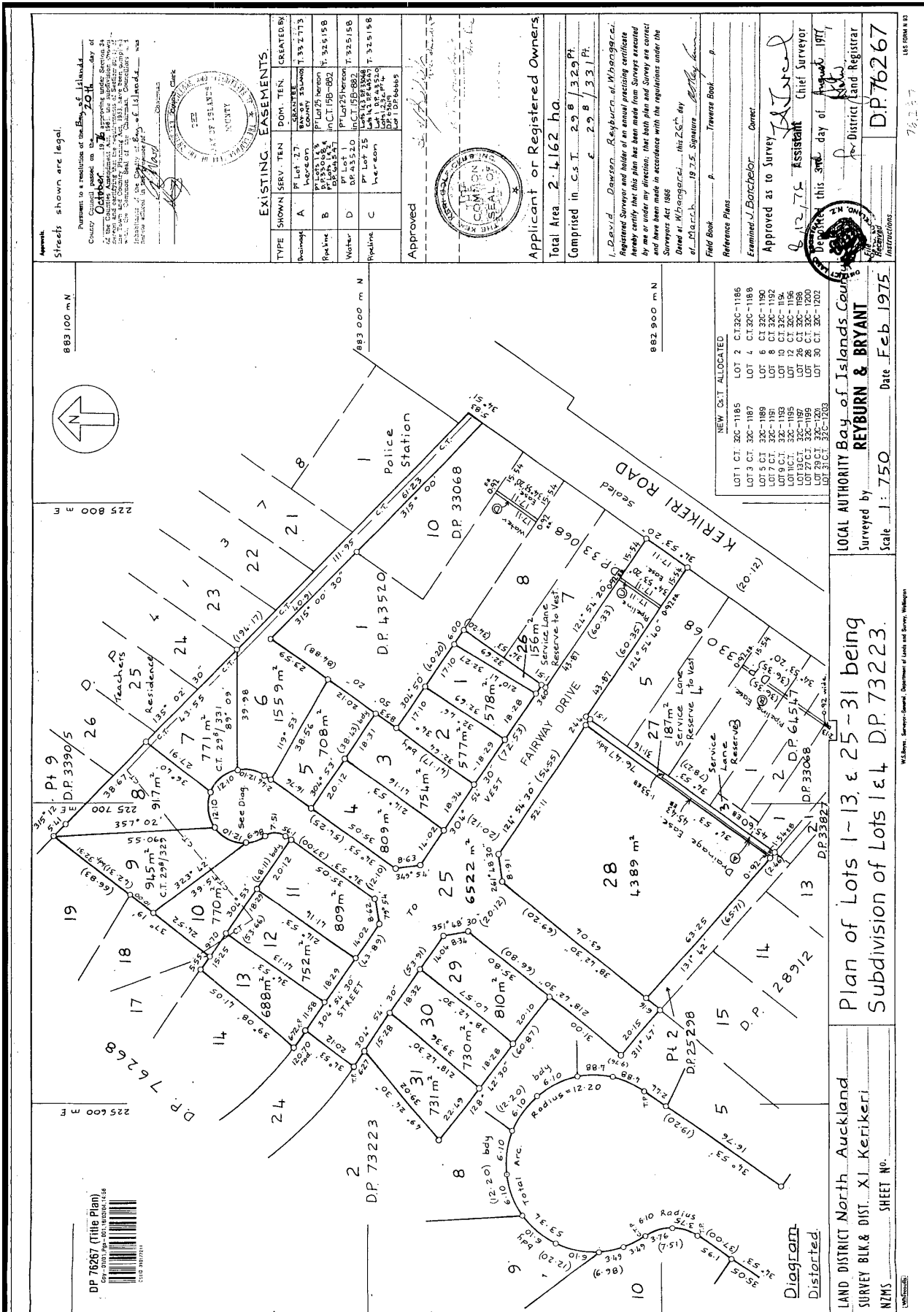

R.W. Muir
Registrar-General
of Land

Identifier **NA32C/1202**
Land Registration District **North Auckland**
Date Issued 03 August 1977

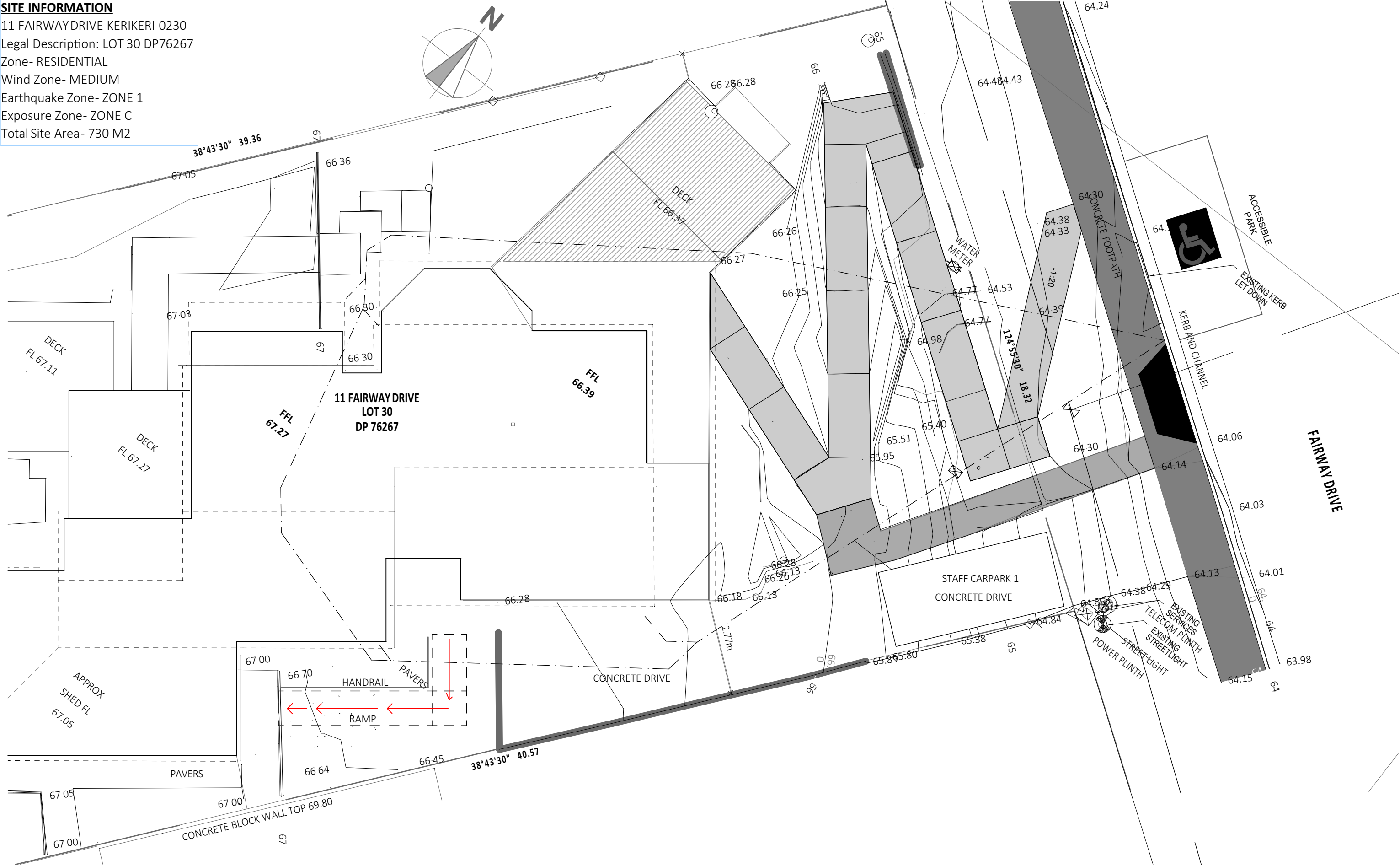
Prior References
NA29B/331

Estate Fee Simple
Area 730 square metres more or less
Legal Description Lot 30 Deposited Plan 76267
Registered Owners
Robin Michael Holland, Tiffany Lee Holland and Holland Family Trust Limited

Interests
Land Covenant in Transfer 715037.1 - 18.11.1977 at 2.07 pm



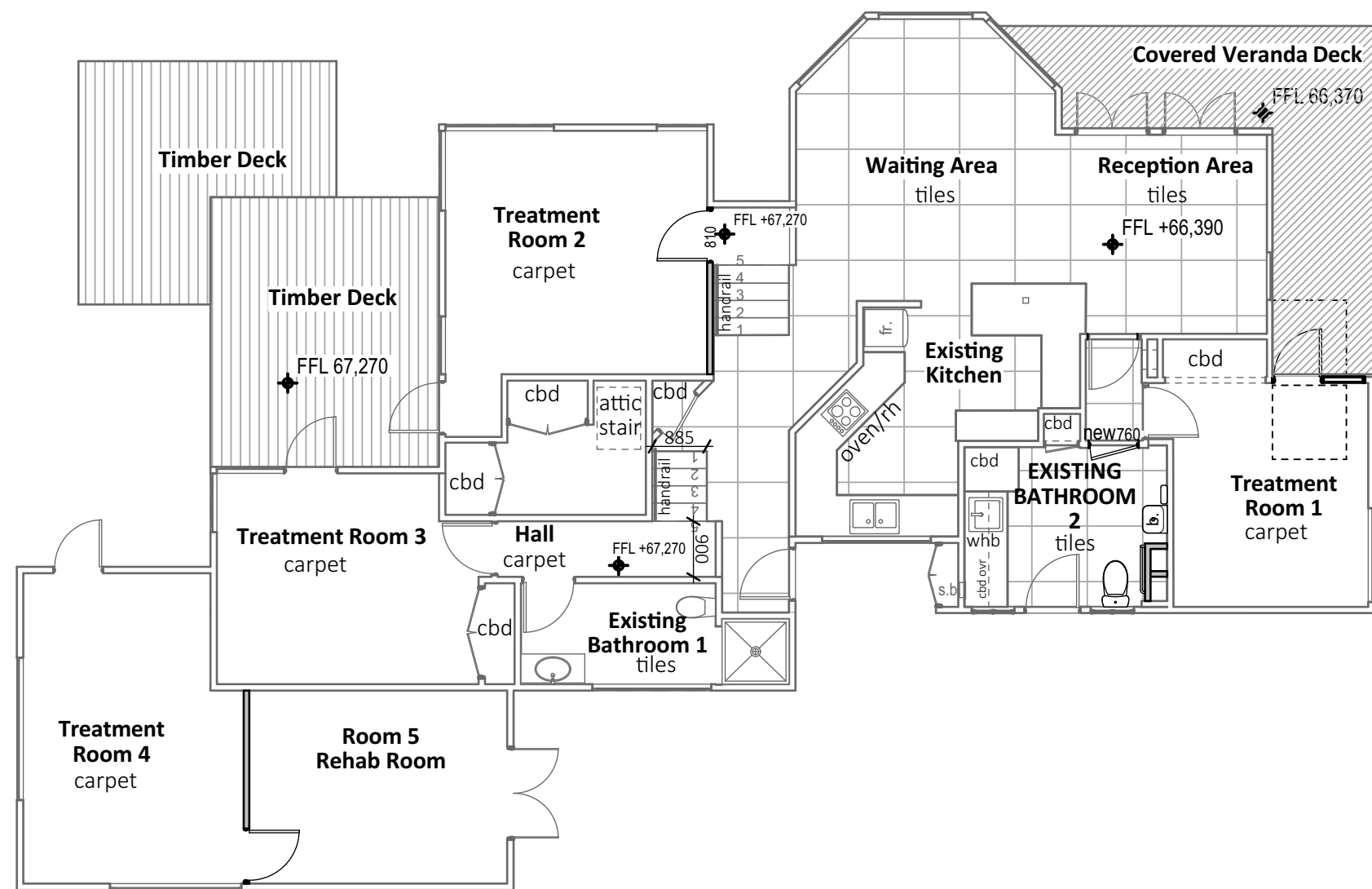
SITE INFORMATION
11 FAIRWAY DRIVE KERIKERI 0230
Legal Description: LOT 30 DP76267
Zone- RESIDENTIAL
Wind Zone- MEDIUM
Earthquake Zone- ZONE 1
Exposure Zone- ZONE C
Total Site Area- 730 M2



RevID	ChID	Revision	Date

General Notes:
 All work to comply with NZS3604-2011 and NZBC document.
 All work to comply with manufacturer's specifications and details All plumbing and drainage work to comply to NZBC or AS3500.
 Contractor to check for all underground utilities and services and verify locations before construction commences.
 Contractor to verify all levels, angles and dimensions on site prior to commencement of any work. Refer all figured dimensions, do not scale.Refer all discrepancies to architectural designer office.

REV SHEET A102	SHEET TITLE: Existing Site Plan	JOB TITLE: HOLLAND	Housse. Housse Architectural Design Limited +64 21 615 578 Alison@housse.co.nz
	SCALE A3: 1:100, 1:50	SITE ADDRESS:	
	ISSUED: 6/05/2025	11 FAIRWAY DRIVE	
	PROJECT #: 240119	KERIKERI	



1 FLOOR PLAN - EXISTING
Scale 1:100

RevID	ChID	Revision	Date

General Notes:
 All work to comply with NZS3604-2011 and NZBC document.
 All work to comply with manufacturer's specifications and details All plumbing and drainage work to comply to NZBC or AS3500.
 Contractor to check for all underground utilities and services and verify locations before construction commences.
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REV	SHEET	SHEET TITLE:	JOB TITLE:
		Floor Plan Existing	HOLLAND
		SCALE A3: 1:100, 1:1	SITE ADDRESS:
		ISSUED: 6/05/2025	11 FAIRWAY DRIVE
		PROJECT #: 240119	KERIKERI

Housse.
 Housse Architectural Design Limited
 +64 21 615 578
 Alison@housse.co.nz

Transferor which the Transferor intend should be subject to the aforesaid building scheme and which other lots and residue land so subject to this instrument are called "the subject land" and more particularly described in the Second Schedule to this Instrument to observe in perpetuity the restrictive stipulations set forth in the First Schedule hereto the intent that Lot 30 shall be forever subject to this covenant.

(II) The Transferor covenants with the Transferees, subject to the Transferor's sole and unfettered discretion to waive any or all of such covenants upon such terms and conditions it may require:

(a) To obtain from the Transferees' purchaser or lessee of each piece of the subject land execution of a like covenant in respect of that piece of land with the Transferees for the benefit of every part of Lot 30 to observe in perpetuity the said restrictive stipulations; and

(b) Generally to do all things necessary so as to ensure that the subject land together with Lot 30 shall be subject to the building scheme referred to in the second recital to this Instrument.

(III) It is declared between the parties hereto

(a) That the Transferor shall not be liable or be called upon to erect or repair or contribute towards the erection or repair of any dividing or boundary fence between Lot 30 and any adjoining land owned by the Transferor but this proviso shall not enure to the benefit of any purchaser of that adjoining land and

(b) That the Transferor shall not be liable to enforce nor answer to the Transferees for the breach of any corresponding restrictive stipulations binding any of the subject land which have been sold or transferred at the time of action arising.

THE FIRST SCHEDULE

(i) Not to use the said land or permit it or suffer it to be used for any trading or commercial purpose.

(ii) Not to erect or place or permit or suffer to be erected or placed on the said land any building having a closed-in floor area of less than seventy-five square metres (75m²) (exclusive of carport or garage) or having a value of less than twelve thousand dollars (\$12,000.00).

RC
C.A.
S.S.

- (iii) Not to use or permit or suffer to be used in any buildings on the said land any second-hand materials nor for outer wall sheathing of any such buildings any corrugated iron, flat fibrolite or flat asbestos cement nor any Malthoid roofing material.
- (iv) Not without the approval of the Vendor's nominated architect as to design and structure to erect or permit or suffer to be erected on the said land any building prior to the erection thereon of a dwelling house.
- (v) Not to place nor permit or suffer to be upon the said land any caravan unless such caravan is currently registered, has a current warrant of fitness, has wheels attached and is not occupied as a dwelling.
- (vi) Not to remove from the said land any existing ground cover plants, shrubs or trees except as may be necessary for the purpose of erecting forthwith any building authorised in the terms hereof or constructing any paths or driveways.

THE SECOND SCHEDULE

The Lots 1-13 and 25-29 and 31 Deposited Plan 76267 and Lots 14-23, 33, 36, 38, 39 Deposited Plan 76268 and hectares being part Lot 1 Deposited Plan 73223 being formerly the residue of Certificate of Title 29B/329 and now all the land in Certificate of Title

IN WITNESS WHEREOF these presents have been executed this 10th day of *October* 1977.

THE COMMON SEAL of THE KERIKERI GOLF CLUB INCORPORATED was hereunto affixed in the presence of:



Ken E. Alderton President

A. Sinclair Secretary

SIGNED by the said ALAN DAVIS SINCLAIR and SHIRLEY ANN SINCLAIR in the presence of:

A. D. Sinclair
S. Sinclair

Alan Davis
Shirley Ann
Sinclair

MEMORANDUM OF TRANSFER

of Lot 30, D.P. 76267

THE KERIKERI GOLF CLUB
INCORPORATED

Transferor

A.D. & S.A. SINCLAIR

Transferees

Transfer correct for the
purposes of the Land Transfer
Act

Bruce

(Solicitor for) the transferees

I hereby certify that this
transaction does not contravene
the provisions of Part IIa of
the Land Settlement Promotion
and Land Acquisition Act 1952.

Bruce

(Solicitor for) the transferees

Particulars entered in the
Register as shown in the schedule
of land herein on the date and
at the time stamped below

District
Assistant Land Registrar

of the District of

LYNCH & ATKINS
Solicitors
KAWAKAWA



NOV 19 2 07 PM '77
District Land Registrar
Auckland No. 4
715037.1
32C/1202





**GAP ASSESSMENT
FIRE SAFETY COMPLIANCE REPORT
FOR 'BAY PHYSIO' CHANGE OF USE PROJECT**

**FOR HOLLAND FAMILY TRUST
AT 11 FAIRWAY DRIVE, KERIKERI
(LOT 30 DP 76267)**

BASED ON C/AS2 ACCEPTABLE SOLUTIONS

Job Number: 24-1802 REV D

7TH MAY 2025

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Document History

Revision No:	Revision Description:	Revision Date:
A	Initial issue of fire report	25/01/24
B	Rehab room layout amended	04/03/24
C	Occupancy increased to 20 maximum	23/04/25
D	Floor plan amended	07/05/25

1. INTRODUCTION

1.1. Purpose:

The following report summarises the fire safety features of the project and is based on the **C/AS2 ACCEPTABLE SOLUTIONS** (First Edition, Amendment 3 – Effective 2 November 2023) fire documents and the attached plans. The report should relate to completed documents to be lodged for building consent.

This fire report is a performance document, intended to be used by the architectural designer and other consultants in implementing their detailed design and preparing their working drawings and specifications. The consultants whose documentation is required to incorporate the requirements of this fire engineering design are expected to have read this report, understood the implications as it affects their scope of work and have incorporated the relevant fire safety requirements into their drawings and specifications.

This fire report is not a design document. The design and specification of project specific fire safety systems such as escape path illumination systems is not covered by the report. Separate design advice will need to be obtained from other consultant / contractors to ensure systems are adequately documented for Building Consent application purposes.

1.2. Project Description and Use:

The building being considered is an existing 183m² dwelling. The owners propose to change the use of the building from a dwelling to a physiotherapy consultancy with a maximum occupancy load of twenty people.

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The existing building is a 'split level' configuration with two floor levels at <1m height difference. In terms of the Building Code this is considered a single level building. The owners propose to make minor internal alterations to the existing building to reconfigure it for the proposed physiotherapy consultancy use.

1.3. Fire Safety Design Philosophy:

This fire safety design is offered as being in compliance with the NZ Building Code by the application of the Acceptable Solutions, as issued by the Ministry of Business, Innovation and Employment (MBIE).

The proposed building use is assessed as the CA Risk Group (personal service activities).

A change of use occurs when both:

1. The use of a building or part of a building changes from one use to another as defined in the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 (ie Purpose Groups), and
2. The new use has more onerous, or additional Building Code requirements than the old use.

The previously consented use of the building is SH purpose group. The proposed use of the building is WL purpose group. The new use will require more onerous additional Building Code requirements than the old use. Therefore this project is considered as a 'change of use'. A gap assessment has been provided to ensure adequate fire safety compliance is achieved.

All escape routes within the building are to be considered as open paths.

The completed project will remain as a single firecell.

1.4. Legislation:

1.4.1. The Building Act (2004) & Building Regulations (1992):

The findings of this report reflect the requirements of the Building Act, New Zealand Building Code and the acceptable solutions. There is no requirement in the code to protect against loss of the owner's property by fire, as such this has not been addressed in this report.

The fire protection features set out below are required to protect the neighbour's property and life safety within the building.

Unless specifically stated otherwise this fire safety report is based on the NZ Building Code Acceptable Solutions C/AS2, F6/AS1, and F8/AS1 current at the date of this report, and design documents as detailed below.

As a change of use Section 115 of the Building Act requires that construction comply with NZBC requirements for means of escape from fire, protection of other property, sanitary facilities, structural performance, fire rating performance and for access and facilities for use by people with disabilities as nearly 'as is reasonably practicable' (ANARP). The building shall also continue to comply with other NZBC requirements to at least the same extent as before the alteration.

We believe it is reasonable to provide a gap assessment of the existing building's means of escape from fire, and protection of other property. The gap assessment will:

- use the current Acceptable Solution C/AS2
- highlight where the existing building fully complies with the Acceptable Solution

- highlight where there are gaps between the building's fire systems and features and the requirements of the Acceptable Solution
- for each gap, assess whether ANARP is achieved
- cover the entire building.

1.5. Gap Analysis Summary:

GAP ANALYSIS TABLE					
MEANS OF ESCAPE	Reference	Fire Safety Feature	What is required by the C/AS2 Acceptable Solution	What is currently in the Existing Building	Proposed Solution – Filling the Gap (ANARP)
	C/AS2 s2.2	Fire safety system	With short escape routes (all <20m long) and a maximum occupancy of seven people, C/AS2 has no requirement for a fire alarm system.	Existing Type 1 domestic, battery powered smoke alarms to F7/AS1, as suitable for dwellings are in place. These may remain in place, but are not a requirement of this report.	No requirement for a fire alarm system, to achieve full compliance.
	C/AS2 s2.1	Firecell floor area	Single firecell allowed for floor areas <5000m ²	Total building floor area is 183m ² , configured as a single firecell.	Existing single firecell configuration fully complies.
	C/AS2 s3.2	Number of escape routes	A single escape route is allowed to serve all spaces in the building	Compliant single escape routes are available from all spaces in the building.	Single escape routes, fully comply.
	C/AS2 s3.3	Escape route width	The widths of individual escape routes shall be no less than 850mm for horizontal travel & 1000mm for vertical travel. Reduced to 700mm for horizontal and 850mm for vertical where <50 occupants and not required to be accessible.	Generally all horizontal escape routes are >850mm width. Treatment Room 1 will be an 'accessible' treatment space. Treatment 3 will have two occupants and will not be considered accessible, therefore the 885mm wide steps serving this space comply.	Widths to be maintained in new and altered areas, and will be fully compliant.
	C/AS2 s3.4	Escape route length	Dead End Open Path = 20m	Maximum Dead End Open Path for building is 14m.	All escape lengths fully comply.
	C/AS2 Table 4.3	Interior surface finishes	Crowd spaces = not contained in this building All other spaces = GN3 to walls and ceilings.	Existing walls and some ceilings are gipboard. Some ceilings are timber with clear coating finish. Using C/VM2 Table A1 the performance of the existing substrates and coatings achieve the required Group Number 3 or better.	Current finishes are compliant without any additional work. All new work is to fully comply with C/AS2 Table 4.3.
	F8	Signage	Illuminated exit signs	Currently there is no exit signage in the building.	A new alternative solution photo-luminescent signage design is to be provided, and signs to be installed throughout the building to F8 for full compliance.
CONTROL OF EXTERNAL FIRE SPREAD	F6	Visibility in escape routes	Illumination of escape routes is to be provided on all changes of level on escape routes to F6 requirements.	No emergency lighting or other compliant escape route illumination is currently provided on the steps on escape routes.	A new alternative solution photo-luminescent design is to be provided to illuminate steps, and to be installed to F6 for full compliance.
	C/AS2 s5.2	Horizontal fire spread from external walls	All external walls >1m and <16m from relevant boundaries require some level of FRR (120)/120/120 one-way fire rating to the inside face as set out in C/AS2 Table 5.2b.	Existing building designed to comply with C/AS1 by having all external walls >1m from relevant boundaries and eaves >650mm from same boundaries. It should also be noted that where the existing building is closest to a boundary, the adjacent property has a non-combustible concrete block wall located on the boundary.	The change of use to a physiotherapy use is considered to be of a similar scale and fire load as the previous household use (see further explanation in report). Therefore it is proposed to accept the existing separation distances as complying ANARP
	C/AS2 s5.8	External cladding systems	All external walls of this single level building are >1m from relevant boundaries, therefore there are no specific cladding system requirements.	All external walls of this single level building are >1m from relevant boundaries, therefore there are no specific cladding system requirements.	No change. Cladding fully complies.

NOTE: s115 of the Building Act also requires access and facilities for use by people with disabilities to comply as nearly as is reasonably practicable. This will need to be assessed by others.

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1.5.1.The Building Act s46 Requirements:

Section 46 of The Building Act 2004, requires building consent authorities (BCAs) to provide a copy of certain types of applications to Fire and Emergency for design review. The types of applications which require to be forwarded for review are set out by New Zealand Gazette Issue No.49:

Building Act 2004 / Gazette Notice No. 49		Yes	No
(a) Building Code compliance by means OTHER than Acceptable Solutions:			
(i)	C1-C6 (Fire safety)		✓
(ii)	D1 (Access routes)		✓
(iii)	F6 (Visibility on escape routes)		✓
(iv)	F8 (Signs)		✓
Alternative Solution used:			No
(b) Modification or waiver of Building Code clauses:			
(i)	C1-C6 (Fire safety)		✓
(ii)	D1 (Access routes)		✓
(iii)	F6 (Visibility on escape routes)		✓
(iv)	F8 (Signs)		✓
Waiver or modification of Building Code Clauses used:			No
(c) Alterations & Changes affecting existing fire safety systems (except where minor):			
(i)	Alteration with significant fire safety systems change		✓
(ii)	Change of use with significant fire safety systems change		✓
(iii)	Subdivision with significant fire safety systems change		✓
Existing fire safety systems significantly changed:			No
(d) Gazette No. 49 Exemptions to FENZ review:			
(i)	Single household unit		✓
(ii)	Multi-unit residential units where each unit has own escape		✓
(iii)	Internal fitout projects (excluding change of use)		✓
(iv)	Outbuildings or Ancillary buildings		✓
Project is exempt from the requirement for a FENZ review:			No
Design is required to be sent to FENZ FEU for review:			No

The provided design is in compliance with C/AS2 Acceptable Solutions as applicable compliance documents, and is a change of use which only requires minor specified system alterations (installation of photo-luminescent step nosings and exit signs). As such there is no requirement for the BCA to provide the design to Fire & Emergency New Zealand for review.

1.5.2.Other Legislation:

This report does not address the requirements of the Fire and Emergency Act (2017) and the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations (2018), which may apply to this project. This report does address all Building Act requirements in regard to the provision of fire separations and fixed fire protection necessary to facilitate safe evacuation from the building, which would normally be expected to provide sufficient fixed fire safety measures to enable compliance with this legislation.

In non-sprinkler protected buildings with a single means of escape, Fire and Emergency may require an owner to install hand operated fire-fighting equipment where there is a risk that a fire is more likely to affect the means of escape.

This report does not cover the requirements of the Hazardous Substances and New Organisms Act 1996 in respect of storage of dangerous goods. Nor does it cover occupational safety and health.

This report does not address the Building Act requirements for Access and Facilities for the Disabled other than as directly required for Fire Safety purposes. These requirements will be required to be addressed separately.

1.6. Design Documents:

The fire safety design is based upon the following design documents:

CONSULTANT	PROJECT DESCRIPTION	PROJECT NO.	DOCUMENT TITLE	SHEET NO.	REV
Williams & King	Bay Physio, Kerikeri	24273	Site Survey	1	Jan 24
Housse	Holland 11 Fairway Drive	240119	Floor Plan Existing	A202	06/05/25
"	"	"	Floor Plan Proposed	"	"
FNDC	Land Use Consent Application for Holland Family Trust Ltd	2240155-RMALUC	Decision on Land Use Consent	1-5	15/01/24

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2. GENERAL

2.1. Occupancy Description:

The building contains the following risk groups and storage and escape heights based on C/AS2 Table 1.1

LOCATION	RISK GROUP	STORAGE HEIGHT (M)	ESCAPE HEIGHT (M)	IMPORTANCE LEVEL
Physio	CA	N/A	0m	2

2.2. Occupancy Numbers:

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We have been advised by the building owners that the building will have a maximum occupancy of twenty.

This is based on seven full time staff, working Monday to Friday 7.00am - 5pm (5 clinicians and 2 admin staff). There will be a potential of five patients in the treatment rooms (one per room), five waiting in the reception area. Three extra people are also accounted for, to allow for occasional support people or 'walk in' new customers.

Generally, patients will be familiar with the building as they normally are repeat visitors and are always under the supervision of the staff. Therefore, all occupants are considered low risk, with high building familiarity.

Therefore the maximum design occupancy for this building is 20 people.

3. FIRECELLS, FIRE SAFETY SYSTEMS, & FIRE RATINGS

3.1. Firecells:

CA: The floor area of an unsprinklered firecell shall not exceed 5000m², except if specified otherwise in this Acceptable Solution when building areas require subdivision or other area limitations are imposed.

The existing building size is 183m². Therefore this project may remain configured as a single firecell and will fully comply with C/AS2, with no compliance gap.

3.2. Fire Safety Systems:

CA: The *fire safety systems* for *firecells* required for this *risk group* shall be as follows.

For <100 people and 0m to <4.0 m escape height:

a) Type 2 alarm system.

This alarm system is not required in a single level building if the escape routes serve no more than 50 people.

b) Type 18 *building fire* hydrant system.

Not required where the height from the Fire and Emergency New Zealand attendance point to any floor is less than 15m and the fire service hose run distance from their vehicular access to any point on any floor is less than 75m.

This building is a single level, and has <50 occupants, therefore a fire alarm system is not required. There will be no compliance gap with C/AS2.

A building fire hydrant system is not required as the fire service hose run distance from their available vehicular access to any point on the floor is less than 75m. There will be no compliance gap with C/AS2.

In accordance with F6 emergency lighting must be provided in all of the following:

- a) in all exitways,
- b) at every change of level in an escape route (Note: ramps ≤1:20 fall & steps ≤20mm for weathering are not a 'change in level'),
- c) in an escape route from the point where the initial open path travel distance exceeds 20 metres,
- d) in any occupied space designed for an occupant load of more than 250 people including all escape routes serving that space,
- e) in any part of an escape route designed to serve more than 250 people,
- f) in the escape routes of the classified use Community Care.

Therefore a means of illuminating escape routes is required on the internal steps on escape routes. Photo-luminescent elements are to be provided as an alternative solution design (to be provided by supplier) to achieve full compliance with F6.

3.3. Fire Resistance Ratings:

Structural elements in a single storey building need not be fire rated if FRRs are not required for any other reason.

If there is more than one *risk group* on one floor in the *building*, the highest required *FRR* shall be applied to common spaces and shared *escape routes* for that floor level.

CA: Unless explicitly stated otherwise in this Acceptable Solution, the *fire resistance ratings (FRRs)* that apply for this *risk group* shall be as follows:

Life rating = 60 minutes.

This building is a single firecell with no fire protected escape routes, therefore there is no requirement to apply Life Rating to any building elements. (See 5.0).

Property rating = 120 minutes.

Based on our Gap Assessment in s6.0 of this report, property Rating is not required to be applied to any building elements as the building has adequate separation distances to relevant boundaries.

4. MEANS OF ESCAPE:

Escape routes shall comply with NZBC D1. Any ramps, stairs, ladders, landings, handrails, doors, vision panels and openings shall comply with Acceptable Solution D1/AS1. The requirements of D1/AS1 must be applied to external escape routes required for occupants to reach a safe place.

4.1. Single Escape Route Requirements:

Single escape routes shall only be permitted if:

- The open path length does not exceed the limits specified, and
- The total occupant load from all firecells on each level served by the escape route is no greater than 50, and
- The number of preschool children receiving child care (including those using workshops and dining rooms) on any floor is not greater than 10, and,
- The escape height is no greater than 10m.

All individual spaces within this building are allowed to be served by single escape routes. There will be no compliance gap with C/AS2.

4.2. Height and Width Requirements of Escape Routes:

4.2.1. Minimum Width of Individual Escape Routes:

CA:

ELEMENT	OPEN PATHS	
	Horizontal	Vertical
General Escape Route	850mm	1000mm
Door	760mm	760mm

All requirements of D1/AS1 for accessibility must be achieved where they exceed these fire safety requirements. The minimum door opening width may be reduced to 600mm in an open path if it is not required to be an accessible route.

If an escape route is within an open path and a single escape route is permitted, its width may be reduced to 700 mm for horizontal travel and 850 mm for vertical travel.

4.2.2. Specific Escape Route Widths for Risk Group:

Width requirements within escape routes shall be as follows:

- Width of ALL available escape routes:** the total combined width of all available escape routes shall allow 7 mm/person for horizontal travel and 9mm/person for vertical travel.
20 Occupants x 7mm = 140mm of horizontal escape width.
20 Occupants x 9mm = 180mm of vertical escape width.
Therefore escape route widths shall revert to the minimum widths for individual escape routes shown above. **Complies.**
- Horizontal escape route with a single direction of escape:** this shall be wide enough at any point to take the full occupant load from all contributing occupied spaces. However, the escape route may have its width increased progressively as it passes the exit from each occupied space. **Complies.**

4.2.3. Obstructions:

The following minor obstructions are acceptable within the width of an escape route:

- Minor projections complying with the requirements of Acceptable Solution D1/AS1 such as signs, switches, alarm sounders and similar projections, and

- b) Handrails complying with Acceptable Solution D1/AS1 and projecting no more than 100 mm into the width, and *handrails* subdividing wide stairways that reduce the width by no more than 100 mm.

Generally all horizontal escape routes are >850mm width. Treatment 2 will have two occupants and will not be considered accessible, therefore the 885mm wide steps serving this space comply. Therefore escape widths meet the general and specific minimum escape width requirements of the acceptable solutions for this risk group. There will be no compliance gap with C/AS2.

4.2.4. General Allowable Escape Heights:

Allowable escape route heights in this building are:

- a) The clear height shall be no less than 2100 mm across the full width, except that isolated ceiling fittings not exceeding 200 mm in diameter may project downwards to reduce this clearance by no more than 100 mm, and
- b) Any door opening within, or giving access to, any *escape route* shall have a clear height of no less than 1955 mm for the required width of the opening.

Therefore escape route heights are compliant. There will be no compliance gap with C/AS2.

4.3. Length of Escape Routes:

Risk group	No system and Type 2 system		Type 3 system		Type 4 and Type 5* systems		Type 6 system		Type 7 system	
	Dead end open path	Total open path	Dead end open path	Total open path	Dead end open path	Total open path	Dead end open path	Total open path	Dead end open path	Total open path
SM	20	50			30	75	30	75	40	100
SI									20	50
CA	20	50	20	50	40	100	40	100	50	120
WB	25	60	35	75	50	120	50	120	75	150
WS							50	120	75	180
VP	35	90	45	110			70	180		

Notes:

If *open path* length increases for a Type 4 system are being applied, where Acceptable Solution F7/AS1 allows heat detectors to be substituted for smoke detectors, not less than 70% of the *firecell* shall be protected with smoke detectors.

If smoke and heat detection systems are installed in order to extend permissible travel distance in accordance with this table and are not a requirement of Paragraph 2.2.1 then Fire and Emergency New Zealand connection is not required.

* Type 5 system only for **risk group SM**.

In accordance with Table 3.2 the maximum permitted and actual open path lengths are as follows:

SPACE DESCRIPTION	ALLOWABLE DEOP (M)	ACTUAL DEOP (M)	ALLOWABLE TOP (m)	ACTUAL TOP (m)
Kitchen	20m	10m	50m	-
Storage	20m	12m	50m	-
Treatment 3	20m	14m	50m	-
Treatment 4	20m	11m	50m	-

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**The travel distances are complied with as shown. (See attached plans)
There will be no compliance gap with C/AS2.**

4.4. External Escape Routes:

Where an escape route enters a space exposed to the open air (eg, an open stairway, a balcony, across a roof or a ground level path), it shall meet the requirements for a *safe path* between that point and the *final exit*. *Safe path* separation requirements shall be achieved by providing either distance or fire rated construction between the escape route and adjacent firecells, as specified in C/AS2 3.11.2 to 3.11.6.

External escape routes serving this building meet these requirements by occupants diverging away from the building envelope at a minimum of 45° to a minimum of 2m separation from the envelope and not returning within this separation distance to reach a safe place. Alternatively two or more external escape routes are provided that diverge from each other at a minimum of 90°. There will be no compliance gap with C/AS2.

4.5. Final Exits:

Final exits which open onto the same *safe place* shall be spaced no closer than 5.0 m centre to centre. This applies to both internal and external exitways. Final exits are commonly the external doors from a ground floor, but this applies only if such doors open directly onto a safe place. Final exits, should be seen strictly as a point of arrival, rather than as any particular element of a building. They are determined entirely by the definition of safe place.

Designated final exit doors in this building have adequate separation distances between them. There will be no compliance gap with C/AS2.

4.6. Doors on Escape Routes:

4.6.1.General

Doors on escape routes shall satisfy the following requirements:

- a) They shall be hinged or pivoted on one vertical edge only, except that manual sliding doors may be used where the space has an *occupant load* of less than 20, and
- b) They shall not be fitted with any locking devices unless these comply with requirements below, and
- c) They shall have door handles which satisfy the requirements of Acceptable Solution D1/AS1 for use by *people with disabilities*, and
- d) They shall be *constructed* to ensure that the forces required to open these doors do not exceed those able to be applied:
 - i) with a single hand to release the latch (where fitted), and
 - ii) using two hands to set the door in motion, and
 - iii) using a single hand to open the door to the minimum required width.

4.6.2.Locking Devices

If the *building* is occupied, locking devices shall:

- a) Be clearly visible, located where such a device would be normally expected and, in the event of *fire*, designed to be easily operated without a key or other security device and allow the door to open in the normal manner. If the operation of a locking device is unusual, such as the pressing of a button close to the door, it shall have signage that complies with NZBC Clause F8, and
- b) Not prevent or override the direct operation of panic fastenings fitted to any door, and
- c) If they are of an electromechanical type, they shall, in the event of a power failure or door malfunction, either:
 - i) automatically switch to the unlocked (fail-safe) condition, or
 - ii) be readily opened by an alternative method satisfying the requirements of Paragraph 3.15.2 a).

4.6.3.Direction of Opening

No door in this building serves more than 20 occupants, and therefore all doors may swing in either direction, or may be manual sliding.

4.6.4.Degree and Width of Opening

Doors on escape routes shall satisfy the following requirements:

- a) In *open paths*, provide an unobstructed opening width of no less than 760 mm and, when multi-leaf, have no single leaf less than 500 mm wide. The minimum door opening width may be reduced to 600 mm if it is not required to be an *accessible route*, and
- b) Open no less than 90°, and
- c) Open onto a floor area which:
 - i) extends for a distance of no less than the arc of the door swing, and
 - ii) is at the same level on both sides of the door for the full width of the *escape route* (unless allowed by D1/AS1), and,
- d) When opened, not cause the door swing to obstruct the minimum required width of any *escape route*.

All doors on escape routes are to meet these requirements.

All exit door locking devices should be clearly visible, located where such a device would normally be expected, designed to be easily operated without a key or other security device, and allow the door to open in a normal manner.

All doors may swing in either direction, or be manual sliding as they serve no more than 20 occupants in all situations.

Doors on designated egress routes are to provide level access for the full swing of the doors. On level escape routes, a maximum threshold step of 20mm is allowed for weathering (as per D1/AS1). Inward swinging and sliding doors are not required to have a level landing, to the outside, where allowed by D1/AS1 4.3.1. This will need to be addressed by the accessibility assessment ANARP.

4.7. Exit Signs:

Install signage to Building Code Clause F8 indicating all escape routes.

Escape routes shall be identified by exit signs which are to be located:

- a) At each point in the open path where a door giving access to a final exit or an exitway is not visible in normal use,
- b) To clearly indicate each door giving access to a final exit or an exitway, and
- c) To clearly identify the route of travel through the exitway.

Escape route signs indicating "EXIT" or "FIRE EXIT" (plus a direction arrow where necessary) shall be positioned where they are least likely to be obscured from view. Sizing, lettering and colour of signs are to comply with F8.

Exit signs in escape routes shall be illuminated. The sign lighting shall be external or internal, or the sign may be photo-luminescent. Illuminance of signs must comply with F6.

Photo-luminescent exit signs are to be provided as an alternative solution design (to be provided by supplier) to achieve full compliance with F8 & F6.

5. CONTROL OF INTERNAL FIRE & SMOKE SPREAD

5.1. Firecell Separations:

CA: Firecells shall be fire separated from each other by the life rating specified in Paragraph 2.3 of this Acceptable Solution to the risk group it is categorised as, or by the higher of the two life ratings if it is categorised in another risk group also.

This building is a single firecell and therefore does not require any internal fire separations. There will be no compliance gap with C/AS2.

5.2. Sub-Floors:

In buildings with an unoccupied subfloor space between the ground and lowest floor, the floor shall have an FRR except that no FRR is required if the following conditions are satisfied:

- Vertical fire separations and external walls extend down to ground level and enclose the space, and
- Access is available only for intermittent servicing of plumbing, drainage or other static services, and
- The space is not used for storage and does not contain any installation such as machinery or heating appliances which could create a fire hazard, except when fire separated from the rest of the subfloor space.

Sub-floor spaces are to be enclosed around the perimeter and access is to be limited to intermittent servicing purposes only. Sub-floors are not to be used for storage or locating machinery or heating appliances which could create a fire hazard. There will be no compliance gap with C/AS2.

5.3. Ceiling Spaces:

Within unsprinklered firecells, roof space and ceiling space areas shall be subdivided by fire separations to prevent the hidden spread of fire. Any space between ceilings and roofs or floors above shall exceed either 400m² in area, measured at ceiling level, nor 30 m in length or width. This provision does not apply where the ceiling space is a separate firecell.

Concealed ceiling spaces in this building are within the required size limitations to not require any fire separation. There will be no compliance gap with C/AS2.

5.4. Interior Surface Finishes:

The maximum occupancy load of this building will be twenty people at any given time, and occupants will generally be considered to be a low risk, either being familiar with the building layout, or supervised by a staff member who is. Therefore, we do not consider this building to contain any 'crowd spaces'.

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Surface finish requirements shall be as required by Table 4.3:

LOCATION	MAXIMUM PERMITTED GROUP No. Unsprinklered
All occupied spaces: walls and ceilings	3
Internal faces of ducts for HVAC systems & kitchen extract ducts: internal surfaces	1S
External faces of ducts for HVAC systems.	3

5.4.1.Surface Finish Exceptions

Surface finish requirements do not apply to:

- a) Small areas of non-conforming product within a firecell with a total aggregate surface area of not more than 5.0 m²
- b) Electrical switches, outlets, cover plates and similar small discontinuous areas
- c) Pipes and cables used to distribute power or services
- d) Handrails and general decorative trim such as architraves, skirtings and window components, including reveals provided these do not exceed 5% of the surface area of the wall or ceiling they are part of
- e) Damp-proof courses, seals, caulking, flashings, thermal breaks and ground moisture barriers
- f) Timber joinery and structural timber building elements constructed from solid wood, glulam or laminated veneer lumber. This includes heavy timber columns, beams, portals and shear walls not more than 3.0 m wide, but does not include exposed timber panels or permanent formwork on the underside of floor/ceiling systems.
- g) Individual doorsets
- h) Continuous areas of permanently installed openable wall partitions having a surface area of not more than 25% of the divided room floor area or 5.0 m², whichever is less.

Where specific product testing results are not available for the purposes of compliance with the *surface finish* requirements, the following specified combinations of substrate and coating in C/VM2 Table A1 can be taken as having the performance indicated without the need for providing testing or other evaluation:

Specified performances for some substrate and coating combinations		
Coating (coating in good condition and well adhered to substrate)	Substrate	Performance (with or without coating)
Waterborne or solvent borne paint coatings ≤ 0.4 mm thick Polymeric films ≤ 0.2 mm thick	Concrete and masonry ≥ 15 mm thick Sheet metal ≥ 0.4 mm thick, Fibre-cement board ≥ 6.0 mm thick, or Glass	G1-S
Waterborne or solvent borne paint coatings ≤ 0.4 mm thick	Gypsum plasterboard with or without paper facing ≥ 9.5 mm thick ≥ 400 kg/m ³ core density < 5% wt organic contribution to board	G2-S
Waterborne or solvent borne paint coatings, varnish or stain ≤ 0.4 mm thick ≤ 100 g/m ²	Solid wood or wood product ≥ 9.0 mm thick ≥ 600 kg/m ³ for particle boards, or ≥ 400 kg/m ³ for all other wood and wood products	G3

Based on the above table the existing interior surface finishes (gibboard or clear coated timber linings) in this building are deemed to be compliant, achieving a Group Number 3 or better.

The specifier will need to supply manufacturers certified information of the Group Number of all new products specified as a surface finish.

There will be no compliance gap with C/AS2.

5.4.2.Foamed Plastics

If foamed plastics building materials or combustible insulating materials form part of a wall, ceiling or roof system, the completed system shall achieve a Group Number as specified in Table 4.1 and the foamed plastics shall comply with the flame propagation criteria as specified in AS 1366 Parts 1-4 for the material being used. This requirement does not apply to building elements listed in Paragraph 5.4.1 in this report.

Any new foamed plastic building materials to be used in the building are to meet the flame propagation requirements of AS 1366. There will be no compliance gap with C/AS2.

5.4.3.Suspended Fabrics

When tested to AS 1530 Part 2, suspended flexible fabrics shall, within all occupied spaces including exitways:

- Have a flammability index of no greater than 12, and
- When used as underlay to roofing or exterior cladding that is exposed to view, have a flammability index of no greater than 5.

There are no new suspended fabrics proposed for the building. There will be no compliance gap with C/AS2.

5.4.4.Flooring

Flooring shall be either non-combustible or, when tested to ISO 9239-1, shall have a critical radiant flux of not less than that specified in table:

Critical radiant flux requirements for flooring	
Area of building	Minimum critical radiant flux when tested to ISO 9239-1
	Buildings not protected with a fire sprinkler system
All occupied spaces	1.2 kW/m ²

Where specific product testing results are not available for the purposes of compliance with the *combustible flooring* requirements, the following specified combinations of flooring materials and coating

in C/VM2 Table B1 can be taken as having the performance indicated without the need for providing testing or other evaluation:

Specified performances for some flooring materials	
Flooring Material	Critical Radiant Flux (CRF)
Concrete, brick, ceramic or porcelain tiles. With or without, waterborne or solvent borne coatings ≤ 0.4 mm thick	4.5kW/m ²
Wood products, plywood, or solid timber. ≥ 400 kg/m ³ With or without, waterborne or solvent borne coatings ≤ 0.4 mm thick	2.2kW/m ²
Note: Some timber species and thicknesses and with/without applied coatings when tested may achieve a higher CRF. When a greater CRF is required, than given in this table, supporting test data to ISO 9239-1:2010 for the product is required.	

Existing tile flooring exceeds current Building Code requirements. There is no reasonable means of establishing the fire performance of the existing carpet installed in the building. However, given the short escape routes from the building, and the low risk nature of the building occupants, we believe the existing carpet should be accepted as complying as nearly as is reasonably practicable.

The specifier will need to supply manufacturers certified information of the Critical Radiant Flux of any new combustible products specified as flooring.

6. CONTROL OF EXTERNAL FIRE SPREAD

6.1. Horizontal Fire Spread from External Walls:

Specific separation requirements for unprotected areas in external walls shall be applied in the following circumstances:

- a) If due to the configuration of a single building or the siting of other buildings on the same property, external walls of adjacent firecells are exposed to each other at an angle of 90° or less, and one or both firecells contain sleeping risk groups or exitways, or
- b) If there are unprotected areas in external walls facing a relevant boundary to other property at an angle of 90° or less.

Protection shall be achieved by using one or more of the following approaches:

- a) Providing a sprinkler system with a water supply complying with NZS 4541 and/or,
- b) Distance separation and/or,
- c) Limiting unprotected areas in external walls and/or,
- d) Using fire resisting glazing.

Where the intersection angle of the building and the relevant boundary is 90° or greater, there are no requirements and an unprotected area of 100% is permitted for the external wall.

Using C/AS2 Table 5.2, this existing building would need to have ≥16m of separation to relevant boundaries to not require any fire rating to control external fire spread to other property. This is only achieved on the northern elevation, where the relevant boundary is the far side of the road.

The change of use to a physiotherapy use is considered to be of a similar scale and fire load as the previous household use. "International Fire Engineering Guidelines (Edition 2005)" sets out standard Fire Load Energy Densities (FLED Values) for varying activities. This document provides a standard FLED for housing of 500MJ/m² and for medical offices (doctors, dentists, etc) 300MJ/m². Based on this, we believe the proposed change of use will not increase the fire load in the building. Also, there is no proposed increase to the size of the building. Therefore, we believe control of external fire spread, that complies for housing should be considered to comply for the proposed physio use.

The current building complies with C/AS1 requirements for control of external fire spread for housing, by having all elevations >1m from relevant boundaries, and all eaves >650mm from the same boundaries. It should also be noted that where the existing building is closest to the relevant boundaries, an existing concrete block wall is located on the boundary of the adjacent boundary. This wall will provide an additional level of protection.

Therefore it is proposed to accept the existing separation distances as complying as nearly as is reasonably practicable.

6.2. External Cladding Systems:

Where external walls are located less than 1.0 m from a relevant boundary, cladding materials shall be:

1. Non-combustible; material either—
 - a) composed entirely of glass, concrete, steel, brick/block, ceramic tile, or aluminium; or
 - b) classified as non-combustible when tested to AS 1530.1; or
 - c) classified as A1 in accordance with BS EN 13501-1, or

Limited combustible;
material that does not comply with the requirements for a *non-combustible* material and is classified as A2 in accordance with BS EN 13501-1, or

2. Tested in accordance with the relevant standard test in C/AS2 Appendix C C7.1 and achieve a Peak heat release rate ≤ 100 kW/m² and Total heat released ≤ 25 MJ/m²

In addition to the above exterior surface finish requirements, where multi-level *buildings* have a *building height* of 10 m or more, cladding materials shall be:

1. Non-combustible;
material either—
 - a) composed entirely of glass, concrete, steel, brick/block, ceramic tile, or aluminium; or
 - b) classified as non-combustible when tested to AS 1530.1; or
 - c) classified as A1 in accordance with BS EN 13501-1, or

Limited combustible;
material that does not comply with the requirements for a *non-combustible* material and is classified as A2 in accordance with BS EN 13501-1, or

2. Tested in accordance with the relevant standard test in C/AS2 Appendix C C7.1 and achieve a Peak heat release rate ≤ 100 kW/m² and Total heat released ≤ 25 MJ/m², or
3. Part of an entire *external wall* cladding system that complies with:
 - a) *Non-combustible or limited combustible* materials; or
 - b) Classified in accordance with AS 5113 and achieve a EW classification; or
 - c) Tested in accordance with BS 8414-1 and satisfy the acceptance criteria in BR 135; or

- d) Tested in accordance with BS 8414-2 and satisfy the acceptance criteria in BR 135; or
- e) Tested in accordance with NFPA 285 and pass, and cladding materials shall be:
 - i) *non-combustible or limited combustible* materials; or
 - ii) tested in accordance with the relevant standard test in C/AS2 Appendix C C7.1 and achieve a Type A classification.

The existing building is not closer than 1m to any relevant boundary and is a single level building, therefore there are no external cladding system requirements. There will be no compliance gap with C/AS2.

7. FIRE FIGHTING REQUIREMENTS

7.1. Fire & Emergency NZ Vehicular Access:

In accordance s115 of the Building Act, as a change of use, this building need only continue to comply with fire service vehicle access requirements to the same extent it did prior to the change. As there are no external alterations affecting vehicle access, this building's fire service vehicle access has not changed and requires no further assessment.

Fire & Emergency New Zealand vehicle access continues to meet Building Code requirements to the same extent as before the change of use, and therefore requires no upgrade.

7.2. Information for Firefighters:

If any hazardous substances are to be present in the building, signage in accordance with F8/AS1 is to be installed.

8. PREVENTION OF FIRE OCCURRING

8.1. Gas-Burning Appliances

Any new gas-burning appliances must be installed in accordance with NZBC Clause G11. There will be no compliance gap with C/AS2.

8.2. Electrical Fire Safety

Any new electrical installations in the building must be installed in accordance with NZBC Clause G9. There will be no compliance gap with C/AS2.

9. CONCLUSION

This gap assessment report shows that the proposed Change of Use from Dwelling to Physiotherapy Consultancy at 11 Fairway Drive, Kerikeri for Holland Family Trust will achieve compliance with the New Zealand Building Code as required by the Building Act for protection from fire, 'as nearly as is reasonably practicable'. This is subject to the assumptions and requirements within this report being met. The main requirements of the report are summarised below, however the report needs to be read in its entirety to ensure all the requirements are met:

Fire safety systems:

There is no requirement for a fire alarm system in this building.

Emergency illumination of escape routes in compliance with F6 must be installed on steps on escape routes. Photo-luminescent elements are to be provided as an alternative solution design, (design and supporting compliance documentation to be provided by supplier).

Means of escape:

To comply with D1/AS1.

Install photo-luminescent exit signs complying with F6 and F8, (design and supporting compliance documentation to be provided by supplier).

All exit door locking devices should be clearly visible, located where such a device would normally be expected, designed to be easily operated without a key or other security device, and allow the door to open in a normal manner.

All doors may swing in either direction, or be manual sliding as they serve no more than 20 occupants in all situations.

Doors on designated egress routes are to provide level access for the full swing of the doors. On level escape routes, a maximum threshold step of 20mm is allowed for weathering (as per D1/AS1). Inward swinging and sliding doors are not required to have a level landing, to the outside, where allowed by D1/AS1 4.3.1. This will need to be addressed by the accessibility assessment as complying as nearly as is reasonably practicable.

10. ADDITIONAL REQUIREMENTS

10.1.1. Construction Monitoring

Construction monitoring ensures that the building work is correctly interpreted, built and installed in accordance with the design documentation. The requirements listed below are specific to ensuring that the design is implemented in accordance with the fire report. They are considered to be the minimum required to achieve compliance with the building consent. Additional inspections may be required for other purposes. The person or agency responsible for carrying out the inspection is also listed below.

Requirements:

1. Passive fire stopping.
There are no passive fire stopping elements in this project that will require construction monitoring.
2. Emergency illumination of escape routes.
BCA building consent inspections will be required to ensure photo-luminescent elements are installed in accordance with the suppliers design.
3. Fire alarm system.
There is no fire alarm system in this project that will require construction monitoring.
4. General compliance with fire report.
BCA building consent inspections will be required to ensure overall compliance with this fire report is achieved.

11. LIMITATIONS

This report has been prepared solely for the benefit of our client and the Far North District Council in relation to the application for which this report has been prepared. The comments in it are limited to the purpose stated in this report. No liability is accepted by Formable Ltd in respect of its use by any other person, and any other person who relies upon any matter contained in this report does so entirely at their own risk.

If any changes to the building plans are carried out after the date this report was completed it may change the fire safety requirements for the project and it is the owner's responsibility to ensure that a revised Fire Report is prepared, for which additional costs may be incurred.

Yours faithfully,



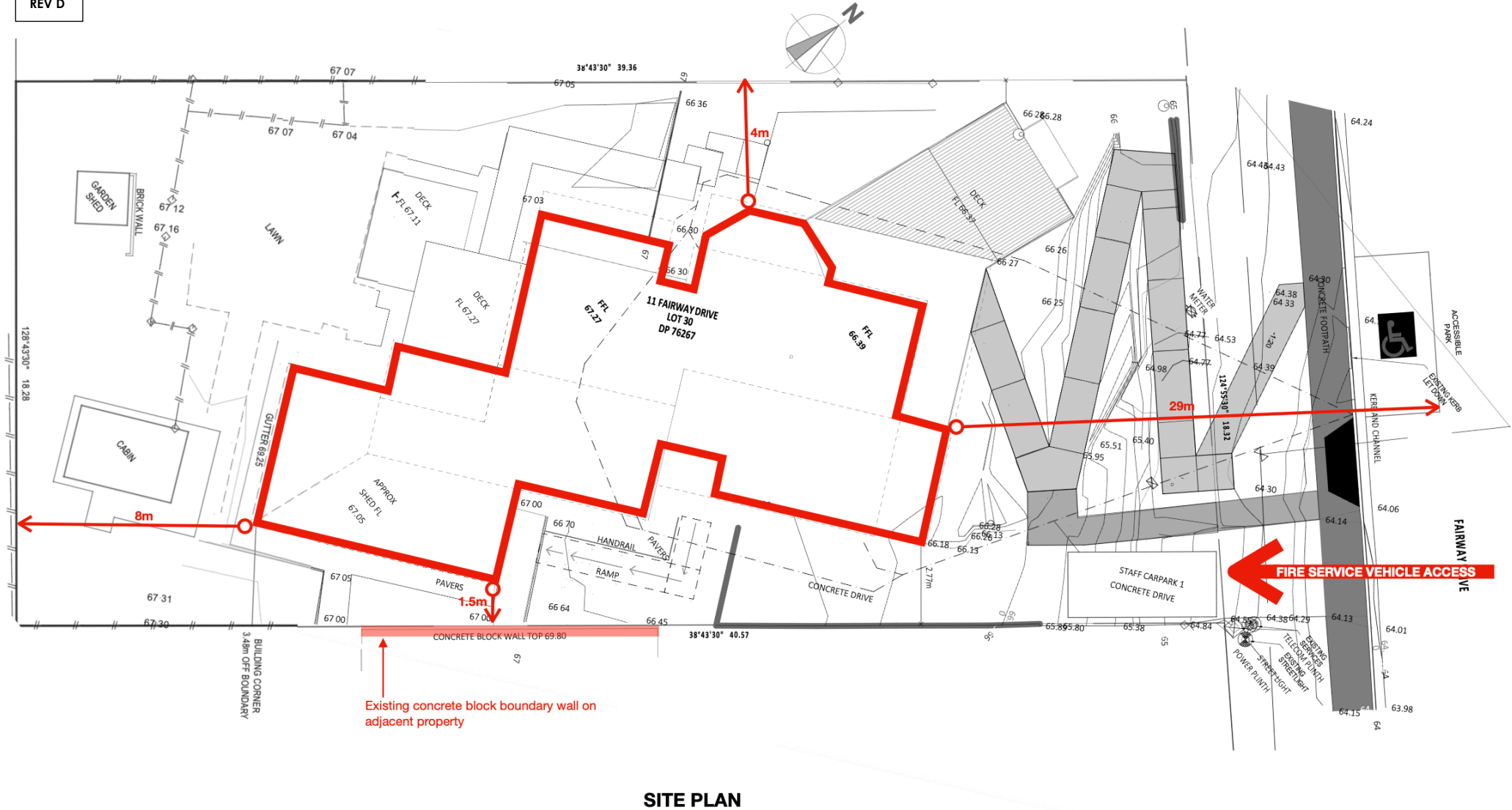
Dean Halvorson
FORMABLE LIMITED

Licensed Building Practitioner (Design 2) - BP114631

Encl : APPENDIX
1. Fire Plans
2. Compliance Schedule Information
3. Fire safety signage requirements (F8/AS1)

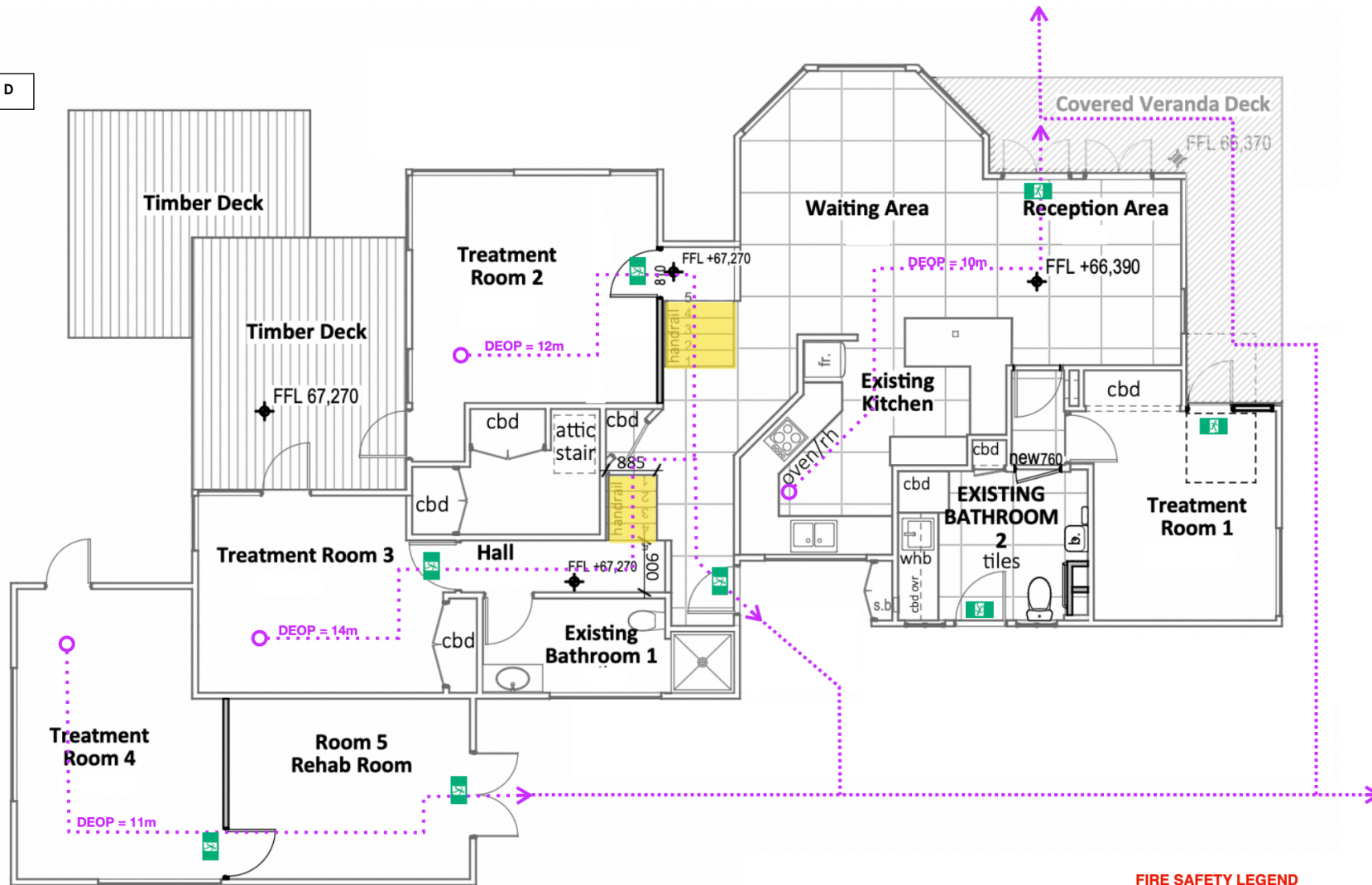
APPENDIX 1 : Fire Safety Plans

REV D







SITE PLAN

REV D



FLOOR PLAN

FIRE SAFETY LEGEND

-  Escape route signage to F8
-  Dead End Open Path escape
-  External Safe Path escape routes
-  Visibility on escape routes required to F6 (to be designed by others)

4.0 Exit signs

4.1 Sign locations

4.1.1 *Escape routes* shall be identified by exit signs which are *clearly visible* and shall be located:

- At each point in the *open path* where a door giving access to a *final exit* or an *exitway* is not visible in normal use
- To clearly indicate each door giving access to a *final exit* or an *exitway*, and
- To clearly identify the route of travel through the *exitway*.

Comment:

The rapid identification of the nearest *escape routes* is particularly important in *buildings* such as shopping malls and supermarkets, where occupants tend automatically to escape via the familiar route used for entry.

4.1.2 Where exit signs are provided to identify a door on an *escape route*, the sign shall be positioned on the leaf at or above handle height, or on a vertical surface within 600 mm of the door. The sign shall be positioned where it is least likely to be obscured from view and where it cannot be obscured when the door is open.

4.2 Wording for exit signs

Where exit signs contain text they shall comply with Paragraphs 4.2.1 to 4.2.3.

4.2.1 Exit signs shall be *safety signs* complying with Tables 2 and 3 and shall display the word(s) '**Exit**' or '**Emergency Exit**' plus a direction arrow if necessary, to identify the *escape route*, or use another language plus English. (Refer to Paragraph 2.1.)

4.2.2 Where a direction arrow is incorporated as part of the exit sign, a clearance of at least 25 mm shall be provided between the word(s) and the arrow.

4.2.3 In addition the following signs shall be provided:

- Where any door leads to an upper or lower level from an *exitway* and not to a *final exit*, that door shall be identified by a sign reading '**No Exit**'. (Refer to Paragraph 4.4.2.)
- Where any door in a *safe path* is a *smoke control door* and that door leads to an alternative *exitway*, it shall be identified by signs on both sides reading '**Exit**'.
- Where delayed action unlocking devices are fitted to an exit door, a sign describing the method of operation shall be installed adjacent to the door lock. The sign shall read 'There is a (x) second time delay on this door before it unlocks except when activated by the fire alarm'.

4.3 Sign details

4.3.1 Height of lettering

Sign lettering heights shall comply with Table 4, except that no lettering shall be less than 100 mm high on signs located in the following areas:

- Theatres*, cinemas and public halls
- Shopping spaces that have an *occupant load* of more than 100 people.

Table 4 Height of lettering Paragraph 4.3.1	
Maximum viewing distance (m)	Minimum letter height 'h' (mm)
16	75
24	100
32	150

'h' is the letter height shown in Table 1.

For photoluminescent signs, the minimum height dimension shall be multiplied by 1.3 and the maximum viewing distance shall be 24 m.

For viewing distances greater than 32 m, the minimum letter height shall be determined in accordance with the following equation:

$$\begin{aligned} \text{Minimum letter height, h, mm} = \\ \text{Maximum viewing distance, mm} \div 210 \\ \text{and rounded up to the nearest 50 mm.} \end{aligned}$$

4.3.2 Pictogram elements including directional arrows

The minimum height of pictogram elements for exit signs shall be determined by the maximum viewing distance. The minimum element height shall be as given in Table 5.

Table 5 Pictogram height Paragraph 4.3.2	
Maximum viewing distance (m)	Minimum pictogram element height (mm)
16	100
24	150
32	200

Element height is as shown in Figures 1, 2 and 3.

For photoluminescent signs, the minimum height dimension shall be multiplied by 1.3 and the maximum viewing distance shall be 24 m.

APPENDIX 2 : Fire Safety Signage Requirements

For viewing distances greater than 32 m, the minimum element height shall be determined in accordance with the following equation:

$$\begin{aligned} \text{Minimum element height, mm} = \\ \text{Maximum viewing distance, mm} \div 160 \\ \text{and rounded up to the nearest 50 mm.} \end{aligned}$$

4.3.3 Background

The background shall extend at least 15 mm beyond the words (and pictorial element if incorporated) displayed on the sign.

4.4 Colour

4.4.1 Except for photoluminescent signs and signs described in Paragraphs 4.4.2 and 4.4.3, the text and/or pictogram of an exit sign, and the direction arrow where incorporated, shall be white on a *safety green* background.

Text or pictograms in photoluminescent signs shall be in *safety green* and the rest of the sign shall be photoluminescent.

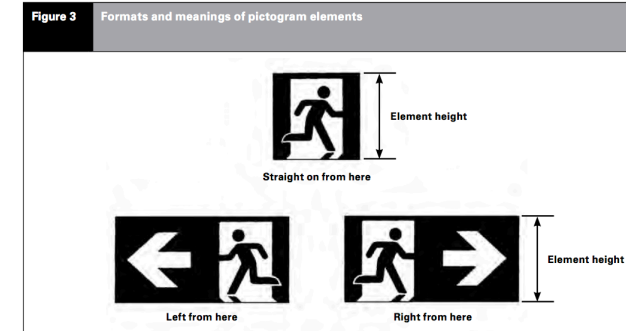
4.4.2 The sign described in Paragraph 4.2.3 a) (No Exit) shall comprise white text on a *safety red* background.

4.4.3 Where an exit sign is internally illuminated and normally viewed in low illuminance areas, such as in *theatres* and auditoriums, the text or pictogram of the sign and direction arrow, if any, may be *safety green* on a black (opaque) background. In the case of signs described in Paragraph 4.2.3 a), these may have text or a pictogram in *safety red* on a black (opaque) background.

4.5 Exit sign illumination

4.5.1 Exit signs in escape routes shall be illuminated in buildings required to have emergency lighting systems for providing visibility in escape routes as required by NZBC Clause F6. The sign illumination shall be by external or internal lighting, or the sign may be photoluminescent.

Amend 4
Jan 2017



The words under these pictograms indicate the meaning of the pictogram and are not part of the pictogram. Arrows are aligned to reflect the direction to be followed.

Exit signage is to be an Alternative Solution photo-luminescent design, with all design details provided by the signage supplier.

DECISION ON LAND USE CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

Decision

Pursuant to section 34(1) and sections 104, 104B and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council grants land use resource consent for a Discretionary activity, subject to the conditions listed below, to:

Applicant:	Holland Family Trust Limited
Council Reference:	2240155-RMALUC
Property Address:	11 Fairway Drive, Kerikeri 0230
Legal Description:	Lot 30 DP 76267

The activities to which this decision relates are listed below:

Relocate an existing clinic from 4 Homestead Road, Kerikeri to 11 Fairway Drive, Kerikeri breaching Scale of Activities, Traffic Intensity and On-Site Car Parking Spaces in the Residential Zone as a Discretionary Activity

Conditions

Pursuant to sections 108 of the Act, this consent is granted subject to the following conditions:

1. The activity shall be carried out in accordance with the approved plans prepared by Bert van Vliet of Living Architecture, referenced Floor Plan for Bay Physio Ltd, dated 28th September 2023, and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The consent holder shall ensure a maximum occupancy of seven (7) people on site at a time and the operating hours of 7:30am-5pm, Monday to Friday is adhered to for the duration of the consent.

Pre works

3. The consent holder shall provide a design for an accessible parking space and pedestrian access on Fairway Drive that has been certified by a Chartered Professional Engineer by way of Producer Statement (PS1), for the approval of Far North District Council prior to construction. Such works are to be designed in accordance with NZS 4121:2001. The design is to detail the location, appropriate signage, park dimensions and the access to and from park to the entrance of the building. Access to the building entrance shall include a ramp, vegetation clearance and pedestrian access (footpath) that does not exceed maximum grade of 8%. Footpath is to be concrete and have a brushed finish.

4. The consent holder shall provide 10 working days' notice to the Far North District Council's Development Engineer or delegated representative prior to the commencement of any work associated with conditions included in this consent.
5. A Chartered Professional Engineer shall determine the level of construction monitoring (CM1-CM5) required prior to the commencement of works and certify that the works has been completed in accordance with the approved plans by way of producer statement (PS 4). The construction monitoring level determination shall be done in accordance with the Engineering New Zealand Construction Monitoring Services Guidelines.
6. The consent holder is to provide evidence that a Traffic Management Plan (TMP) has been approved by Council's Corridor Access Engineer and a Corridor Access Request (CAR) obtained prior to undertaking any works.
7. All buried services within the road boundary shall be located, marked and adequately protected prior to trenching works commencing.
8. Prior to the commencing any physical site works, a Construction Management Plan (CMP) shall be submitted to and approved by the Council. The plan shall contain information on, and site management procedures, for the following:
 - i. The timing of construction works, including hours of work, key project and site management personnel.
 - ii. The transportation of construction materials from and to the site and associated controls on vehicles through sign-posted site entrance/exits and the loading and unloading of materials.
 - iii. The location and timing of construction vehicle parking.
 - iv. The excavation works, including any necessary dewatering facilities, prepared by a suitably qualified geotechnical engineer.
 - v. Control of dust and noise on-site and any necessary avoidance or remedial measures.
 - vi. Prevention of earth and other material being deposited on surrounding roads from vehicles and remedial actions should it occur. Remedial actions will be undertaken at the cost of the consent holder.
 - vii. Publicity measures and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians, and other users.
 - viii. Erosion and sediment control measures to be in place for the duration of the works.

Post works

9. Provide to Council As-built plans complying with schedule 1D of NZS 4404:2004 and section 1.5.2 of Council's Engineering Standards 2023 and guidelines in accordance with the approved design plan referenced in condition 3.

Advice Notes

Lapsing of Consent

1. *Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;*
 - a) *The consent is given effect to; or*
 - b) *An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.*

Right of Objection

2. *If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.*

Archaeological Sites

3. *Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.*

General Advice Notes

4. *During the assessment of your application, it was noted that a private Land Covenant exists on your property. Council does not enforce private land covenants, and this does not affect Council approving your plans. However, you may wish to get independent legal advice, as despite having a resource consent from Council, the private land covenant can be enforced by those parties specified in the covenant.*
5. *The conditions of this consent will be monitored by Far North District Council's Resource Consents Monitoring Officers. Any documentation relating to compliance with the above conditions of consent should be sent to rcmonitoring@fndc.govt.nz.*

Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are also no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a Discretionary Activity resource consent as such under section 104 the Council can consider all relevant matters. In particular the matters listed in 7.6.5.3.2, 15.1.6A.7 and 15.1.6B.5 are of particular relevance.
3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
 - a. Due to the arrival patterns and operating hours of the clinic the actual scale of intensity is likely to be less than that calculated by the plan. The proposed activity is considered similar in scale to that of a typical residential dwelling.
 - b. There is limited space on site to provide parking however availability of parking in the surrounding streets is considered sufficient to accommodate the activity.
 - c. Northland Transport Alliance (NTA) and the Council's Resource Consents Engineer (RCE) have requested an accessible parking space to be constructed on

Fairway Drive adjacent to the property and this has been included as a condition of consent.

- d. The impact of additional traffic movement is considered acceptable by the RCE and NTA and a traffic impact assessment is not considered necessary.
4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
 - a. Operative Far North District Plan 2009,
 - b. Proposed Far North District Plan 2022

The activity is consistent with these documents for the reasons set out in pages 31-33 of the Assessment of Environmental Effects submitted with the application.

Operative Far North District Plan

Objectives: 7.6.3.1, 7.6.3.2, 15.1.3.3, 15.1.3.4, 15.1.3.5

Policies: 7.6.4.1, 7.6.4.5, 7.6.4.6, 15.1.4.1, 15.1.4.3, 15.1.4.7, 15.1.4.8

The activity is consistent with the relevant objectives, policies and assessment criteria of the Residential Zone in the Operative District Plan because the non-residential activity is a similar scale as a residential activity and will not detract from the existing residential character of the area.

The activity is consistent with the relevant objectives and policies of the Traffic, Parking and Access Chapter in the Operative District Plan because on street parking is available for the activity and this is considered appropriate to meet parking requirements. In terms of traffic intensity, the activity is a relocation of an existing practice and will not increase scale or intensity.

Proposed Far North District Plan

Objectives: GRZ-O3, GRZ-O4, GRZ-O5, TRAN-O4, TRAN-O5, TRAN-O6

Policies: GRZ-P1, GRZ-P4, GRZ-P8, TRAN-P3, TRAN-P4, TRAN-P5, TRAN-P6, TRAN-P7

The outcomes expected under the General Residential Zone of the Proposed District Plan are consistent with those expected by the Residential Zone of the Operative District Plan and thus the activity is consistent with the relevant objectives, policies and assessment criteria of this zone. The activity will have effects comparable to a standard residential dwelling and amenity values will be maintained.

The Transportation Chapter of the Proposed District Plan allows more lenience in the provision of parking in favour of alternative modes of transport where possible. The practice actively encourages alternative modes of transport which will reduce the demand for on site parking. The conditions of this consent require an accessible parking space to be constructed and thus the proposal will be consistent with this part of TRAN-P3 and TRAN-P4.

For this resource consent application the relevant provisions of both an operative and any proposed plan must be considered. Weighting is relevant if different outcomes

arise from assessments of objectives and policies under both the operative and proposed plans.

As the outcomes sought are the same under the operative and the proposed plan frameworks, no weighting is necessary.

6. In regard to section 104(1)(c) of the Act there are no other matters relevant and reasonably necessary to determine the application.
7. Based on the assessment above the activity will be consistent with Part 2 of the Act.

The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.
8. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

Approval

This resource consent has been prepared by Rachel Bate, Consents Planner. I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.



Name: William (Bill) Smith

Date: 15 January 2024

**Title: Independent Hearings
Commissioner**