

 240 Rangiuru Road, Te Puke




Sent: August 30, 2019 11:09 AM

From: Stacey Telling

To: ERSKINE, Craig (WELLHO); Brendon Liggett; Charlotte Veikune;

CC: Berymy Pokoati;

 3 Attachments

 RC299L_-_Land_Use_-_Controlled_-_Decision.pdf (4 MB);  Dowman lodge resource consent copy.pdf (601 KB);  Resource_Consent_for_Accommodation_Facilities_1.pdf (666 KB);

Released under the Official Information Act 1982

Hi All,

I have managed to get these, the property is currently running under this consent.

Thanks,
Stacey

Released under the Official Information Act 1982

12 April 2005

P/1521/13/2

s9(2)(a)

Dear Sir/Madam

Application for Resource Consent

Applicant

s9(2)(a)

Date of Council Decision

I wish to advise that Council has granted the above application for land use consent in the following terms:

- (a) THAT pursuant to Section 93(1)(b) of the Resource Management Act 1991 the Western Bay of Plenty District Council finds that the adverse effects on the environment will be minor and resolves that the application need not be publicly notified.
- (b) THAT the Council is satisfied that after taking into due consideration the requirements of Sections 94(1), 94A(a) and Section 94B that there are no persons who may be adversely affected by the activity.
- (c) THAT the Council is satisfied that no special circumstances exist that require notification of this consent application in accordance with Section 94C(2) of the Resource Management Act 1991.
- (d) THAT pursuant to Sections 104 and 108 of the Resource Management Act 1991 the Western Bay of Plenty District Council grants consent to the application by Breakthrough Family Ministry for a land use consent being a discretionary activity to accommodate up to 25 persons within the Rural G zone on Lot 2 DPS 81042 subject to the following conditions.

1. THAT the activity be carried out in accordance with the plans and information submitted as part of this application except where modified by any conditions of this consent.
2. THAT the maximum number of persons, including staff members, permitted to stay on site over night, shall not exceed 25.
3. THAT the corrected noise level (L10) as measured at or within the notional boundary of any dwelling shall not exceed the following limits:

Monday to Saturday	7.00am – 10.00pm } 50 dBA
Sunday	7.00am - 6.00pm }

All other times and on public holidays } 40 dBA

Note: The notional boundary is defined in New Zealand standard NZS 6801:1999 Measurement of Sound as a line 20 meters from any side of a dwelling, or the legal boundary where this is closer to the dwelling.

4. THAT the overhanging willow tree located within the Road Reserve immediately to the north of the neighbours existing vehicle entrance shall be trimmed within the boundaries of the road reserve to provide complying sight distances from the applicants vehicle entrance in accordance with Council's Standard Specification Drawing No R7. The owners of the tree shall be advised 10 working days in advance of the proposed works and those works shall be undertaken at the applicants expense.
5. THAT pursuant to Section 128 of the Resource Management Act 1991, Council may serve notice on the consent holder of its intention to review any of the conditions of this consent for any of the following purposes:
 - (i) To ensure the number of occupants staying at the accommodation facility are consistent with condition 2 and all relevant documentation included in the application, or,
 - (ii) To address any adverse effects from noise, parking, traffic generation and hours of operation that may arise from the exercise of this consent and which it is appropriate to consider at a later stage.

The review condition may commence in December 2005 and thereafter on a reoccurring two year basis in the month of December.

6. THAT the activity complies with all other relevant performance standards in the Operative District Plan.

REASONS FOR DECISION

1. The activity is a discretionary activity under the provisions of the Operative District Plan to establish an accommodation facility for more than 4 persons within the Rural G zone. Council considers that the main effects from this proposal will be traffic and noise generation. A standard noise condition has been imposed to ensure compliance with the District Plan provisions and the application clearly identifies that the only anticipated vehicle movements are those attributed to the daily arrival of staff members (volunteers) which equates to a house hold equivalent (10 movements per day). Note there are 6 full time volunteers, one who resides on site full time and 5 who arrive and leave daily. Further to this a review condition has been imposed to allow Council to monitor and if need be re-assess those potential effects associated with the accommodation facilities operation. The Council is satisfied that any adverse effects on the environment are minor and are adequately mitigated, remedied or avoided by the conditions of consent and that there are no affected parties as a result.
2. Further to this, a file note documenting the site visit made by Councils planner dated 09 February 2005 indicated there maybe some affected parties resulting from the proposal, however it has since been resolved that the above conditions particularly the said noise and review conditions are appropriate mitigation to consider the effects de minimis.
3. The proposed accommodation facility is the only habitable building on site and in accordance with the letter dated 07 April 2005 by s9(2)(a) the proposal is not anticipated to increase vehicle movements nor does the existing residence have connections to Councils water, sewerage or stormwater reticulations. Council considers this proposal therefore does not warrant the imposition of financial contributions. It should be noted that if a dwelling was to be sited on the subject site, being Lot 2 DPS 81042, then some form of financial contributions will be calculated accordingly.

4. *The proposal is considered to be consistent with the relevant objectives and policies of the Operative District Plan and the purpose and principles of Part II of the Resource Management Act 1991.*

ADVICE NOTES

1. *A building consent will be required for all building work including stormwater and effluent disposal systems.*
2. *For health reasons the NZ Building Code requires the water supply to new dwellings to be safe for drinking. Water taken from a Council watermain is of acceptable quality. Where the water supply is to be taken from any other source the Council will require evidence that the water meets the drinking water standards before a code compliance certificate is issued for any new building consent. This is because most other water sources are known to be below the required standard and will require some form of treatment. The Council will accept water achieving the quality set out in the publication 'Drinking Water Standards for N Z 2000' as meeting the minimum standard.*
3. *Any lack of recorded archaeological sites on this property may be due to one of two factors:*
 - (a) *there are no sites present, or*
 - (b) *there has not been an archaeological survey undertaken.*

Archaeological sites are historic places as defined by the Historic Places Act 1993, and all archaeological sites are protected under the provisions of that Act. Any activity, which impacts on an archaeological site, requires the prior permission of the Historic Places Trust. If any archaeological site is uncovered during development then work must stop until the site can be assessed by a qualified archaeologist and an authority to modify, damage or destroy the site applied for under either Section 11 or 12 of the Act.

4. *On site sewerage treatment and disposal will have to comply with Environment Bay of Plenty's " On Site Effluent Treatment Regional Plan".*
5. *You may object to this decision, including any conditions of consent, by notifying Council within 15 working days of receipt of this decision.*
6. *Full compliance with the conditions of consent is necessary to carry out the activity to which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by Compliance Team Staff and failure to meet these conditions may result in enforcement action being taken in accordance with Council's Monitoring Compliance and Enforcement Strategy. This may involve the issuing of an Infringement Notice (instant fine) and/or a monitoring fee.*

Yours faithfully

Regulatory Administration Team

Email **s9(2)(a)** @wbopdc.govt.nz

Return to Consents Officer

Date:

Western Bay of Plenty District Council Regulatory Services

Application for Resource Consent – Non-Notified -

s9(2)(a)

Delegated Authority

P/1521/13/2

Recommendation:

- (a) THAT pursuant to Section 93(1)(b) of the Resource Management Act 1991 the Western Bay of Plenty District Council finds that the adverse effects on the environment will be minor and resolves that the application need not be publicly notified.
- (b) THAT the Council is satisfied that after taking into due consideration the requirements of Sections 94(1), 94A(a) and Section 94B that there are no persons who may be adversely affected by the activity.
- (c) THAT the Council is satisfied that no special circumstances exist that require notification of this consent application in accordance with Section 94C(2) of the Resource Management Act 1991.
- (d) THAT pursuant to Sections 104 and 108 of the Resource Management Act 1991 the Western Bay of Plenty District Council grants consent to the application by Breakthrough Family Ministry for a land use consent being a discretionary activity to accommodate up to 25 persons within the Rural G zone on Lot 2 DPS 81042 subject to the following conditions.
1. THAT the activity be carried out in accordance with the plans and information submitted as part of this application except where modified by any conditions of this consent.
 2. THAT the maximum number of persons, including staff members, permitted to stay on site over night, shall not exceed 25.
 3. THAT the corrected noise level (L10) as measured at or within the notional boundary of any dwelling shall not exceed the following limits:

Monday to Saturday	7.00am – 10.00pm } 50 dBA
Sunday	7.00am - 6.00pm }
All other times and on public holidays } 40 dBA	

Note: The notional boundary is defined in New Zealand standard NZS 6801:1999 Measurement of Sound as a line 20 meters from any side of a dwelling, or the legal boundary where this is closer to the dwelling.
 4. THAT the overhanging willow tree located within the Road Reserve immediately to the north of the neighbours existing vehicle entrance shall be trimmed within the boundaries of the road reserve to provide complying sight distances from the applicants vehicle entrance in accordance with Council's Standard Specification Drawing No R7. The owners of the tree shall be advised 10 working days in advance of the proposed works and those works shall be undertaken at the applicants expense.
 5. THAT pursuant to Section 128 of the Resource Management Act 1991, Council may serve notice on the consent holder of its intention to review any of the conditions of this consent for any of the following purposes:

- (i) To ensure the number of occupants staying at the accommodation facility are consistent with condition 2 and all relevant documentation included in the application, or,
- (i) To address any adverse effects from noise, parking, traffic generation and hours of operation that may arise from the exercise of this consent and which it is appropriate to consider at a later stage.

The review condition may commence in December 2005 and thereafter on a reoccurring two year basis in the month of December.

- 6. THAT the activity complies with all other relevant performance standards in the Operative District Plan.

REASONS FOR DECISION

1. The activity is a discretionary activity under the provisions of the Operative District Plan to establish an accommodation facility for more than 4 persons within the Rural G zone. Council considers that the main effects from this proposal will be traffic and noise generation. A standard noise condition has been imposed to ensure compliance with the District Plan provisions and the application clearly identifies that the only anticipated vehicle movements are those attributed to the daily arrival of staff members (volunteers) which equates to a house hold equivalent (10 movements per day). Note there are 6 full time volunteers, one who resides on site full time and 5 who arrive and leave daily. Further to this a review condition has been imposed to allow Council to monitor and if need be re-assess those potential effects associated with the accommodation facilities operation. The Council is satisfied that any adverse effects on the environment are minor and are adequately mitigated, remedied or avoided by the conditions of consent and that there are no affected parties as a result.
2. Further to this, a file note documenting the site visit made by Councils planner dated 09 February 2005 indicated there maybe some affected parties resulting from the proposal, however it has since been resolved that the above conditions particularly the said noise and review conditions are appropriate mitigation to consider the effects de minimis.
3. The proposed accommodation facility is the only habitable building on site and in accordance with the letter dated 07 April 2005 by s9(2)(a) the proposal is not anticipated to increase vehicle movements nor does the existing residence have connections to Councils water, sewerage or stormwater reticulations. Council considers this proposal therefore does not warrant the imposition of financial contributions. It should be noted that if a dwelling was to be sited on the subject site, being Lot 2 DPS 81042, then some form of financial contributions will be calculated accordingly.
4. The proposal is considered to be consistent with the relevant objectives and policies of the Operative District Plan and the purpose and principles of Part II of the Resource Management Act 1991.

ADVICE NOTES

1. A building consent will be required for all building work including stormwater and effluent disposal systems.
2. For health reasons the NZ Building Code requires the water supply to new dwellings to be safe for drinking. Water taken from a Council watermain is of acceptable quality. Where the water supply is to be taken from any other source the Council will require evidence that the water meets the drinking water standards before a code compliance certificate is issued for any new building consent. This is because most other water sources are known to be below the required standard and will require some form of treatment. The Council will accept water achieving the quality set out in the publication 'Drinking Water Standards for N Z 2000' as meeting the minimum standard.

3. Any lack of recorded archaeological sites on this property may be due to one of two factors:
- (a) there are no sites present, or
 - (b) there has not been an archaeological survey undertaken.

Archaeological sites are historic places as defined by the Historic Places Act 1993, and all archaeological sites are protected under the provisions of that Act. Any activity, which impacts on an archaeological site, requires the prior permission of the Historic Places Trust. If any archaeological site is uncovered during development then work must stop until the site can be assessed by a qualified archaeologist and an authority to modify, damage or destroy the site applied for under either Section 11 or 12 of the Act.

4. On site sewerage treatment and disposal will have to comply with Environment Bay of Plenty's "On Site Effluent Treatment Regional Plan".
5. You may object to this decision, including any conditions of consent, by notifying Council within 15 working days of receipt of this decision.
6. Full compliance with the conditions of consent is necessary to carry out the activity to which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by Compliance Team Staff and failure to meet these conditions may result in enforcement action being taken in accordance with Council's Monitoring Compliance and Enforcement Strategy. This may involve the issuing of an Infringement Notice (instant fine) and/or a monitoring fee.

s9(2)(a)

Consents Planner
CCLU1
11 APR 2005

Approved under Delegated Authority

s9(2)(a)

Date: 12/4/05



Western Bay of Plenty
District Council

Head Office Barks Corner, Greerton, Tauranga
Private Bag 12803, Tauranga Mail Centre, Tauranga 3143
P 07 571 8008 (24 hours) • F 07 577 9820
Freephone 0800 WBOPDC - 0800 926 732
E customerservice@westernbay.govt.nz
www.westernbay.govt.nz

17 March 2015

TONKIN AND TAYLOR LTD
PO BOX 317
SEVENTH AVENUE
TAURANGA 3140

P/1521/13/2

Dear Sir/Madam

Advice Of Decision on Application for Resource Consent

Council Ref: 299 01
Applicant: VINCENT HOUSE TRUST
Site Address: 246 RANGIURU ROAD

We wish to advise that Council has approved the application for resource consent as above.

Please find attached the decision, including relevant conditions. As stated in the advice notes of this decision, there is 15 working days from the date of decision to object to any of these conditions pursuant to Section 357A of the Resource Management Act 1991. If any objection is to be made under Section 357A, the resource consent commences when the objection has been decided or withdrawn.

The Councils Compliance & Monitoring Team will be inspecting your property to check your in accordance with the consent conditions.

Do not hesitate to contact s9(2)(a) who processed your application, if you have any queries specific to your decision.

Yours faithfully

s9(2)(a)

Regulatory Administration Team

RegO



Western Bay of Plenty District Council Policy, Planning and Community Group

Application to Change Consent Conditions – Non-Notified - VINCENT HOUSE TRUST

Delegated Authority

P/1521/13/2

Recommendation:

- (a) THAT pursuant to Section 95A(2)(a) and 95D of the Resource Management Act 1991, Western Bay of Plenty District Council has concluded that the adverse effects on the environment arising from the change of condition(s) is no more than minor and has determined that the application need not be publicly notified.
- (b) THAT Council is satisfied that after taking into due consideration the requirements of Sections 95E and 95F and Section 127(4) that no other persons or order holders are adversely affected by the change of conditions to this consent activity and therefore limited notification in accordance with section 95B of the Resource Management Act 1991 is not required.
- (c) THAT Council is satisfied that no special circumstances exist that require notification of this consent application in accordance with Section 95A(4) of the Resource Management Act 1991.
- (d) THAT pursuant to Sections 104, 104B, 108 and 127 of the Resource Management Act 1991 Western Bay of Plenty District Council grants consent to the application by the Vincent House Trust to change the following condition(s) of Resource Consent RC299(L) which provides for an accommodation facility for up to 25 persons within 246 Rangiruru Road, legally described as Lot 2 DPS81042;
1. THAT condition (2) be changed as follows:
 2. THAT the maximum number of persons, including staff members, permitted to stay on site over night, shall not exceed 35.
 2. THAT all other conditions of the original consent continue to apply.

REASONS FOR DECISION

1. Pursuant to Section 127 of the Resource Management Act 1991 the conditions of a resource consent may be changed or cancelled. Section 127 states:
 - (1) *The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following*

- (a) *the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*
- (b) *no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*
- (2) *[Repealed]*
- (3) *Sections 88 to 121 apply, with all necessary modifications, as if—*
- (a) *the application were an application for a resource consent for a discretionary activity; and*
- (b) *the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*
- (3A) *If the resource consent is a coastal permit authorising aquaculture activities to be undertaken in the coastal marine area, no aquaculture decision is required in respect of the application if the application is for a change or cancellation of a condition of the consent and does not relate to a condition that has been specified under section 186H(3) of the Fisheries Act 1996 as a condition that may not be changed or cancelled until the chief executive of the Ministry of Fisheries makes a further aquaculture decision.*
- (4) *For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—*
- (a) *made a submission on the original application; and*
- (b) *may be affected by the change or cancellation*
2. The Council granted resource consent RC299(L) on 12 April 2005 which provides for which provides for an accommodation facility for up to 25 persons within 246 Ranguru Road, legally described as Lot 2 DPS81042. The consent holder seeks to increase the number of persons who can stay at the facility to 35. Accordingly it is proposed to vary condition (2) of the resource consent decision pursuant to Section 127 of the Resource Management Act 1991. No alterations to the building are required to accommodate the increase and no other conditions of consent require alteration.
3. In accordance with Section 127(3) of the Resource Management Act 1991 the application is a discretionary activity. As a discretionary activity, the Council is not restricted to any particular matter in determining the proposal. In assessing the application however, the matters are relevance in regard to the change of conditions relate to:
- Noise;
 - Traffic;
 - Reverse Sensitivity; and
 - Financial Contributions;
4. In having regard to these matters, the Council considers the "permitted baseline" is a relevant consideration. The site is zoned Post Harvest under the Operative District Plan 2012. This underlying zoning and Rule 22.3.1(d) provides for Seasonal Worker Accommodation Facilities for a maximum of 75 persons as a permitted activity. Acknowledging the seasonal occupation expected under this Rule, there is a peak level of effect which is comparative (if not more excessive) than what is currently proposed.
5. The existing resource consent condition includes noise restrictions (refer to condition (3)) which are more restrictive that the current District Plan. The application advises

- that compliance with these noise limits has been achieved throughout the life of the consent, and it is intended that compliance will continue to be achieved.
6. With regard to traffic, it is anticipated that there would be an additional 2 vehicle movements per day (associated with RSE's or consumers getting to work) and a further 2 movements per week (associated with RSE's or consumers obtaining supplies or for group outings). The Council is satisfied that these additional traffic movements can be accommodated within the road network.
 7. To the south of the site is an existing packhouse / coolstore facility. Due to this Council has given regard to reverse sensitivity. In this instance the Council does not consider that there is an issue. The activity has been lawfully established and the change in occupancy would not significantly alter the potential reverse sensitivity effects. In addition, the permitted baseline is considered applicable given that seasonal worker accommodation can also be established at a higher intensity of occupation.
 8. The Council does not provide reticulated water, wastewater or stormwater infrastructure to the subject site. The Council does provide roading infrastructure. In accordance with Rule 11.3.4, Council has considered whether or not a transportation financial should be applied. In this instance, the additional occupants will generate an insignificant level of additional traffic such that there is no value in determining financial contributions and therefore these have not been applied.
 9. In having regard to the above, Council is satisfied that any adverse effects resulting from the change or cancellation of condition(s) of consent are less than minor, and that the change in occupancy numbers does not result in a fundamentally different activity or one having a material difference. The Council is further satisfied that any potential adverse effects of the activity will continue to be adequately avoided, remedied or mitigated by the conditions of consent and therefore no persons are considered to be adversely affected by the change in conditions.
 10. Accordingly, the proposed change is considered to be consistent with the purpose and principles of Part II of the Resource Management Act 1991 and the activity remains consistent with the policies and objectives of the Operative District Plan 2012.

ADVICE NOTES:

1. The consent holder is advised that prior to the increase in residents, an assessment by a person experienced in the design, means of escape from fire and fire safety precautions, is required to be submitted to Council. Any additional fire safety precautions required as a result, will then require a building consent. Please contact the Council's Building Control Official to discuss further.

s9(2)(a)

s9(2)(a)

Senior Consents Planner
16 March 2015

s9(2)(a)

Approved under Delegated Authority

s9(2)(a)

Consents Manager

Date: 16/3/2015

16 September 2004

P/1521/13/2

s9(2)(a)

240 Rangiora Road
R D 8
Te Puke

Attention: s9(2)(a)

Dear Madam

Resource Consent for Accommodation Facilities

Further to my discussions with you on site on 15 September 2004, I have now talked with the Consents Planners and advise the following.

s9(2)(a)

As per previous correspondence to you from s9(2)(a) Graduate Planner (copies attached of letters dated 14, 18 and 24 June 2004), there is a need for a resource consent where accommodation facilities for more than four persons are present. As within those letters and from my investigations, the current scale of activity has changed from that originally proposed in 1985 when a resource consent was granted for the assistance of disabled persons. On that basis, Council therefore cannot endorse the current number of residents and you are obliged to apply for a new consent or change of resource consent conditions in order to comply with the District Plan requirements. This would be because of the number of persons currently being accommodated and also brings into question as to whether the initial consent in relation to disabled persons is actually applicable in your current circumstances.

Assuming that you wish to continue with your activity, the matter will need to be regularised by way of a resource consent. This should take place as soon as possible and I require the matter to be at a formal state prior to 6 October 2004 to avoid further action being undertaken for a breach of the District Plan.

It is recommended that you contact the Planners s9(2)(a) for any further assistance or discussions in relation to the actual application process that is required to take place.

Should you have any queries in relation to this letter, please do not hesitate to contact the writer.

Yours faithfully

s9(2)(a)

Team Leader Compliance

s9(2)(a)@wbopdc.govt.nz

gbl:lmh:241231

s9(2)(a)

