

13 December 2024

Enquiries to: **Shanan Miles**

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Rotorua 3046
New Zealand

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Attn: Tracy Hayson

Dear Tracy,

REQUEST FOR FURTHER INFORMATION FOR RESOURCE CONSENT APPLICATIONS

Consent no:	LU24-010243
Type of application:	LAND USE CONSENT – NON-COMPLYING
Applicant:	Tikanga Aroro Charitable Trust
Proposal:	Establish a reintegration housing activity on a rural site.
Site address:	671 Puaiti Road, Ngakuru, Rotorua 3077
Legal description:	Lot 1 DP 585350 [RT 1103528] – 2.2399 hectares more or less

Following technical reviews of the Application, the following further information is requested pursuant to Section 92(1) of the Resource Management Act 1991 (RMA).

Operational

Whilst the Site Management Plan provides useful information about how the proposed activity will operate, there are some gaps in the information provided.

1. Could you please clarify what role the Department of Corrections will play in the activity? The AEE identifies that the facility is under the operation of Department of Corrections, but the Applicant provides oversight and accountability for operations.

I am just wanting to make sure this is clear given the amount of potentially incorrect information that is currently circulating, and the concerns previously raised on the Applicant's behalf in relation to this.

2. How would the community be guaranteed that residents would be unable to leave the facility at night (i.e. by pushing through bushes that are not monitored by cameras)? Electronic monitoring may be useful after a breach has occurred, but other than the chance of being sent back to prison, what assurances are there that there won't be 'breakouts'? How is the curfew monitored? What is the proposed response to participants absconding?
3. Please confirm that electronic monitoring will operate effectively in this location.
4. How are the participants in the program helped to integrate back into society if they are living remotely from the community, other than having access to support providers that come to them and family visits? Will they also be supported to learn about where to access services in Rotorua when they are escorted to work there?
5. What is the process for vetting visitors to the site, and how can the community be assured that the facility does not attract other people into the community who have gang associations or may be considered 'undesirable'?

6. How can the community be assured that there will be no active gang members in the facility? How does the process of establishing gang connections work in practice?
7. What are the antisocial behavior guidelines? Is there a document that Council can assess?
8. What is the management procedure or policy for dealing with either unauthorised visitors to the facility or those that are asked to move off – what prevents them from parking close by and would the policy push the problem out into the community? Who would be responsible for calling the Police if this was to happen?
9. Are there opportunities for the facility to be integrated into the community, through regular meetings or organized activities, for example?

Social Effects and Assessment

As you are aware, Rebecca Foy of Formative has been providing Council with technical assistance in relation to the potential social effects of the proposed activity. Following discussions with Rebecca, we are concerned that the actual and potential adverse social effects of the Proposal have not been adequately addressed by the Applicant to the extent that we can reasonably draw any firm conclusions on those effects. This includes what the scale of those effects are; whether they are perceived or actual; and who is/might be affected.

This includes concerns over the comprehensiveness of the information relied upon and the methodology that has been followed in obtaining and analysing that information. In this regard we note that consultation with the local community appears to have been limited to properties in the immediate vicinity (1.0km radius), the Waikite Valley School, and there has been no community meeting. There are also concerns that unannounced direct approaches have been made to some residents by those that will be directly involved in the operation of the activity. This is not consistent with advice provided by Rebecca.

There is significant community interest in this Proposal, with approximately 40 separate members of the Waikite Valley Community making direct contact with Council through various channels. In addition to general concerns about social effects relating to matters such as safety, amongst the key themes in that correspondence was a lack of wider community engagement and consultation; potential mis-interpretation/representation of views in the consultation record; concerns over the running of the facility at its previous Rotokawa Road location; and the manner in which the Site was acquired.

In order to address these concerns and to allow Council to assess and draw conclusions in relation to the Proposal's Social Effects the following further information is requested:

10. A Social Impact Assessment prepared by a suitably qualified and experienced person in the fields of social research and/or the assessment of social effects.

Earthworks

Could the following additional information please be provided to enable a better understanding of the nature and scale of the proposed earthworks activities and the actual and potential effects on the environment:

11. Please amend BSK drawing 'Cut and Fill', job reference 25594, Sheet 2 to show the proposed heights and depths of the cut and fill contours.
12. Please confirm and provide details of the proposed treatments at the outer edges of the proposed earthworks, including whether retaining walls are proposed and the slopes of any batters.
13. Please provide the following to-scale dimensioned cross section drawings that show existing and proposed ground levels and proposed treatment at the edges of the earth-worked area (i.e. batter slope and/or retaining walls):
 - (i) West-East for the Site's Puaiti Road boundary at the following points:

- At the proposed vehicle crossing and accessway – this is to include where the proposed vehicle crossing meets the Puaiti Road carriageway.
 - At the point bisecting the whare building.
 - At the southern extent of the proposed earthworks.
- (ii) North-South for the Site’s northern boundary adjoining number 471 Puaiti Road at the following points:
- At the Puaiti Road boundary.
 - At the eastern extent of the proposed earthworks.
 - Two intermediate points.
- (iii) North-South along the southern extent of the area of the proposed earthworks for following points:
- At the Puaiti Road boundary.
 - At the eastern extent of the proposed earthworks.
 - Two intermediate points.

Incidentally, in my opinion the proposed earthworks are not exempt from the performance standards under EW-S1(2) on the basis that they are not associated with a permitted activity or an activity that is authorised by resource consent; and are not solely for the purposes of constructing a building platform as they are general site contouring. Therefore, the exemption under EW-S1(4)(a)(i) does not apply and resource consent will also be required under EW-R1(2) as a restricted discretionary activity for departures from the maximum volume and cut height under EW-S1.

Landscape and Visual Effects

The Application has been reviewed by Council’s Senior Urban Designer, who has identified that, notwithstanding the proposed buildings may comply with the performance standards that apply to permitted buildings, the scale and intensity of buildings proposed would not typically be found in a rural setting such as this.

We also note that the following general assessment criteria under RURZ-AC1 of the District Plan are applicable:

1. *The effect on the character and amenity zone.*
2. *The effect on the amenity of the neighbouring residents, including protection of privacy and outlook and protection from adverse effects from any source of disturbance.*
3. *The effect on the landscape and on-site landscaping, in particular where the activity is prominent when viewed from the road or other public land.*
4. *The cumulative effect on the character and amenity area.*
10. *The effects of non-residential activity on the character and amenity of the zone.*
14. *The quality of the landscape and of any proposed landscaping scheme designed to mitigate the potential adverse effects of the activity.*
15. *Any potential adverse effects of noise, vibration, light or any other source of disturbance.*

Between us we have also identified that the following information is required to enable an assessment of the activity’s adverse landscape and visual effects:

Building Drawings

14. Dimensioned floor plans and elevation drawings of the Participant’s Cabin’s; the Manager’s and Supervisor’s Cabins; and the Ablution Block buildings.

15. Information that details the proposed materials; color scheme; and reflectance values for the exterior treatment of the proposed buildings.
16. The following additional to-scale and dimensioned cross sections:
 - (i) Full north-south cross sections through Cabins 1 and 2 from the Site's northern boundary to south of the proposed earthworks area that shows:
 - The actual building envelope of that cabin.
 - The proposed finished floor height of the cabin.
 - The proposed cut and fill batters adjacent the site's northern boundary and southern extent of the earthworks area.
 - (ii) Full north-south and east-west cross sections through the highest point of the central ware building taken from the Site's northern boundary to south of the proposed earthworks area, and from the Site's Puaiti Road boundary to east of the proposed earthworks area. These cross sections are to show:
 - The actual building envelope of the proposed buildings.
 - The proposed finished floor height of the buildings.
 - The proposed cut and fill batters adjoining the areas to be earth worked.
 - Existing and proposed ground levels.
 - The maximum height of the ware building relative to the current existing ground levels.

Proposed Lighting

17. Please provide the following information on the proposed external security lighting:
 - (i) What type of lighting is proposed.
 - (ii) Where will this lighting be located.
 - (iii) Proposed hours of operation for this lighting.
18. Please confirm that there will not be any other type of outdoor lighting/light sources available during dark hours - considering this development will be totally reliant on providing their own lighting within their site for wayfinding as there will be no light spill available from street lighting etc. Has the applicant considered whether additional lighting may be required for health and safety and wayfinding, in particular the lighting of paths connecting to buildings (the amenity blocks, communal facility, staff quarters)? Is the applicant certain no lighting will be required for the carpark area in the future to assist residents/visitors/staff/emergency vehicles etc?
19. Will each cabin have outdoor lighting and if so, how will this be controlled (movement activated sensor or controlled by an on/off switch)?
20. Will the ablution blocks have lighting (either internal or external) on permanently at night?
21. Directional down lighting would normally be recommended in a rural setting when a more intense built environment is proposed, is there a possibility for this to be incorporated into the proposal?

Proposed Landscaping

22. Please confirm the proposed minimum height of the *Pittosporum tenuifolium* (kohuhu) hedge to be planted along the Site's northern boundary (common with number 471 Puaiti Road).
23. Please confirm the proposed heights and sizes of the plants at time of planting.

Visibility Analysis

The application was not supported by a visibility analysis to confirm the potential viewing audience of the proposed buildings. This would be a typical starting point for a landscape and visual effects assessment prepared by a suitably qualified and experienced Landscape Architect, and I note that the assessment of visual effects in the AEE relies quite heavily on topographical features to screen views of the proposed buildings without describing in detail how this relates to potential viewing audiences.

It is also unclear how effective the proposed planting will be as a mitigation tool given that no information has been provided on proposed heights (or grades) at time of planting and likely growth rates of the selected species. This includes treatment along the southern edge of the proposed development area where the proposal includes raising of the ground levels by up to 3.0m. In this regard, little information has been provided on the proposed 'native planting' that is to occur and it would appear as though clear views of the buildings will be available from the south.

24. Please provide a more detailed analysis of the proposal's landscape and visual effects that:

- (i) Clearly describes the potential viewing audiences of the proposed development, including how that viewing audience has been determined and any topographical (or other) features limit visibility of the Site.
- (ii) Clearly describes the landscape and visual amenity values and sensitivity of the identified viewing audience.
- (iii) Clearly describes the landscape and visual effects of the proposal on the identified viewing audiences (including any interim effects that may occur while planting matures), including a detailed description of all of the proposed mitigation measures that are relied upon/required and the effectiveness of those measures.

Due to the nature of this proposal and the potential sensitivity of the receiving environment, it is strongly suggested that this assessment be undertaken by a suitably qualified and experienced Landscape Architect.

In accordance with section 92A(1) RMA, within 15 working days from the date of this request you must either:

- 1. Provide the information requested; or
- 2. Advise Council in writing that you agree to submit the further information and let Council know of your intended timeframe for providing the information; or
- 3. Advise Council in writing that you refuse to provide the information.

A response is due from you no later than: **23 January 2025**.

The following further information is requested pursuant to Section 92(1) of the Resource Management Act 1991 (RMA).

Please be advised that the processing of this application has been placed on hold until either the matters above have been addressed or 15 working days has passed. Once the set (or agreed timeframe) has passed the application will become active again and must be processed through to a decision.

Please also note that under section 92A(3) RMA, Council may decline an application if the information is not provided and Council considers that it has insufficient information to enable it to determine the application.

Should you have any queries in relation to this letter, please do not hesitate to contact me directly on 022 466 2611 or shanana@milesco.nz.

Yours faithfully

A handwritten signature in black ink, appearing to read 'L. Barry' with a stylized flourish at the end.

Lorelle Barry
Team Lead Planning, Consenting