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Rotorua Lakes Council is the operating name of Rotorua District Council

Land use consent – Publicly Notified – Non-Complying

Date:	6 May 2025
Report to:	Lorelle Barry, Team Lead Planning - Consenting
From:	Shanan Miles, Consultant Planner, Milesco

Application number:	LU24-010243
Type of application:	Land use consent – Non-Complying
Applicant:	Tikanga Aroro Charitable Trust
Description:	Establish and operate a reintegration housing activity on a rural site.
Site address:	Lot 1, 473 Puaiti Road, Ngakuru, Rotorua 3077
Legal description:	Lot 1 DP 585350 [RT 1103528] – 2.2399 hectares more or less
Operative District Plan zone:	Zone: Rural 1 Zone – Working Rural Zone (Map 541) ODP Overlays / Hazards: - Stream (unnamed tributary to the Mangatete Stream) - Puaiti Road = Unclassified (Map 205) - Soft Ground Potential = Zone A (Map 209) - Areas of Potential Fault Line Impact = Puketerata Fault (Map 210) - Landslide susceptibility = Very Low to Moderate (Map 211) - Geothermal System = N/A (Map 212) - ONFL = N/A (Map 214) - Liquefaction Vulnerability = Undetermined (GIS)
Agent:	Hayson Knell Ltd

1.0 Introduction

Pursuant to s88 of the Resource Management Act 1991, Hayson Knell Ltd ('the Agent') has applied on behalf of Tikanga Aroro Charitable Trust ('the Applicant') for a land use resource consent to establish and operate a live-in reintegration activity for men who have completed their required rehabilitation in custody and have been released on parole by the New Zealand Parole Board.

1.1 Proposal

A full description of the Proposal can be found in section 1.0 (pages 1 and 2) of the Application and Assessment of Environmental Effects Report prepared by Hayson Knell titled 'Resource Consent Application – Puwhakamua Reintegration Housing – Tikanga Aroro Charitable Trust – Puaiti Road, Waikite Valley', project reference 3744 and dated 16 October 2024 ('the AEE').

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Further operational detail of the Proposal is provided in the Community Engagement Information Pack attached as Appendix 7 to the AEE.

It is noted that some aspects of the Proposal detail included in section 1.0 of the AEE (including layout and location of buildings; civil works; and landscape planting) have been revised through the Applicant's responses to the section 92 request for further information. The summary below is of the Proposal as it now exists as modified by those section 92 responses.

In summary, the Proposal is to establish and operate a live-in reintegration activity for men who have completed their required rehabilitation in custody and have been released on parole by the New Zealand Parole Board. The Proposal comprises of the following principal components:

Reintegration activity

- A live-in residential support facility that is operated by the Applicant (with funding from the Department of Corrections) that will accommodate up to 10 participants selected according to strict eligibility criteria.
- Participants must have been released on parole having completed their required custodial rehabilitation and shown a commitment to positive change. Some of the participants will be electronically monitored as part of their parole conditions.
- Participants are supported in their reintegration into society and are provided with support and care from on-site resident staff and external agencies. This includes upskilling programmes, vocational education, personal development, and employment.
- The programme is couched in tikanga Māori and takes at least six months for each participant to complete.
- Participants are transported to and from the Site in the Puwhakamua 12 seater van or cars. Participants are only permitted to have their own vehicle on the Site once they have graduated the programme and gained employment.
- In addition to matters set out in the Site Management Plan attached as Appendix 6 to the AEE, the following limitations also apply to the participants:
 - A site-wide curfew applies between 10:00pm and 06:00am.
 - They are prohibited from leaving the Site without a member of staff or approved sponsor being present.
 - No drugs, alcohol, smoking or vaping. Random drug testing is carried out a weekly basis as a minimum.
 - Must not be an active gang member and contact with gangs is prohibited.
 - No loud music or social gatherings.

Staff

The activity has five members of staff, including a General Manager, Site Manager, Operations Manager, and two Site Supervisors. A minimum of two members of staff will be present on site at all times.

Buildings

The Proposal includes the following buildings as shown in the Architectural Drawings prepared by Darin Grant Design under project name 'Tikanga Aroro Charitable Trust: 473 Pauiti Road, Waikite Valley', project number #DG20 dated 8 April 2025 provided as part of the Applicant's section 92 response received 14

April 2025:

- 10 pre-fabricated single occupancy cabins to accommodate the participants.
- Four pre-fabricated staff cabins to accommodate the site manager and supervisors.
- Two pre-fabricated communal ablutions blocks containing shower and toilet facilities.
- Two pre-fabricated communal laundry blocks containing laundry facilities.
- A purpose-built central where building (main building) with a floor area of 270m² that provides kitchen, dining, office, meeting, ablution, and learning spaces.

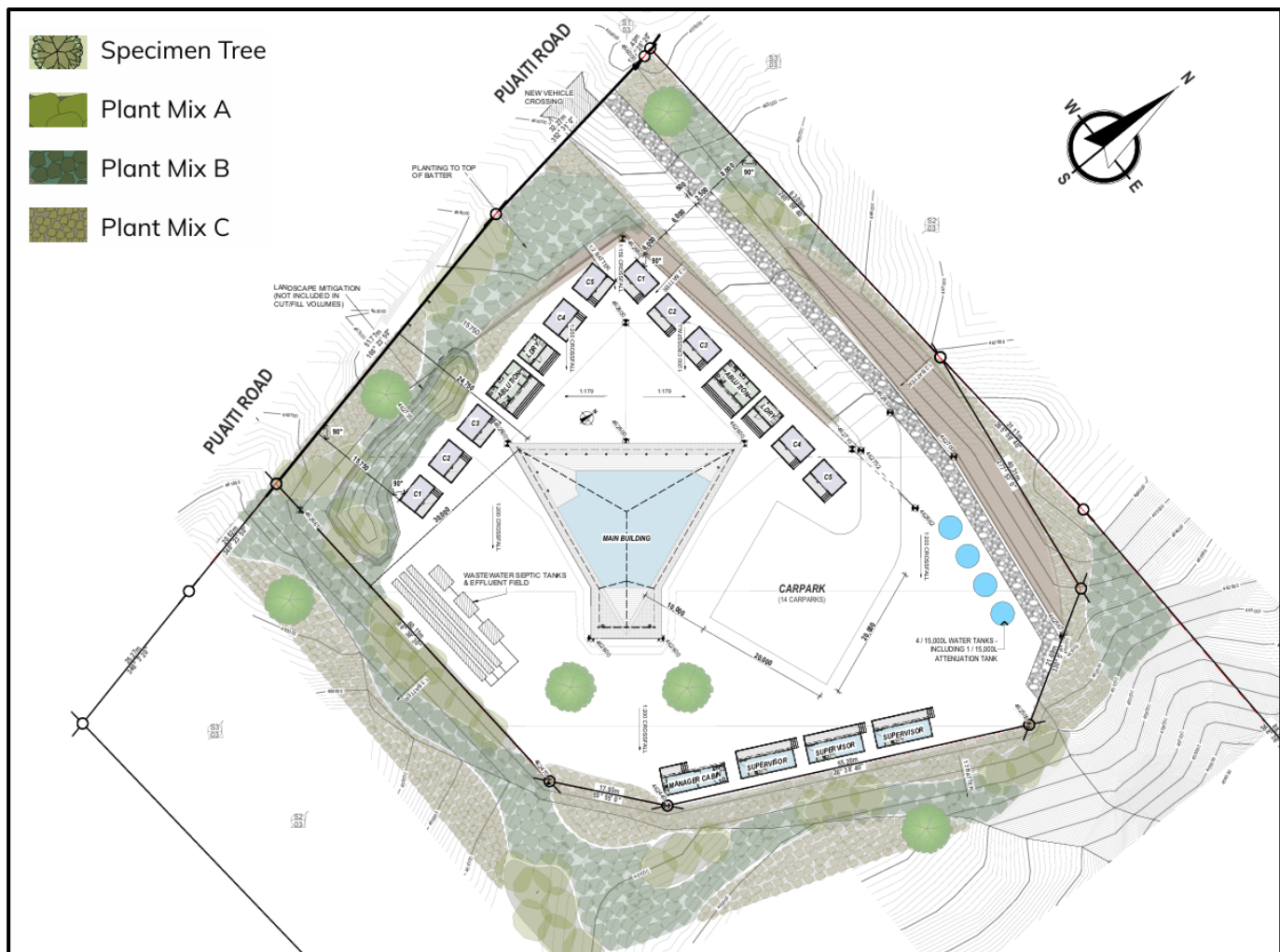


Figure 1: Proposed site layout [Source: DGD 'Site Plan', sheet 01 dated 8 April 2025]

Civil works

The following ancillary civil works:

- Earthworks over the entire Site¹ comprising of 5,407m³ of fill and 2,999m³ of cut to achieve a flat development area with a design level of RL 462.8m. This includes cuts of up to 2.8m in depth and

¹ See amended drawings prepared by BSK under project reference 25594, titled 'Site Plans' (sheet 1); 'Enlarged Site Plan with Cut/Fill Depths' (sheet 2); and 'Cross Sections' (sheets 3 and 4); all dated September 2024.

fills of up to 3.6m in height.

- The construction of a new vehicle crossing to Puaiti Road and associated culvert at the northern end of the Site,
- The construction of a 6.0m wide formed (but not sealed) vehicle accessway and car parking area sufficient to accommodate 14 car parks.
- The construction of a 2.5m wide rock-filled swale located adjacent to the northern edge of the Site to collect and convey overland flows of stormwater to an existing overland flowpath.
- On-site water supply via four 15,000 litre tanks.
- An on-site wastewater treatment and disposal system designed in accordance with the requirements of the Waikato Regional Plan Module 3: Water, section 3.5.7 Implementation Methods – On-Site Sewage Discharges.
- The collection and detention of stormwater run-off from the roofs of buildings to water storage tanks. Discharges will be attenuated and be via a 10.0m wide spreader bar to the rock-filled swale / overland flowpath to be constructed as part of the Proposal.

Landscaping

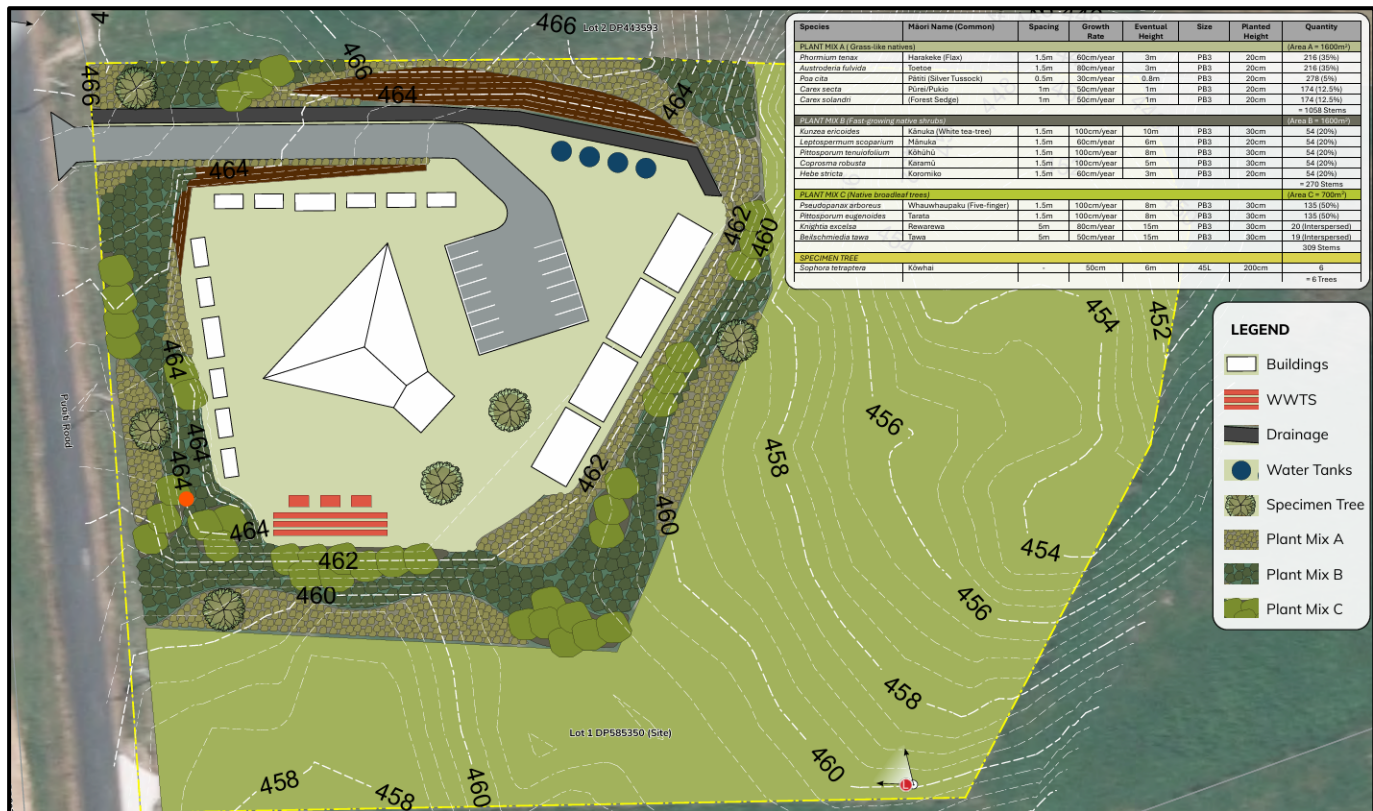


Figure 2: Proposed landscaping [Source: Attachment 2 – Visualisation of the Landscape and Visual Effects Assessment prepared by Narrative Landscape]

Landscaping in accordance with the 'Landscape Plan' prepared by Narrative Landscape reference 2501,

sheet 01 dated 11 March 2025² and comprising of the following as shown in **Figure 2**:

- Six Kowhai specimen trees.
- 1,600m² of mixed grass-like natives (Plant Mix A).
- 1,600m² of fast-growing native shrubs (Plant Mix B).
- 700m² of native broadleaf trees (Plant Mix C).

This includes the provision of a landscape bund area adjacent to the Site's Puaiti Road boundary in the location indicated by the orange dot in **Figure 2**.

Visitors

A range of service providers will visit the site during the week, with these including facilitators for the programme and probation officers from Rotorua Community Corrections.

Personal visits are also allowed; however these will generally only occur during the weekends and must be pre-approved by the General Manager following vetting and approval from Rotorua Community Corrections. Weekday visits may occur when special circumstances exist subject to the prior consideration and approval by the General Manager.

Each participant is allowed a maximum of two visitors at any one time, with visitors subject to the same rules that apply to the participants. These visits can commence from 9:00am on Saturday morning and must end no later than 1:00pm on Sunday afternoon unless there is a shared meal (kaitahi), in which case they must leave no later than 3:00pm.

Only partners and one child are permitted to stay overnight, subject to pre-approval by the Operations Manager.

As stated earlier, no gang members will be permitted on the Site.

Communications and Surveillance

To ensure effective communications are available to the proposed activity and the effective coverage for those participants that are subject to electronically monitored³, the Proposal includes the installation of a star link satellite internet service and Cel-Fi booster.

Security cameras will be positioned at the perimeter of the Site that are capable of detecting movement. These will be monitored by staff during curfew hours.

Vehicle Movements

Based on surveys conducted at the Applicant's existing operations at their Te Ngae Road site, it is estimated that the Proposal will generate approximately 10 vehicle trips⁴ per day. These trips are primarily comprised of staff, course facilitators, community corrections and visitors travelling to and from the Site as well as the participants being transported via the 12 seater van. Participants generally do not own a private motor vehicle, with the exception of those being in employment. The Applicant proposes to limit

² See Attachment 2 – Visualisation of the Landscape and Visual Effects Assessment prepared by Narrative Landscape.

³ The Department of Corrections Electronic Monitoring Team have confirmed that the Site is technically feasible for electronic monitoring and have recommended the use of Cel-Fi boosters.

⁴ One 'vehicle trip' comprises of the movement to and from the site.

this to three participants.

1.2 Description of site and surrounds

Section 3.0 (pages 4 to 8) of the AEE includes a description of the Site and surrounding area, including extracts of planning maps, water classification and land use capability maps obtained from various sources. That detail is not repeated in full in this section, however a summary of the key points about the Site and surrounding area is included to assist the reader.

A further description of the Site and surrounding area is provided in the Landscape and Visual Effects Assessment Report prepared by Narrative Landscape under the 'Existing Landscape Character' section (pages 10 to 15).



Figure 3: Aerial image of the Site (outlined in red) and immediate surrounds

Site

The Site is a rural Lifestyle Lot comprising a land area of 2.2399 hectares (more or less) and is located approximately 2.0kms up Puaiti Road from the intersection of Te Kopia and Puaiti Roads. The Site has not been allocated its own street address and is referred to as Lot 1, 671 Puaiti Road.

The Site was created relatively recently⁵ pursuant to subdivision consent RC17688 issued by Rotorua Lakes Council on 28 March 2022. Until that point it had been utilised for grazing in association with a dairy farming activity. For completeness, RC17688 also authorised the creation of the adjoining 2.1497ha Lifestyle Lot located to the immediate east of the Site (Lot 2 DP 585350 see green dot in **Figure 3**). The

⁵ 15 December 2023.

balance of the land from which these two lifestyle lots was created remains a rural production lot of 189.3937ha (Lot 3 DP 585350⁶ see purple dot in **Figure 3**).

The Site has undulating topography with a low point in the north-eastern corner where it shares a common boundary with number 471 Puaiti Road. Aside from this low point, there is a general north-south fall across the Site consistent with the topography of adjacent land. A hill provides visual separation between the Site and the geotechnical designated building platform located on the adjoining Lifestyle Lot (approximate location indicated by green dot in **Figure 3** and shown as area Y in **Figure 5**).

The Site is in pasture and, until just prior to the lodgement of this Application, was free from buildings. Two pre-fabricated buildings (a cabin and an ablutions block) have been placed on piles on the Site in the south-eastern corner outside of the geotechnically-designated building platform area. The approximate location of these buildings is indicated by the yellow dot in **Figure 3** and the AEE states that these will be removed prior to the commencement of the activity. These buildings can be seen in **Site Visit Photograph 1**.

According to Manaaki Whenua Landcare Research Land Use Capability Maps, the Site is LUC Class 6, which is described as non-arable, having slight to moderate limitations to pastoral use, suitable for pasture, tree crops and forestry and in some cases vineyards. Erosion is generally the dominant limitation.

The following are a series of site visit photographs taken 11 November 2024 that have been included to assist the reader in understanding the existing physical environment and the Proposal's potential adverse effects on that environment.



Site Visit Photograph 1: Site viewed from the north in the road reserve adjacent number 471 Puaiti Road. Note: the vehicle access track in the foreground is located on 471 Puaiti Road and leads to the dwelling approximately 1.25kms away. This did not appear to be the primary access to that dwelling.

⁶ Referred to as both 671 Puaiti Road and 1038 Te Kopia Road.



Site Visit Photograph 2: View of proposed vehicle crossing location (to the right of the power pole)



Site Visit Photograph 3: View of common boundary between 471 Puaiti Road (left) and the Site (right) viewed from the Puaiti Road reserve looking east

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Site Visit Photograph 4: Puaiti Road looking south towards the Site (located to the left of the first power pole)



Site Visit Photograph 5: Puaiti Road looking north from Site's current vehicle crossing. Note: Land located on the left hand side of the road is number 552 Puaiti Road

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Site Visit Photograph 6: Vehicle crossing, access and driveway for Lifestyle Lot 2



Site Visit Photograph 7: Typical view of the Site taken from south-western corner and looking east. Note: Buildings in the distance are located on the Site. Fence line on the right of frame denotes common boundary with Lifestyle Lot 2.

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Site Visit Photograph 8: Taken from the centre of the Site looking north west towards Puaiti Road. Note: the building that can be seen is located on number 552 Puaiti Road and appears to be a shearing shed (or similar un-inhabited structure)



Site Visit Photograph 9: Taken from the centre of the Site looking west towards Puaiti Road. Note: Property in the midground and distance is number 552 Puaiti Road



Site Visit Photograph 10: Taken from the centre of the Site looking south west. Note: The power poles and lines are located in private property and are subject to the easements in gross in favour of Unison Networks Limited created under Easement Instrument 12866212.3 (see section 1.3 of this Report)

Surrounds

The Site is located in a rural area in the Waikite Valley approximately 40kms south of the Rotorua Central Business District. Rural production activities are the predominant land use, with these primarily being livestock-based with some forestry and horticulture also occurring. Most of the land is held in large rural production Lots, however there are several smaller 'Lifestyle Lots' located along both Te Kopia and Puaiti Roads.

Some rural community support activities, such as the Waikite Valley School and mechanical workshop, are also located in the area, however these are located approximately 14kms away on Waikite Valley Road. The nearest commercial services offering to the Site is located approximately 20kms away in Waiotapu on the corner of Waikite Valley Road and State Highway 5. Reporoa is approximately 32kms away.

The following activities draw visitors to the area:

- The Waikite Valley Hot Pools and Campground are located approximately 14kms at 648 Waikite Valley Road.
- The Te Kopia Scenic Reserve and boardwalk is located approximately 3.5kms away on Te Kopia Road.
- The Tyburn Monastery, which provides accommodation for up to 12 persons and can be booked by members of the public, is located at 74 Dodds Road approximately 4kms from the Site.

In term of the more immediate area, as can be seen in **Figure 4** the Site shares common boundaries with two properties, with these being Lot 2 (green dot) and 471 Puaiti Road /1038 Te Kopia Road (orange dot).

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As described earlier, Lot 2 is a 2.1497ha rural Lifestyle Lot that was created by the same subdivision as the Site and has an identified building platform.

471 Puaiti Road is a 485ha pastoral farming block occupied by a series of farm tracks and ancillary buildings. The location of the dwelling on this property is indicated by the orange dot in **Figure 4** and is approximately 950m from the Site.

Numbers 368, 552, 594 and 671 Puaiti Road are also located in close proximity to the Site in the context of this rural environment.

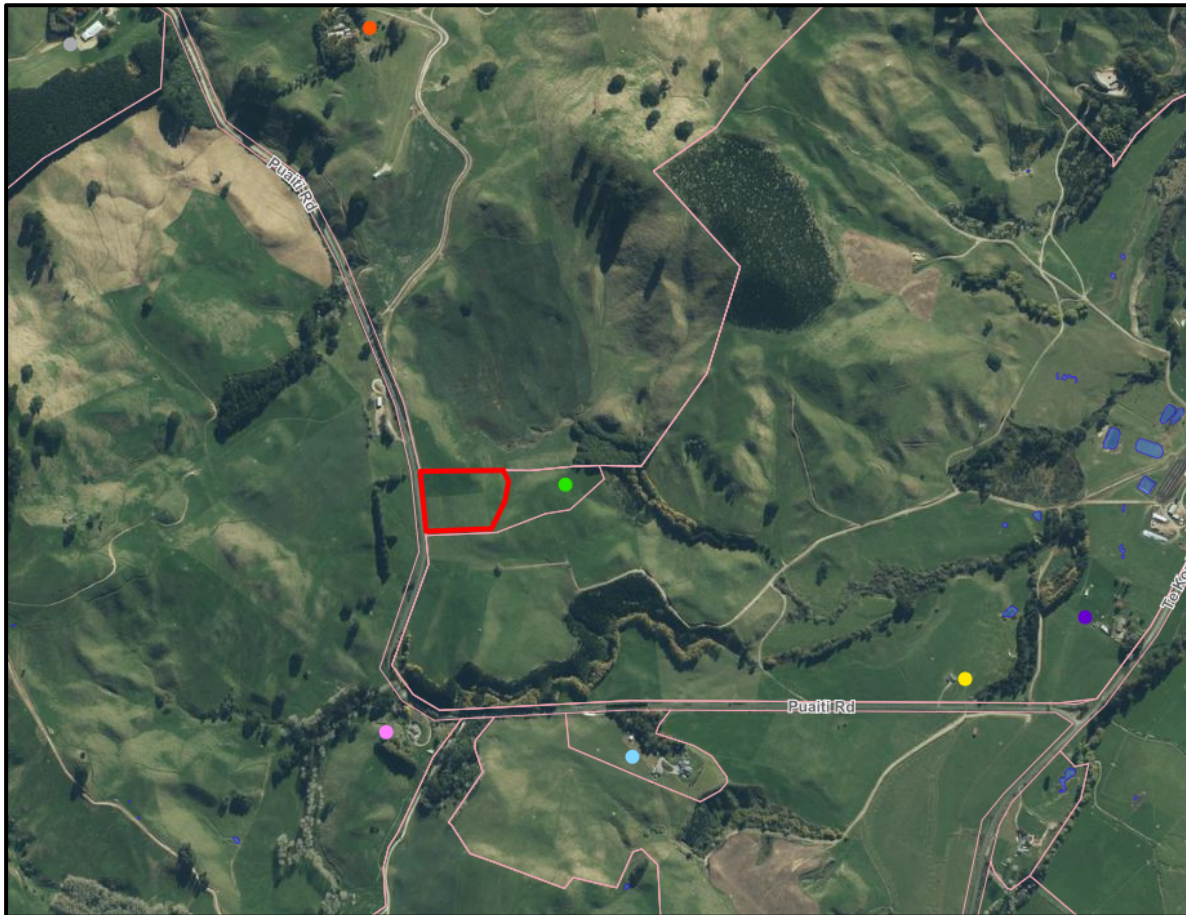


Figure 4: Aerial image of Site and surrounding area with dwelling locations identified [Source: RLC Geyserview]

368 Puaiti Road is a 407ha pastoral farming block that is located further north and on the opposite side of Puaiti Road to the Site. The dwelling is located approximately 1.2kms to the north west of the Site and is indicated by the grey dot in the top left hand corner of **Figure 4**.



Site Visit Photograph 11: Ancillary building on number 552 Puaiti Road viewed from Puaiti Road reserve looking north west

552 Puaiti Road is a 777ha pastoral farming block located on the opposite side of Puaiti Road to the Site. This property also has a series of farm tracks and ancillary buildings, including one that is in close proximity to the Site as shown in **Site Visit Photograph 11**. The dwelling on 552 Puaiti Road is indicated by the pink dot in **Figure 5** and is located close to Puaiti Road approximately 400m away from the Site.

594 Puaiti Road 3.8ha Lifestyle Lot that is indicated by the light blue dot in **Figure 4**. This property is located approximately 450m to the south east of the Site.

671 Puaiti Road is a 189ha dairy farming block that previously included the Site. It comprises an extensive network of farm tracks and a cluster of ancillary buildings. It also contains a principal dwelling (purple dot) and minor dwelling (yellow) dot that are identified in **Figure 4**, with these located approximately 1.3kms and 1.0kms away from the Site respectively.

1.3 Legal interests in the property

The Site is subject to the following interests that are recorded on Record of Title 1103528. The registered owner is Rose Ngatuaiane Nahu.

Consent Notice 12866212.2

- Created on deposit of plan 585350 pursuant to conditions 9 and 10 of subdivision consent RC17688.
- Geotechnical:
 - References the CMW Geosciences Geotechnical investigation of the Site⁷ and confirms that specific design foundations are required for future buildings.
 - Requires that the construction of any buildings outside of the area marked X will require

⁷ CMW Geosciences Geotechnical Investigation Report, Dated 6 December 2021, Ref: TGA2021-0342AB, Rev 0.

further geotechnical input (see **Figure 5**).

- Identifies that there is no public reticulated water supply available to the Site and that a private on-site supply will be required to be provided and maintained by the landowner for both potable and fire fighting purposes.
- Identifies that there is no wired public reticulated telecommunications network available to the Site and that coverage will need to be via a wireless network.
- Advises future landowners of the predominance of rural production activities in the locality and that those activities generate a range of effects. Precludes the landowner from lodging complaints with Rotorua District Council and/or Waikato Regional Council in relation to effects generated by the lawful operation of rural production activities.

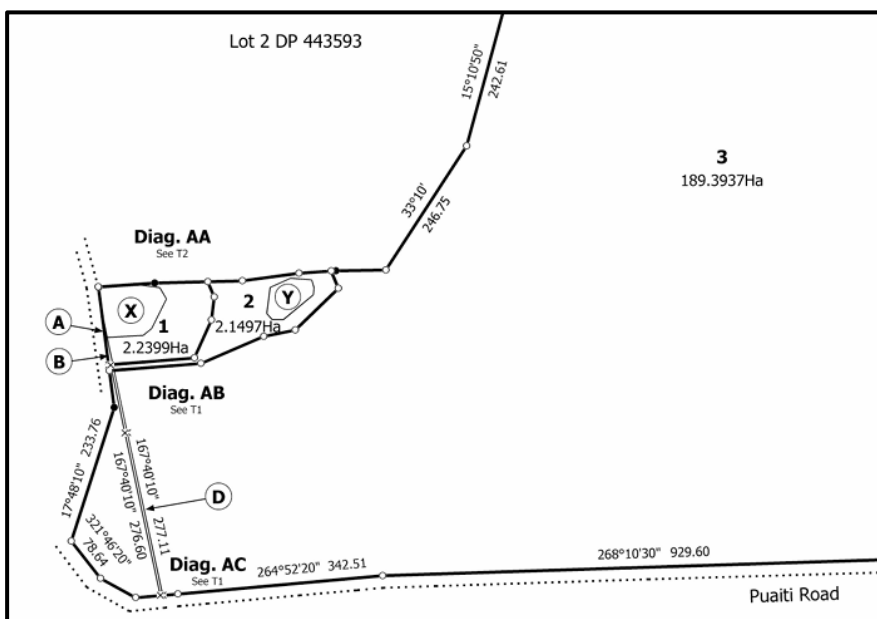


Figure 5: Snip of Deposited Plan 585350 [Source: Record of Title 1103528]

Easement Instrument 12866212.3

- Created on deposit of plan 585350 pursuant to condition 7 of subdivision consent RC17688.
- Creates a right (in gross) in favor of Unison Networks Limited to convey electricity and telecommunications over Areas A and B on DP 585350 (see **Figure 5**).

1.4 History

The Applicant, via their Agent, engaged with Council over a period of 12 to 18 months prior to the lodgment of this Application. The focus of those pre-application discussions was primarily on the lodgment of a retrospective application for resource consent for the Applicant's previous site of operations at 50 Rotokawa Road, Rotokawa. Those discussions included suggestions and in-put on community engagement and consultation and included in-puts from Council's consultant social impact expert.

There were no pre-application discussions between Council and the Applicant in relation to this Site.

Since its original lodgment with Council, the Proposal has undergone some refinements in response to

matters arising from the section 92 request for further information issued to the Application on 13 December 2024.

1.5 Correspondence received by Council

Throughout the course of processing this Application, Council has received correspondence from 42 separate individuals, the majority of whom identified themselves as being residents of the Ngakuru and Waikite Valley communities, including in the vicinity of the Site. In addition, to residents and business owners within the Waikite Valley community, this correspondence was received from the Waikite Valley Community Collective, the office of Member of Parliament Todd McClay, and the Chairperson of the Rotorua Rural Community Board.

I can confirm that I have read this correspondence.

The matters raised in this correspondence is summarised into the following key themes:

- A lack of consultation and engagement with the community prior to lodgment.
- That the Application should be publicly notified.
- Concerns over safety and vulnerability of the community and individuals.
- Concerns over the suitability of location due to isolation and lack of services; emergency service time delays; cell phone coverage; and employment opportunities.
- Impacts on existing community culture and amenity values.
- Sets a precedent for this type of activity in rural areas.
- Concerns over ability of operators of the activity, including how the existing Te Ngae Road site is run, and ability to 'maintain control'.
- Security and crime.
- How the Site was acquired.

1.6 Statutory timeframes

Date	Description
11 November 2024	Site and surrounds visit
13 December 2024	Section 92 request for further information.
14 April 2025	Section 92 request resolved. Responses received on: • 22 December 2024. • 7 January 2025. • 11 March 2025. • 14 April 2025.

1.7 Proposed plan change

There are no proposed plan changes of relevance to this Site or proposed land use activity.

2.0 Reason for the application

2.1 Rotorua District Plan

An assessment of the Proposal's resource consent requirements under the Operative Rotorua District Plan has been completed.

I note that the Applicant proposes to comply with the following rules:

- LIGHT-R1, which under performance standard LIGHT-S1(7) sets a maximum illumination standard of 10 lux measured at the nearest site boundary.
- NOISE-R1, which under performance standard NOISE-S1(6) sets the following maximum operational noise limits as measured at any point within the notional boundary of any rural residential unit:
 - 7:00am to 10:00pm: 50 dB L_{Aeq} (15 minutes); and
 - At all other times: 40 dB L_{Aeq} (15 minutes) and 75 dB L_{Amax} .
- NOISE-R2, which requires that noise generated during construction activities meets NZS 6803:1991 – Acoustics – Construction Noise.
- SIGN-R1 which under performance standards SIGN-S1 and SIGN-S2(9) sets the applicable performance standards for signs in the Rural Zones. No signs are proposed.

In summary, the proposal requires resource consent under the following rules:

Rule	Details	Status of Activities	Comment
RURZ-R2	Activities not expressly stated in the 'Rules for Activities in the Rural Zones' activity table.	Non-Complying	Activities that are not expressly prescribed an activity status in the Rural Zones are assigned a default Non-Complying Activity status under RURZ-R2. As outlined in section 4.0 (pages 9 and 10) of the AEE, the Proposal does not fit within any of the definitions of the activities listed in rules RURZ-R1 and RURZ-R3 to RURZ-R49.
EW-R1(2)	This rule prescribes a Restricted Discretionary Activity status to earthworks activities not meeting the permitted activity rules under EW-R(1)	Restricted Discretionary	The proposed earthworks are to recontour the Site and go beyond the construction of a building platform or provision of vehicle access and are therefore not subject to the exceptions under EW-S1(4). The proposed earthworks do not meet the following permitted activity performance standards under EW-S1(1) that are applicable to earthworks in Industrial Zones, Business and Innovation Zones and the Rural 1 Zone: (a) The proposed volume of 5,407m ³ exceeds the 1,000m ³ limit for a 12-month period. (b) Complies – fill depth is no greater than 5.0m. (c) Complies - proposed cut faces do not exceed the 3.0m maximum.

I note that section 4.0 (pages 9 to 12) of the AEE has also provided an assessment of the performance standards for the Rural Zones. There is no immediate link provided by rule RURZ-R2 to those performance standards and the lead sentence to the performance standards states that they 'apply if listed in the rule table for the relevant activity'.

Whilst it is concluded that these performance standards are not immediately applicable to the Proposal and that no resource consent pathway is provided by the District Plan in the event of a departure from them, the following is noted for the purposes of assessing the Application and the Proposal's potential effects:

- The proposed buildings comply with the 7.5m maximum height limit for buildings under RURZ-S1⁸.
- The proposed buildings comply with the 10.0m front, side and rear yard setbacks under RURZ-S2(1).
- The Proposal complies with the maximum building coverage of 1,000m² and 40 per cent impervious surface coverage under RURZ-S3(1).
- The Proposal does not comply with the accessway seal requirements under RURZ-S5(1).
- The Proposal complies with the reverse sensitivity setback requirements under RURZ-S6.

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

The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health ('NES-CS') is considered to be potentially relevant to this Proposal. The NES-CS controls the following activities:

1. Removing or replacing all or part of, a fuel storage system.
2. Sampling the soil.
3. Disturbing the soil.
4. Subdividing the land.
5. Changing the land use.

The Site has a history of use for pastoral farming which, through the repeated application of fertilisers, has the potential to result in the presence of contaminants in soil.

The NES-CS was considered as part of the application for the subdivision resource consent that created the Site and Lot 2, 671 Puaiti Road (RC17688) in March 2022. As part of the assessment of that application, which included testing for the presence of contaminants associated with frequent application of fertilisers as well as a review of information held by Council, it was determined that the identified building platform areas were not 'land covered' under regulation 5(7) of the NES-CS.

There is no information or evidence to suggest that the Site has been used for an activity or industry listed on the HAIL since March 2022. Accordingly, it is concluded that the NES-CS is not applicable to this Proposal.

⁸ The highest point of the 'Main Building / Whare' measures 7.485m above current ground level.

3.0 Assessment of adverse effects

The following assessment of the Proposal's adverse effects has been undertaken for dual purposes under sections 95D and 95E to determine whether those effects are likely to be more than minor; and/or whether there are affected persons respectively.

3.1 Matters of discretion and assessment criteria

Notwithstanding the Non-Complying Activity status of the Application, the following District Plan matters of discretion and assessment criteria from are relevant.

Reintegration Activity

- RURZ-AC1 – General assessment criteria

Earthworks:

- EW-MD1 – Non-compliance matters (clause 3)
- EW-MD2 – Zone specific matters (clause 1)

The matters set out in these provisions will be used to guide, but no limit, the following assessment.

3.2 Rural character and amenity effects

The Proposal has the potential to adversely affect the existing rural character and amenity values currently enjoyed by the residents of the surrounding area through the following (either individually or in combination):

- The introduction of a reintegration activity that is not anticipated to occur in the Rural 1 Zone and is neither rural nor entirely residential in its characteristics, including intensity of site usage.
- Landform modification and the introduction of built form on the Site that is not 'typically rural' in layout and design.
- Generation of vehicle movements to and from the Site in terms of both number and frequency, including a large proportion of which are not residents of the area.
- Operational noise.
- Reverse sensitivity effects on rural production activities.

In terms of the introduction of the reintegration activity onto the Site, these effects, other than the intensity of site usage, are social effects which are assessed separately in section 3.3 of this Report.

Reverse sensitivity effects are also assessed separately in section 3.9 of this Report.

3.2.1 Landscape and visual effects

The Proposal includes the modification of the existing landform of the Site as well as the introduction of buildings, both of which have the potential to generate adverse landscape and visual effects. The management of these effects on rural amenity values is recognised by the Rotorua District Plan as a significant resource management issue by RURZ-I3 – *Character and amenity values*, Objective RURZ-O3 and supporting Policy RURZ-P11.

The Site is also in relatively close proximity to the Paeroa Range ONFL and the Puaiti Bush Scenic Reserve, both of which are sensitive to landform and built form changes.

The landscape and visual effects of the Proposal have been assessed by the Applicant in the Landscape and Visual Effects Assessment Report prepared by Narrative Landscape ('Narrative') titled 'Puwhakamua Reintegration Housing – Landscape and Visual Effects Assessment' dated 3 April 2025 ('the LVA Report') and provided as part of the Applicant's section 92 response in April 2025.

The LVA provides a detailed assessment of the Proposal's landscape and visual effects on a series of identified viewing audiences that have been determined using a range of tools including desktop resources to map topography, photography and drone footage. That assessment and the underpinning methodology are not repeated here; however, it is noted that the LVA Report states that it has been prepared based on the Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines⁹ and has taken into account the Paeroa Range ONFL and the Puaiti Bush Scenic Reserve.

Landscape effects

The LVA Report provides an assessment of the Proposal's landscape effects on pages 16 to 18. Separate assessments are provided for the 'Wider Context', being the area between 3.0 and 5.0 kilometres ('km') from the Site, and the 'Site Context', being the area within 1.0km of the Site with visual connections extending to approximately 3.0km.

Wider Context

The Wider Context includes, but is not limited to, the dwellings on numbers 368, 471 and 671 Puaiti Road and numbers 816, 850, 862, 878, 932, 1079 and 1083 Te Kopia Road as well as the Te Kopia Scenic Reserve / Paeroa Range ONFL.

The LVA Report concludes that the Proposal's landscape effects on the Wider Context are 'Very Low', with the following summary points noted in support of that conclusion:

- **Associative Values:** The Proposal will not compromise the area's historical and cultural values, which are related to key landforms and locations in the wider setting. The Proposal will have some influence on rural identity of the wider area through the presence of an activity the community feel is out of place.
- **Biophysical Values:** Although the Proposal includes significant earthworks, the Site has been subdivided into a lifestyle lot and the earthworks occur largely within the identified building platform where some earthworks would have been expected. These earthworks are not uncharacteristic of a rural environment and attempts have been made to blend these earthworks into the surrounds. The 3,900m² of proposed native species planting is a positive outcome.
- **Perceptual Values:** The Site is well-suited to the Proposal because it is located in a relatively recessed location that is afforded containment from the surrounding undulating landforms and is somewhat isolated. The use of recessive exterior colours for the buildings and the proposed landscape planting will provide further mitigation.
- The productive land uses, undulating volcanic landforms and extensive hydrological patterns will remain the dominant components of this landscape setting.

Site Context

The Site Context includes, but is not limited to, the dwellings located at numbers 552 and 594 Puaiti Road.

⁹ Being the applicable guideline for the New Zealand Institute of Landscape Architects.

In addition, the author of the LVA Report used a drone camera flown to a height of 25.0m above the Site to undertake a reverse viewshed analysis to assist in determining the Site's visibility from the surrounding area.

Public wider views

Public Wider Views include Te Kopia Scenic Reserve (Viewpoints B), Te Kopia Road (Viewpoints A, C and E) and Puaiti Road (Viewpoints D and F).

The LVA Report concludes the adverse visual effects on this viewing audience are 'Low' noting that the Site is screened by a combination of intervening landform.

Public nearby views

The Public Nearby Views viewing audience includes the section of Puaiti Road located approximately 200m either side of the Site as represented by Viewpoints G, H, and I.



Figure 7: Visual simulation of the Proposal without landscape planting viewed from Puaiti Road (south) [Source: LVA Report, Attachment 2 – Visualisation, Sheet 03]

The LVA Report concludes the Proposal will have temporary 'Low-Moderate' adverse visual effects on this viewing audience while the landscape planting along the Site's road frontage matures, with this decreasing to a 'Low'¹⁰ adverse effect within two to three years.

In drawing this conclusion, the LVA Report states that, due to the low viewing angle, views from Puaiti Road south of the Site will be partially screened by the landscape bund (see **Figure 7**) and then completely screened as the landscape planting matures two to three years after planting (see **Figure 8**).

¹⁰ The author of the LVA Report has confirmed that this sits in the lower half of the 'Low' scale, which equates to a less than minor in RMA terms.



Figure 8: Visual simulation of the Proposal with established landscape planting viewed from Puaiti Road (south) [Source: LVA Report, Attachment 2 – Visualisation, Sheet 04]

Views of the Site and proposed buildings will be more visible from Puaiti Road north of the Site due to its higher elevation relative to the Site. These views will be clear until the landscape planting matures (see **Figure 9**) and will largely be screened as the landscape planting matures two to three years after planting (see **Figure 10**).



Figure 9: Visual simulation of the Proposal without landscape planting viewed from Puaiti Road (north) [Source: LVA Report, Attachment 2 – Visualisation, Sheet 06]



Figure 10: Visual simulation of the Proposal with established landscape planting viewed from Puaiti Road (north) [Source: LVA Report, Attachment 2 – Visualisation, Sheet 07]

Dwellings to the North

This viewing audience includes the dwellings located at numbers 368 and 471 Puaiti Road. The LVA Report concludes that the adverse visual effects on this viewing audience will be 'Very Low' on the basis that the Site and Proposal will not be visible from these dwellings.

Dwellings to the North-East

This viewing audience includes the dwellings located at numbers 816, 850, 862, 878 and 932 Te Kopia Road. The LVA Report concludes that the adverse visual effects on this viewing audience will also be 'Very Low' on the basis that the Site and Proposal will not be visible from these dwellings due to intervening landform and topography.

Dwellings to the East

This viewing audience includes the dwellings located at numbers 1079 and 1083 Te Kopia Road and 671 Puaiti Road (1038 Te Kopia Road), with representative views provided from Viewpoints C, D, E and F¹¹. The LVA Report concludes that the adverse visual effects on this viewing audience will be 'Very Low' on the basis that it is highly unlikely that any view of the Site and Proposal will be obtained from these dwellings primarily due to intervening landform but also vegetation along the stream corridor. In the unlikely event that views of the Site and Proposal are available to these dwellings, these will be glimpses of dark (recessive) coloured roof that is also backdropped by the forestry to the north-west.

Dwellings to the South

This viewing audience includes the dwellings located at numbers 552 and 594 Puaiti Road, which are located approximately 500m away from the Site on the southern side of the Mangatete Stream tributary corridor. The LVA Report also concludes that the adverse visual effects on this viewing audience will be

¹¹ These can be found in the LVA Report, Attachment 1 – Graphics Package.

'Very Low', noting that they are separated from the Site by the Puaiti Road corridor and have on-site planting to act as a buffer between the dwelling and Puaiti Road. The LVA Report also notes that the dwellings have been orientated for views to the Paeroa Range.

The LVA Report considers that a direct views of the Site are unlikely and even if they are available, the adverse visual effects would remain 'Very Low'.

Neighbouring property (Lot 2)

This viewing audience is adjoining lifestyle Lot 2 671 Puaiti Road and is acknowledged by the LVA Report as experiencing the greatest visual implications of the Proposal. The LVA Report concludes that the visual effects on the identified building platform on that property will be 'Very Low' on the basis that there is no direct line of site between that building platform and the proposed development.

The LVA Report considers that at the approach to the vehicle entrance to this property the buildings will be partially screened by the proposed landscape bund, with further screening provided as the landscape planting matures over a period of two to three years. This is similar to views from Puaiti Road south of the Site as shown in **Figure 7****Figure 8**.

The LVA Report considers that the adverse visual effects at the entrance and along the driveway to this property will initially be 'Moderate' reducing to 'Low' as the landscape planting matures over a period of two to three years. **Figure 11****Figure 12****Figure 13** provide visual simulations of the Proposal as viewed at this location.



Figure 11: Visual simulation of the Proposal with established landscape planting viewed from vehicle access to Lot 2, 671 Puaiti Road [Source: LVA Report, Figure 9, page 23]



Figure 12: Visual simulation of the Proposal without landscape planting viewed midway along vehicle access to Lot 2, 671 Puaiti Road (north) [Source: LVA Report, Attachment 2 – Visualisation, Sheet 09]



Figure 13: Visual simulation of the Proposal with established landscape planting viewed midway along vehicle access to Lot 2, 671 Puaiti Road (north) [Source: LVA Report, Attachment 2 – Visualisation, Sheet 10]

Landscape and visual effects conclusions

The LVA Report has been prepared in accordance with the NZILA guidelines and has been reviewed by Council's Senior Urban Designer, who is also a Registered NZILA Landscape Architect, and no concerns with the methodology used or conclusions reached have been raised following that review. On this basis it is concluded that the LVA Report is suitably robust and reliable for the purposes of assessing the landscape and visual effects of the Proposal.

In terms of exterior lighting, the Applicant has sought to keep this to a minimum to avoid potential light spill effects. In this regard the Applicant proposes the use of directional down lighting for each cabin; the

use of directional downlight that is motion sensor activated for the ablution and laundry blocks as well as the whare (main building).

The following conclusions are drawn based on the information available to me and my own Site Visit observations and desktop review:

- The Proposal will not result in adverse landscape and visual effects that are more than minor on land other than that which is deemed to be 'adjacent land' for the purposes of section 95D(a)(ii).
- The Proposal will result in adverse landscape effects in the 'wider context' that are less than minor. This is not reliant upon the landscape planting in the Landscape Plan reaching maturity.
- The Proposal will result in adverse landscape effects on Lot 2, 671 Puaiti Road that are at least minor.
- The Proposal will result in initial adverse landscape effects in the 'site context' that are minor, reducing to less than minor over a period of two to three years as the roadside landscape planting in the Landscape Plan reaches maturity. These effects will be experienced by users of Puaiti Road adjacent to the Site, including residents who travel along this road.
- With the exception of the specific viewing audiences set out below, the Proposal will result in adverse visual effects that are less than minor. This is primarily due to intervening topography which limits visibility of the Site and is not reliant upon the landscape planting in the Landscape Plan reaching maturity.
- The Proposal will result in initial adverse visual effects on the public viewing audience within the section Puaiti Road adjacent to the Site¹² that are not less than minor. These adverse effects will reduce to less than minor over a period of two to three years as the landscape planting in the Landscape Plan reaches maturity.
- The Proposal will result in adverse visual effects on Lot 2, 671 Puaiti Road that are at least minor.

3.2.2 Intensity of site usage and operational noise

Aside from the required buildings that are proposed to support the activity which is assessed in section 3.2.1 of this Report, the Proposal represents a more intensive use of the Site than is anticipated to occur by the District Plan on a Lifestyle Lot. That intensity of use has the potential to generate adverse effects on rural character and amenity values through both the generation of noise and the general 'busyness' of the Site.

In terms of operational noise, the Applicant proposes to comply with the Rotorua District Plan permitted activity noise limits¹³. Residents of the Site will not be permitted to play loud music and the AEE confirms that the activity, including visitors, will be operated under strict supervision and managed to ensure that they are respectful of neighbouring properties.

The AEE acknowledges that group activities such as kapa haka may produce noise that is audible beyond the Site's boundaries from time to time but does not consider that this will create a nuisance.

I note that the closest existing dwelling to the Site is located at number 552 Puaiti Road, which is approximately 470m to the south of the Site and separated by intervening vegetation. I also noted that

¹² This section of Puaiti Road spans approximately 200m either side of the Site's proposed vehicle access and includes users of Puaiti Road.

¹³ Rule NOISE-R1(1) and performance standard NOISE-S1(6)(a).

the identified building platform for Lot 2, 671 Puaiti Road, whilst currently vacant, is located approximately 200m east of the proposed activity. Topography means that there is no direct line of sight between the Site and this building platform.

Noting that the Applicant is proposing to comply with the District Plan permitted activity noise limits and the spatial and physical separation that will exist to neighbouring residential units, it is concluded that operational noise effects will be less than minor provided the activity is operated in accordance with the application material.

Other than ongoing vehicle movements to and from the Site generated by the Proposal, once the proposed planting in the Landscape Plan matures, it is considered unlikely that the intensity of use of the Site will be noticeable beyond the Site's boundaries other than for the owners and occupiers of Lot 2, 671 Puaiti Road.

3.2.3 Privacy

The Site and proposed buildings have no direct line of sight to existing residential units or the identified building platform on Lot 2, 671 Puaiti Road. Accordingly, it is concluded that the Proposal's adverse privacy effects are less than minor.

3.2.4 Vehicle movements

The Proposal is anticipated to generate approximately 10 vehicle trips¹⁴ per day, with these most likely to travel along south along Puaiti Road to Te Kopia Road. As will be discussed later in section 3.7 of this Report, this is not dissimilar from the number of vehicle trips that would be generated from the Site if it were to be developed with a dwelling unit and minor dwelling unit.

Although these trips will be by passenger vehicles, they will comprise a large proportion of non-residents including potentially regular visits by the Department of Corrections and NZ Police, which is not typical of a remote rural setting.

Given the relatively low volume of movements and the setback of existing dwelling units relative to the road, it is concluded that these vehicle movements will result in character and amenity effects that are less than minor.

It is acknowledged that these movements will be most likely to be noticed along the section of Puaiti Road between the Site and Te Kopia Road and are associated with health and wellbeing impacts of the Proposal which are assessed in section 3.3.1 of this Report.

3.2.5 Rural character and amenity effects conclusion

The Proposal includes the modification of the existing landform of the Site as well as the introduction of buildings, both and activity which have the potential to generate adverse landscape and visual effects. In light of the preceding effects assessments, it is concluded that, other than the owners and occupiers of Lot 2, 671 Puaiti Road the range of adverse effects generated by the Proposal are unlikely to be experienced as cumulative effects on existing Rural character and amenity.

¹⁴ One 'vehicle trip' comprises of the movement to and from the site.

Some points to note:

- The SIA Report is informed sixteen interviews that were undertaken by Just Add Lime. These interviews were conducted on an in-person basis, with the exception of two that were conducted online. Demand for those interviews outstripped capacity.
- Interviews included representatives from New Zealand Police ('NZ Police') and Fire and Emergency New Zealand ('FENZ').
- The SIA Report has made assessments in relation to effects on the 'Host Community', being properties located within a 3.0km radius of the Site, and the 'Wider Host Community', being properties located in the area surrounding the 3.0km radius including Puaiti Road, Te Kopia Road, Coates Road, Dodds Road, Te Weta Road, Mangatete Road (to Waikite Valley Road) and Whirinaki Valley Road (a small section from Poutakataka Road to Mangatete Road). These are referred to Social Areas of Influence and are shown in **Figure 14**).
- The SIA Report assesses and provides conclusions and recommended mitigations in relation to a range of potential social impacts on both the Host Community and Wider Host Community. The results are presented in both text and table form.
- Demand for in-person interviews exceeded capacity to conduct those interviews, and the opportunity to provide written feedback was provided instead. That written feedback from approximately 27 individuals or groups is attached as Appendix D to the SIA Report but was not used in the assessment of impacts¹⁵.

3.3.1 Health and wellbeing impacts

Health and wellbeing impacts are assessed in section 5.1 (pages 43 to 45) of the SIA Report, where the risk to personal safety and wellbeing impacts from a loss of sense of security have been considered.

In relation to risk of personal safety, the SIA Report has concluded that the overall impact rating is 'Low' for both the Host and Wider Host Communities on the basis that abscondments from the Proposal are 'unlikely' based on both feedback from the New Zealand Police ('NZ Police') in relation to the Applicant's existing activity being conducted at Te Ngae Road and also from nationwide research findings of similar facilities.

In relation to wellbeing impacts from a loss of sense of security from the Proposal being undertaken on the Site, the SIA Report notes that this can result in impacts on people's mental and physical health and wellbeing. People's sense of safety can be eroded by uncertainty about the facility going ahead, perceptions and fears about the people living and working there, security and operations of the site, and lack of established community protocols for dealing with concerns or complaints.

The SIA Report concludes that overall impact on the Wider Host Community will be 'Low' on the basis that people in this community are not directly affected on their property through continued reminders of the Proposal, such as visibility, sound, traffic, presence of people related to the facility.

For the Host Community (i.e. properties located within 3.0km of the Site), the SIA Report concludes that the wellbeing impacts from a loss of sense of security as a result of the Proposal will be 'High' due to proximity factors and the difficulty of remediation of potential health impacts.

The SIA Report recommends communication and relationship building strategies in relation to the Proposal's health and wellbeing impacts, including the establishment of a Community Liaison Group

¹⁵ As stated in section 2.3, page 8 of the SIA Report.

comprising of representatives of the Applicant and operational management, the local community, and possible NZ Police, Rotorua District Council and the Parole Board.

The SIA Report considers that the Proposal's health and well-being effects are expected to largely reduce over time, acknowledging that this is somewhat reliant on the establishment of effective communication, which may take time.

3.3.2 Community impacts

Community impacts are assessed in section 5.2 (pages 45 to 48) of the SIA Report, where both negative (adverse) and positive effects are considered. Noting that the purpose of this assessment is to assess the adverse effects of a non-complying activity, only the negative effects are assessed here.

Risk of crime and/or antisocial behaviour

In terms of risk of crime and/or antisocial behaviour, the SIA Report acknowledges interviewees past experiences with reintegration type facilities in the past and concerns regarding antisocial behaviour at community sites like hot pools and reserves, including from those visiting the Proposal's participants.

The SIA Report notes that case studies for New Zealand have found no evidence that correlates the location of reintegration facilities and an increase in crime rates. It also notes that the Proposal has rules and restrictions around visitors and visiting times.

The SIA Report concludes that the risk of crime and/or antisocial behaviour impacts are easy to remediate and assigns an overall impact rating of 'Medium' for Host Community and 'Low' for the Wider Host Community.

Community development

The SIA Report considers that the Proposal will have a 'Low' impact for both the Host and Wider Host Communities, concluding that it is unlikely that people will choose to move out of the community as a result of the Proposal.

Social isolation and reduced community cohesion

The SIA Report notes that impacts to people's sense of safety and security can result in increased social isolation and decreased community cohesion, as people limit their movements around the community and are less willing to host, contribute to, or participate in community events, potentially resulting in people visiting neighbours and having family/friends stay less often.

The SIA Report concludes that these impacts are 'High' for those in the Host Community due to proximity to the Proposal and 'Low' for those in the Wider Host Community.

The SIA Report recommends similar communication and relationship building strategies to mitigate community impacts, in particular identifying the value of clearly communicating the protocols and rules that the Applicant has in place for visitors.

Social isolation and reduced community cohesion

The SIA Report notes that impacts to people's sense of safety and security can result in increased social isolation and decreased community.

3.3.3 Livelihood impacts

Livelihood impacts are assessed in section 5.4 (pages 50 and 51) of the SIA Report, where the ability to earn income from properties and security costs have been considered.

Whilst acknowledging that there may be an initial temporary impact, the SIA Report considers that there it is unlikely that the Proposal will result in permanent impact on property values or an ability for people to earn income from their properties through existing businesses such as accommodation or pick-your-own berries.

The SIA Report acknowledges that households, farms, and other businesses may take on additional costs to secure their properties through the installation of hardware and physical infrastructure for security and/or surveillance such as fences, gates, locks, and cameras, as well as services including telecommunications upgrades, surveillance and monitoring services. This includes health and safety considerations.

The SIA Report concludes that security costs for those within the Host Community (i.e. within 3.0kms of the Site) will be 'Medium' and 'Low' for those in the Wider Host Community.

3.3.4 Decision making impacts

Decision making impacts are assessed in section 5.5 (page 51) of the SIA Report where consideration is given to the fact that a reduction of property values may affect the feasibility of starting a business from the property, selling, subdividing, or developing the property, and investment in improvements to the property for personal or commercial purposes.

The SIA Report notes that changes in property values will be 'Low', temporary and experienced only by neighbouring properties (if at all) and concludes that decision making impacts will also be 'Low'.

3.3.5 Way of life

The Proposal's impact on way of life is assessed in section 5.6 (page 52) of the SIA Report where it is noted that these impacts are related to impacts on health and wellbeing and surroundings, a reduced sense of security and safety related to the presence of the facility may lead to changes to lifestyle as a result of behaviour modifications that people perceive as necessary to reduce risk.

The SIA Report identifies that changes to lifestyle would be the cumulative result of behaviour modifications anticipated by residents such as changes to household and transport arrangements including reduced running/walking alone, children not being allowed to play outside or wait for the school bus alone, women avoiding travelling alone or staying in the house alone or with children, and the addition of security routines. It also notes that these impacts tend to be over-estimated and will likely reduce over time after a period of operation without incident.

The SIA Report concludes that way of life impacts for those within the Host Community (i.e. within 3.0kms of the Site) will be 'Medium' and 'Low' for those in the Wider Host Community.

3.3.6 Social effects conclusions

The SIA Report has been reviewed by Council's Contract Social Impact Specialist, Rebecca Foy of Formative, who has raised no fundamental concerns with the methodology used in its preparation.

Ms Foy has noted that email correspondence provided by those who were invited to do so due to interview capacity has not been taken into account in the SIA Report. In doing so, Ms Foy has not raised

any particular concerns about this impacting overall robustness of the SIA Report, but does acknowledge that this will be disappointing to those participants. Ms Foy has read these emails as part of her review of the Application.

In terms of the Proposal's adverse health and wellbeing impacts, Ms Foy considers that there is unlikely to be a difference in the level of social effects based on proximity while the facility is establishing its operations. Accordingly, Ms Foy is of the opinion that the Proposal's 'High' impact on health and wellbeing will likely extend beyond the 'Host Community' to persons who occupy properties outside of the 3.0km radius of the Site for the period of time from commencement of the facility until its successful establishment.

Similarly, Ms Foy also considers that social wellbeing effects relating to social isolation and reduced cohesion may be similar for some parties whether they live in the 'Host Community' or within the wider Waikite Valley community. Some people may reduce their social interactions due to perceived dangers and wanting to avoid coming into contact with the facility and its visitors.

Overall, it is concluded that the Proposal will result in adverse social effects that are not less than minor and that are potentially more than minor. These effects will most likely be experienced by those located within a 3.0km radius of the Site, particularly those in closest proximity, but may extend beyond this into the wider area.

It is acknowledged that these effects will likely reduce over time provided that the facility successfully operates without incident in accordance with the operational parameters described in the application material. This is also somewhat reliant on community engagement in open communications and through a Community Liaison Group, both of which have been acknowledged by the SIA Report and Ms Foy as taking time and not without challenges.

3.4 Earthworks – Land stability and erosion & sediment effects

The adverse landscape and visual effects of the proposed earthworks have already been assessed as part of the Proposal's adverse landscape and visual effects in section 3.2 of this Report. Accordingly, this section assesses the adverse effects on land stability and associated with erosion and sediment.

3.4.1 Land stability

The buildings are located within the building platform area previously identified by CMW Geosciences Geotechnical investigation and referenced in the Consent Notice. This platform is located outside of the Fault Avoidance Zones that are present on the Site. Portions of the fill batters to the south and east of the buildings extending slightly outside of this platform.

Land stability and ground conditions are considered in section 6 (pages 5 to 8) of the Geotechnical, Services and Earthworks Assessment Report prepared by BSK Consulting Engineers ('BSK') reference 25594 and dated 17 October 2024 ('the Engineering Report'). I note here that BSK undertook further on-site investigations (in the form of two hand augers) to augment the information already provided and relied upon by CMW Geosciences as part of the subdivision that created the Site. BSK have also completed the design of the proposed civil works, including the required earthworks.

Appendix C to the Engineering Report includes an 'Earthworks Specification' also prepared by BSK reference 23799, revision 2 dated 3 February 2021 prescribing the detailed methodology (including

testing and standards) that is to be followed in undertaking the proposed earthworks and creating a suitable building platform and curtilage area.

BSK have raised no concerns over the existing ground conditions and note that low angles are proposed for the proposed batter slopes (one vertical to 2.5 horizontal) and that no retaining walls are required or proposed. BSK have recommended that the earthworks be overseen by a Geotechnical Engineer; that site testing be undertaken during the works; and that the earthworks be completed using New Zealand Standard NZS 4431:2022: Engineered Fill.

Provided the works proceed as proposed by BSK, the Proposal will produce a suitable stable building platform for the construction of buildings using foundations designed in accordance with NZS3604:2011, whilst not generating off-stability effects.

3.4.2 Erosion and sediment

The management of erosion and sediment effects associated with earthworks activities is not a resource management matter the Rotorua District Plan specifically identifies or sets rules for and is not prescribed as a matter of discretion or assessment in EW-MD1 or EW-MD2. Notwithstanding this, it is acknowledged that the proposed earthworks do have the potential to generate erosion and sediment effects and that discretion to consider those effects is available due to the Application's non-complying activity status.

Whilst no details have been provided, the AEE has confirmed that appropriate erosion and sediment controls will be installed prior to the commencement of earthworks activities. These measures will remain on-site for the duration of the works until the land is stabilised against the effects of erosion.

Should this Application be successful, the details of erosion and sediment control measures can be confirmed via consent conditions requiring that a final Erosion and Sediment Control Plan be prepared and submitted to Council for certification prior to the commencement of works and thereafter complied with.

It is concluded that the land stability and erosion and sediment effects of the proposed earthworks activities are less than minor.

3.5 Cultural

The Proposal's cultural effects have been assessed in section 5.9 (pages 28 and 29) of the AEE, where the Application confirms that accidental discovery protocols will be in place during the required earthworks activities.

In addition, that section of the AEE confirms that the Applicant has consulted with Ngati Tahu – Ngati Whaoa as Mana Whenua prior to the lodgement of the Application. An email response dated 2 October 2024 from Leo Rika, a kaumatua of Te Runanga o Ngati Whaoa, provided in Appendix 5 to the AEE identifies support for the Proposal.

A further hui was scheduled to be held on 8 December 2024 between the Applicant and Ngati Tahu – Ngati Whaoa for the purposes of furthering consultation and confirming the iwi's position on the Proposal. It is understood that hui was cancelled due to resourcing at that time, and another has not occurred or been scheduled.

Additional email correspondence from the General Manager of the Ngati Tahu – Ngati Whaoa Runanga Trust shows that the Iwi have an interest in the Proposal.

At this stage there is insufficient information available to make any conclusions on the Proposal's cultural effects on Ngati Tahu – Ngati Whaoa, including that those effects are less than minor.

3.6 Servicing

Due to the Site's rural location and the associated absence of reticulated three waters infrastructure the Proposal will rely on on-site wastewater and stormwater disposal, with water supply for potable and firefighting purposes to be collected from the roofs of the proposed buildings and piped and stored in on-site tanks.

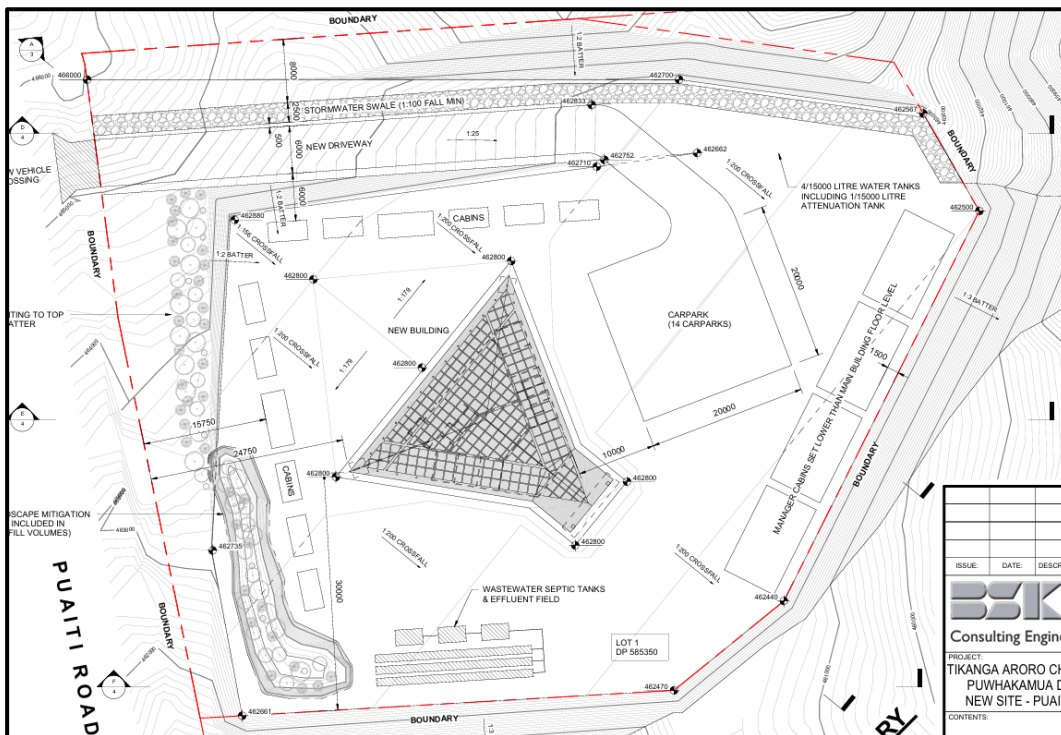


Figure 15: Preliminary site services plan [Source: BSK drawing 'Site Plan' reference 25594, Sheet 1 dated September 2024]

These are shown in **Figure 14** which is a preliminary site services plan provided as part of the Applicant's section 92 response provided in April 2025. I note here that the area labelled 'boundary' on the eastern and southern extent of the building platform area is not the legal boundary and is actually building platform Area X identified on the Site's record of title and subject to consent notice 12866212.2.

3.6.1 Wastewater

Wastewater is proposed to be disposed of via an onsite effluent treatment and disposal system with a disposal field to be located to the south of the proposed Whare (main building) as identified in **Figure 14**.

Whilst the detailed design of this system has not been completed, I note that the Engineering Report confirms that the Site contains soils that are suitable and the AEE states that this system is expected to comply with the permitted activity requirements of the Waikato Regional Plan. Given this and size of the Site, I considered that there is sufficient certainty that a suitable wastewater disposal system can be designed to provide for wastewater discharges on the Site without generating off-site effects. These discharges remain subject to the requirements of the Waikato Regional Plan.

3.6.2 Stormwater and overland flows

Stormwater is considered in detail in section 9 (pages 9 to 12) of the Engineering Report.

The Proposal is to construct a 2.5m wide rock-lined stormwater swale along the northern edge of the development area in the location shown in **Figure 14**. This swale has been designed to intercept and reduce existing overland flows from the upstream catchment that previously flowed south through Lot 2, 671 Puaiti Road and into 671 Puaiti Road. The Engineering Report has identified that the construction of the vehicle access and driveway serving Lot 2, 671 Puaiti Road through the subdivision process has severed this flowpath, acting as a dam that could lead to adjacent soils becoming weak and waterlogged.

The proposed swale will convey stormwater to an existing overland flowpath located on the Site that flows north into number 471 Puaiti Road and then discharges to an unnamed tributary to the Mangatete Stream.

The Proposal is for stormwater generated from the roofs of the proposed buildings to be collected and piped to four 15,000 litre above ground water tanks that are connected in series. These tanks are to be in the location shown in **Figure 14** and one will serve as the potable and firefighting water supply for the Proposal.

The final tank in the series will serve an attenuation function and has been designed to ensure a peak discharge rate of 6.01 litres per second. This is lower than the Site's pre-development peak run-off rate of 7.51 litres per second identified in the Engineering Report. The proposed discharge from the attenuation tank is to land via a PVC pipe or flexible solid Novacoil to the proposed engineered stormwater swale discussed above and shown in **Figure 14**.

3.6.3 Water supply

As discussed in section 3.6.2 of this Report proposed water supply for potable and firefighting purposes is to be supplied via four 15,000 litre above ground tanks that will be filled by rainwater collected from the roofs of the proposed buildings.

3.6.4 Network utilities

The Proposal is for the activity to be serviced by reticulated electricity supply that is available at the Site's boundary as required through the subdivision process.

The Site is not serviced by wired telecommunications infrastructure and proposes to rely on wireless telecommunications services, including star link satellite internet service.

3.6.5 Servicing conclusion

Overall, it is concluded that the Proposal includes suitable provision for services to meet the needs of the proposed activity that will result in off-site effects that are less than minor.

3.7 Transportation

The Proposal includes the construction and use of a new vehicle crossing to Puaiti Road at the northern end of the Site, with the existing crossing not proposed to be utilised for the Proposal's ordinary operations. The proposed new crossing is to be designed and constructed to comply with the applicable District Plan permitted activity rules and the engineering standards under the Regional Infrastructure Technical Specifications. This will ensure that the vehicle crossing is designed and constructed to a suitable

standard for the proposed activity. It is noted that sight lines in excess of 160m are available in both directions.

The Proposal includes the provision of an on-site car parking area that includes sufficient space to accommodate the anticipated demand generated by the activity, including for staff, participants, and visitors to the Site. Room is provided within the parking area to ensure that vehicles can exit the Site onto Puaiti Road in a forward facing direction.

Based on surveys of the Applicant's existing activity being operated from Te Ngae Road (which is very similar to that proposed under this Application), the Applicant anticipates that the Proposal will generate approximately 10 vehicle trips¹⁶ per day, with these trips primarily comprised of staff, course facilitators, community corrections and visitors travelling to and from the Site. The Proposal is for the participants' principal means of transport to and from the Site to be via the Applicant's 12 seater van, and a limit of up to three participants will be permitted to have their own private motor vehicle for the purposes of travelling to and from work¹⁷.

As noted in AEE¹⁸, this level of trip generation is not dissimilar from that which is anticipated from the development of the Site in accordance with the permitted activity rules. These rules provide for the establishment of one residential unit (RURZ-R9(1)) and one minor residential unit (RURZ-R9(2)) as a permitted activity. The RTA Guide to Traffic Generating Developments, Technical Direction 2013/04A identifies that dwelling units generate approximately 7.4 vehicle trips per day and minor dwelling units approximately four vehicle trips per day.

The vehicle movements generated by the Proposal can be accommodated without compromising the safe and efficient functioning of the surrounding road network, including Puaiti Road. The Proposal includes suitable provision for on-site car parking to ensure that demand for car parking spaces can be accommodated within the Site.

It is concluded that the Proposal's adverse transportation effects are less than minor.

3.8 Loss of production land

The maintenance of production land for primary production purposes and the loss of this land to non-productive uses such as residential development and lifestyle lots is identified by the Rotorua District Plan as an important resource management issue under RURZ-I2 - *Maintenance of productive rural land*.

I note that the removal of the Site from the available pool of productive land in the Rotorua District was previously assessed and approved through the grant of subdivision resource consent RC17688, which authorised the subdivision that created the Site (and Lot 2, 671 Puaiti Road) as a Lifestyle Lot.

Accordingly, it is my conclusion that the Proposal will result in no further loss of production land or associated adverse effects

¹⁶ One 'vehicle trip' comprises of the movement to and from the site.

¹⁷ This will be for participants who have substantially completed the programme and are advanced in their reintegration journey.

¹⁸ Section 5.3.4, page 25.

3.9 Reverse sensitivity

The Proposal, which is residential in nature, has the potential to generate reverse sensitivity effects on the lawful operation of rural production activities in the surrounding area.

Potential reverse sensitivity effects were also considered in subdivision resource consent RC17688, albeit in relation to the potential occupation of the Site with one residential unit and one minor residential unit. This culminated in the imposition of the following consent notice condition:

That Lot 1 and Lot 2 DP 585350 are located in a rural production area where the predominant use of land is typically rural production and other rural based activities. The effects of these activities, including fertilizer and chemical spray applications may from time to time result in the occupiers experiencing effects such as dust, noise, lighting, or increased traffic volumes and types of vehicles. The owners are not entitled to complain to Rotorua District Council or Environment Waikato about effects arising from such activities on surrounding properties that are being lawfully undertaken.

In section 5.5 (page 27) of the AEE the Applicant acknowledges that they are proposing to establish the activity in a working rural environment and confirms that they will also comply with the existing consent notice condition.

Notwithstanding that the Proposal includes a more intensive residential occupation of the Site in terms of the number of persons residing there than is anticipated by the District Plan's permitted activity rules, there is nothing to suggest that those occupants will be more sensitive to the lawful operation of rural production activities.

In addition, some mitigation is provided through a combination of the proposed building setbacks and landscape planting.

Noting that the Site has already been approved as a potentially sensitive receiver in the form of a Lifestyle Lot and the existing consent notice conditions, it is concluded that the Proposal's adverse reverse sensitivity effects will be less than minor.

4.0 Section 95A Assessment for the purpose of public notification

A consent authority must follow the steps set out below in the order given to determine whether to publicly notify the application:

4.1 Step 1: Mandatory public notification – s95A(2) and (3)

Criteria	Yes/No
(a) Public Notification at Applicant's request - s95A(3)(a)	No
(b) Public Notification is required under section 95C (s95A(3)(b))	No
(c) Public Notification is required as the application is a joint application with an application under section 15AA of the Reserves Act 1977, to exchange recreation reserve land (s95A(3)(c))	No

The Applicant did not request that the application be notified. There are no rules in the Operative Plan relevant to this proposal that require that the application must be notified.

4.2 Step 2: Public notification precluded in certain circumstances – s95A(4) and (5)

Criteria	Yes/No
(a) Rules or National Environmental Standards that preclude public notification – s95A(5)(a)	No
(b) Any Controlled Activities – s95A(5)(b)(i)	No
(c) Boundary Activities – Restricted Discretionary, Discretionary or Non Complying – s95A(5)(b)(iii)	No

There are no rules in the Operative Plan relevant to this proposal that preclude public notification.

4.3 Step 3: Public notification required in certain circumstances – s95A(7)

Criteria	Yes/No
(a) The application is for one or more activities and any of those activities is subject to a rule or NES which requires public notification – s95A(8)(a)	No
(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.	No

4.3.1 Effects that may or must be disregarded - s95D(a),(b),(c),(d) and (e)

In deciding whether an activity will have or is likely to have adverse effects on the environment that are more than minor the relevant requirements of Section 95D (a) to (e) must be considered.

Section 95D(a)

In regards to section 95D(a), Council must disregard any effects on persons who own or occupy the subject site and adjacent land when determining whether an Application requires public notification on the grounds that adverse effects are more than minor.

Adjacent land for the purposes of assessing this Application comprises the following properties:

- Lot 2, 671 Puaiti Road (being the Lifestyle Lot adjoining the Site's eastern and southern boundaries).
- 471 Puaiti Road (being the rural production property adjoining the Site's northern boundary).
- 671 Puaiti Road / 1038 Te Kopia Road (being the rural production property located to the south of the Site).
- 552 Puaiti Road (being the rural production property located to the west of the Site on the opposite side of Puaiti Road).

Section 95D(b)

Pursuant to section 95D(b), if a rule or national environmental standard permits an activity with that effect then that adverse effect of that activity may be disregarded. This is known as the "permitted baseline".

It is concluded that there is no relevant or useful permitted baseline to consider in the determination of this Application and, as such, no adverse effects have been disregarded in accordance with section 95D(b).

Section 95D(c)

This section is not applicable as the Proposal is not for a Restricted Discretionary Activity.

Section 95D(d)

Section 95D(d) of the RMA requires that Council must disregard trade competition and the effects of trade competition.

This Application raises no trade competition issues or effects.

Section 95D(e)

Section 95D(e) of the RMA requires that Council must disregard any effect on a person who has given written approval to the application. No written approvals have been supplied in support of the Proposal.

4.3.2 Assessment of adverse environmental effects – s95A(7)(a)

An assessment of the Proposal's adverse effects has been undertaken in section 3.0 of this Report. Disregarding the adverse effects on the 'adjacent land' identified in this Report as directed by section 95D(a)(ii) it is concluded that the Proposal's adverse social effects on the environment that are likely to be more than minor.

Accordingly, the Application meets the threshold for public notification under section 95A(8)(b).

4.4 Step 4: Public notification in special in certain circumstances s95A(4)

Notwithstanding the conclusion reached in relation to Step 3 and section 95A(8)(b), consideration has been given to the existence of any special circumstances that might warrant public notification. "Special circumstances" have been considered by the Courts and it is widely held that to be considered "special", the set of circumstances would need to be something outside of the common run of things which is exceptional, abnormal or unusual but less than extraordinary or unique.

As I understand it, the main consideration that should determine whether special circumstances exist with respect to giving notification, is whether public notification may elicit additional information which would inform the decision.

In my opinion special circumstances do exist for this Application that warrant public notification that may elicit additional information that may assist the decision maker. In this regard:

- There is significant and sustained public interest, concern and controversy in relation to the Proposal from a wide range of stakeholders that are not limited to those in the immediate vicinity of the Site.
- The Proposal to establish a reintegration facility in the Rural 1 Zone is well outside of the ordinary run of things, is not anticipated to be established on the Site, is a highly unique and unusual activity in this setting, and raises a range of environmental effects.
- The Proposal raises a range of social effects that are not less than minor that cannot, with the necessary degree of certainty, be isolated to specific persons.

4.5 Conclusion on public notification

It is concluded public notification of the Application is required for the following reasons:

- Under Step 1, public notification is not mandatory on the basis that the application does not meet any of the criteria contained within section 95A(3).

- Under Step 2, public notification is not precluded on the basis that the Application does not meet any of the criteria within section 95A(5).
- Under Step 3, public notification is not required on the basis that there is no applicable rule that requires public notification and, having carried out an assessment for the purposes of section 95D, it has been concluded that the adverse effects of the Proposal will likely be more than minor.
- Under Step 4, it has been determined that there are special circumstances that exist that warrant the public notification of the Application in accordance with s95A(9).

5.0 Section 95B Assessment for the purpose of limited notification

A consent authority must follow the steps set out in sections 95B(2) – 95B(10) to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

5.1 Step 1: Certain Affected Groups and Affected Persons must be notified – s95B(2)-(4)

The Site and area of the proposed activity are not within a statutory acknowledgement area.

There are no customary rights groups, customary marine title groups or statutory acknowledgements relevant to the Application.

Limited notification is not required under Step 1 and Section 95B(4) on the basis that the application does not meet the criteria contained within s95B(2) or (3).

5.2 Step 2: Limited notification precluded – s95B(5) & (6)

The Rotorua District Plan contains no applicable rules that preclude limited notification of this Application, and it is not a controlled land use activity. Neither of the criteria under section 95B(6) are met and limited notification of the Application is not precluded.

5.3 Step 3: Certain other persons must be notified – s95B(7)-(9)

This step requires an assessment to be undertaken in accordance with s95E to determine whether there are 'affected persons' in relation to the proposed activity and to notify those persons accordingly

5.3.1 Assessment of adversely affected persons under s95E

The following assessment is for the purposes of identifying any affected persons in accordance with the requirements of Section 95B of the RMA.

Effects to be considered and disregarded - s95E(2)

- Section 95E(2)(a) provides Council with a discretionary power to disregard the effects of activities that are permitted by a rule in a District Plan or national environmental standard. As noted earlier in this Report as part of my section 95D assessment, there is no relevant or useful permitted baseline to consider here.
- Section 95E(2)(b) requires Council, when assessing applications for Restricted Discretionary Activities, to disregard an adverse effect of the activity on a person if the effect does not relate to

a matter for which the rule restricts discretion. This section is not applicable to the assessment of this Application, which is for a Non-Complying Activity.

- Section 95E(2)(c) requires Council to have regard to every relevant statutory acknowledgement in determining whether there are affected persons in relation to an application. Statutory acknowledgements have already been considered in section 5.1 of this Report in relation to Step 1 (s95B(3)) where it was concluded that there were no affected persons in relation to statutory acknowledgements.

The assessment undertaken in section 3.0 of this Report has been undertaken for dual purposes under sections 95D and 95E and has covered all relevant effects.

Based on that assessment, which is adopted here for the purposes of section 95E, it is concluded that the owners and occupiers of the following properties are directly 'affected persons' on the basis that Proposal will result in adverse effects on them that are not less than minor.

Rural character and amenity effects:

- Lot 2, 671 Puaiti Road due to permanent effects.
- Regular users of Puaiti Road within 200m either side of the Site who will experience temporary landscape and visual effects until proposed roadside landscaping matures two to three years after planting.

Social effects¹⁹:

- Numbers 520, 787, 850, 862, 878, 932, 1079, 1038, 1271, 1272, 1358 and 1370 Te Kopia Road.
- Numbers 27, 170, 170A, 368, 471, 552, 564, 594, 671 and Lot 2 671 Puaiti Road.
- Numbers 44 and 122 Coates Road.
- Numbers 74, 75, 217 and 251 Dods Road.
- Numbers 636, 680 and 882 Mangamingi Road.
- Numbers 618, 621, 636 and 691 Te Weta Road.
- Numbers 156 and 201 Pukemoremore Road.

Cultural effects:

- Ngati Tahu – Ngati Whaoa.

5.4 Step 4: Limited notification in special circumstances - s95B(10)

I have already concluded that there are special circumstances that require the public notification of the Application

5.5 Conclusion on limited notification

It is concluded limited notification of the Application **is not required** for the following reasons:

- Under Step 1, limited notification is not required under s95B(4) on the basis that the Application

¹⁹ Using Council's GIS, these properties have been identified as being located within a 3.0km radius of the Site which is the extent of the 'Host Community' identified in the SIA Report.

does not result in any affected customary rights groups or customary marine title groups (s95B(2)); or affected persons in relation to statutory acknowledgements (s95B(3)).

- Under Step 2, limited notification is not precluded on the basis that the application does not meet either of the criteria contained within section 95B(6).
- Under Step 3, limited notification is required on the basis that the Proposal will result in adverse effects on persons that are not less than minor and therefore there are no affected persons.
- Under Step 4, it has been determined that there are no further special circumstances that exist beyond those already identified for public notification of the Application that warrant the limited notification of the Application in accordance with section 95B(10).

6.0 Notification recommendation

I recommend that the resource consent application made by Hayson Knell Ltd Establish a reintegration housing activity on a rural site. in the Rural 1 Zone numbered LU24-010243 by Council, be processed in the following manner: **The application be processed Publicly Notified.**



Shanan Miles

Consultant Planner on behalf of Rotorua District Council Date: 6 April 2025

Authorised Officer Signature

Pursuant to section 34A of the Resource Management Act 1991 and in accordance with the powers delegated to me under the Rotorua District Council Delegation Manual, I make the notification decision recommended above in relation to the application.

Signed for and on behalf of the Rotorua District Council



Lorelle Barry

Team Lead Planning, Consenting

Date: 14/05/2025