

Notification determination and resource consent decision report for a discretionary activity resource consent application

Under the Resource Management Act 1991

1.0 APPLICATION DESCRIPTION

To erect a new ablution block, including toilets, showers, a kitchen, a cleaner and store room, a mower storage area and a covered veranda, and to undertake 1850m³ earthworks.

1.1 Application and Property Details

Consent Application Number(s):	L59778		
Reporting Officer:	Jinyu Zhou		
Site Address:	1334 Sandspit Road, Sandspit 0982		
Applicant's Name:	Sandspit Holiday Park		
Agents Details:	O'Connor Planning Consultants Limited Attn: Diana Bell P O Box 591, Warkworth, 0941		
Lodgement Date:	20 February 2013		
Legal Description:	Part Allotment 23 Parish of Mahurangi		
Zoning:	Auckland Council District Plan (Rodney Section) Landscape Protection Residential Zone Scheduled Activity 111		
District Plan special features or overlays	Future Esplanade Reserve or Strip Cultural heritage site 5455 (midden - shell), 17281 (house), 17283 (post office) and 17284 (hotel/general store) Sea spray zones - coastal Expansive soils – category b		
Designations:	None		
Other Acts or National Environmental Standards applicable:	None		
Date of Site Visit:	1 March 2013		
Section 92 request dates:	Date Requested	Date Received	
	14 March 2013	19 March 2013	
Section 37	Date Agreed	Time Period	Special Circumstances
	N/A	N/A	N/A

2.0 THE PROPOSAL, SITE AND LOCALITY DESCRIPTION

2.1 Proposal

The applicant proposes to erect a new ablution block adjacent to the western boundary of the subject site (Figure 1). The ablution block will be largely located within the footprint of an existing storage shed which is to be removed from the site. The ablution block will contain toilets, showers, a kitchen, a cleaner and store room, a mower storage area and a covered veranda. The total floor area of the block will be 380.96m², including 112.4m² of veranda. The maximum building height will be approximately 6.7m. The shortest horizontal distance from the building to the boundary will be 0.44m.

In terms of earthworks, as recommended by a geotechnical report, the applicant will undertake 850m³ of excavation to remove all non-engineered fill and weak organic alluvial soils from the proposed building platform. The excavation material will be transported to a clean fill facility. Approximately 1000m³ of fill material will be imported to provide a flat and stable building platform. Thus, the total volume of earthworks will be 1850m³. The earthworks will infringe the 1 to 2 rule in relation to the western boundary. No vegetation removal is proposed.

Upon completion of the new ablution block, an existing female toilet will be removed. An existing kitchen and a men's toilet will be utilized as a storage shed.

2.2 Site, Locality, Catchment and Environs Description

The subject site is legally described as Part Allotment 23 Parish of Mahurangi and is 4.1480 hectares in area (see Figure 1).



Figure 1: The subject site and surrounding area

☆ Adjacent sites

The AEE describes the site as follows:

The subject site is located at the end of Sandspit Road and directly adjoins the Matakana River. It comprises some 4.148 hectares and is accessed from the southern side of Sandspit Road.

The site contains the Sandspit Holiday Park. The holiday park has both powered and un-powered camp sites as well as 1 standard cabin, 11 kitchen cabins and 7 self contained cabins. The holiday park also contains a 9 hole 'chip and putt' golf course, games hall, TV room, giant art trail, camp walks, BBQ area, library, a small shop and office as well as an amenities block which includes toilets, kitchen and laundry...

The area of the site which contains the holiday park is flat; the eastern part of the site slopes upwards in a south-easterly direction. In terms of vegetation, there is some landscaping around the holiday park facilities while the eastern portion of the site contains more mature vegetation.

The surrounding area largely consists of low intensity coastal residential settlement with marine based activities undertaken adjacent to the coastal marine area and the Sandspit wharf which provides a convenient departure point for ferries and other vessels travelling to Kawau Island.

The processing planner concurs with the above assessment. The existing storage shed to be removed is shown on Figure 2. There is a large totara tree located to the south of the shed. Sandspit Road - Brick Bay Drive Reserve is to the west of the shed, and a small metalled/grassed area of the Reserve has been used by the Holiday Park for boat parking for many years (see Figures 3 and 4). The Holiday Park is negotiating with the Council to include this area into a lease for the Park.

The cultural heritage site recorded on the subject site include CHI5455 (midden - shell), CHI17281 (Buchanan house), CHI17283 (post office) and CHI17284 (hotel/general store). CHI5455 is located approximately 160m to the southeast of the existing storage shed, and the buildings of CHI17281 and CHI17283 are to the northeast. CHI17284 is no longer extant.



Figure 2: The existing storage shed



Figure 3: Enlarged site plan



Figure 4: Boat parking area to the west of the shed

2.3 Other Consents

Relevant building consent (ABA-1014136) and regional wastewater consent (41252) applications have been lodged to the Council.

3.0 REASONS FOR THE APPLICATION

Resource consent is required under the provisions of the following District Plan.

3.1 District Plan

Auckland Council District Plan (Rodney Section)

The subject site is within the Landscape Protection Residential Zone under the District Plan. Scheduled Activity 111 is applied to the site. Under Rule 14.8.2 for the Scheduled Activity, Sandspit Motor Camp as existing on 28 September 1989 is permitted. Motor camp extensions and additions not provided for as a Permitted Activity is a **Discretionary Activity**. The Council will have regard to the Assessment Criteria 10.13.1, Chapter 10 Open Space and Recreation and the relevant matters set out in section 104 of the RMA.

850m³ of excavation and 1000m³ of filling are proposed. The excavation intercepts a line drawn at 1 vertical to 2 horizontal from the ground level at the western boundary, which does not comply with Rule 18.10.3 of the District Plan. Within Activity Table 1 of Rule 18.9.2, earthworks greater than a total volume of 200m³ are Restricted Discretionary Activities. Rule 18.9.1.1 states that all Restricted Discretionary Activities in Activity Table 1 shall comply with Rule 18.10 Development Controls. Because the proposed earthworks in this application do not comply with Rule 18.10.3, the proposal falls within the category of "any activity not listed in Table 1" in Rule 18.9.2 and is considered as a **Discretionary Activity**. Under Rule 18.9.2, deposition of urban clean fill material greater than 200m³ is also a **Discretionary Activity**.

3.2 Status of the Application

Overall, the application is considered to be a **Discretionary Activity**.

4.0 NOTIFICATION ASSESSMENT (SECTIONS 95A, 95C-95D)

1 Public Notification Assessment

4.1.1 Statutory Considerations

A consent authority has the discretion whether to publicly notify an application unless a rule or NES precludes public notification (in which case the consent authority must not publicly notify) or section 95A(2) applies, which states that an application **must be** publicly notified if:

- (a) the activity will have, or is likely to have, adverse effects on the environment that are more than minor;
- (b) the applicant requests public notification of the application; or
- (c) a rule in a plan or a national environment standard requires public notification.

Section 95D requires that in determining whether an activity will have, or is likely to have, adverse effects on the environment that are more than minor, the consent authority must disregard the following matters:

- Effects on persons who own and occupy the land in, on or over which the application relates, or land adjacent to that land.
- Any effect on a person who has given written approval to the application.
- Trade competition and the effects of trade competition.

The consent authority may also disregard an adverse effect of the activity on the environment if a rule or NES permits an activity with that effect.

Notwithstanding all the above, including whether a rule or NES precludes public notification or the applicant has not requested notification, a consent authority has the discretion to publicly notify an application if it decides there are special circumstances in relation to the application.

An application must also be publicly notified if the consent authority has not made a determination in regards to either limited or full notification and information requested under section 92 has not been provided within the statutory and/or agreed timeframe or the applicant has refused to provide the information.

4.1.2 Request for Public Notification (Section 95A(2)(b))

The applicant has not requested that the application be publicly notified.

4.1.3 Plan or National Environmental Standard requires Public Notification (Section 95A(2)(c))

In terms of section 95A(2)(c) there are no rules in the relevant District Plan/Regional Plan/NES which require public notification of the application.

4.1.4 Plan or National Environmental Standard precludes Public Notification (Section 95A(3)(a))

In terms of section 95A(3)(a) there are no rules in the relevant District Plan/Regional Plan/NES that would preclude public notification of the application.

4.1.5 Adverse Effects on the Environment (Section 95A Assessment)

4.1.5.1 Effects that must be disregarded

- A) Effects on persons who own and occupy the land in, on or over which the application relates, or land adjacent to that land

In this case, it is considered that adjacent land includes the following properties because they either adjoin the application site or are directly across the road (see Figure 1). The effects on the owners or occupiers of these properties have been disregarded.

Table 1		
Address	Legal Description	Owners
1336 Sandspit Road, Sandspit	Allot 324 Psh Of Mahurangi SO 41563	Auckland Council
4 Brick Bay Drive, Sandspit	Lot 202 DP 94165	Auckland Council
6 Brick Bay Drive, Sandspit	Lot 2 DP 390452	Brian Phillip Morrison and Vanessa Anne Morrison and Brian & Vanessa Morrison Trustee Limited
19 Kotare Place, Sandspit	Lot 20 DP 96551	Bruce Lionel Milne and Mark Laurence Milne and Lisa Cherie Watkins
16 Kotare Place, Sandspit	Lot 21 DP 96551, Lot 103 DP 98537	Alexander John Fowler and Rosemary Anne Fowler and Duncan John Miller
24 Kotare Place, Sandspit	Lot 25 DP 96551, Lot 103 DP 98537	Kevin James Rodney Brown and Barbara Ellen Mataafe and Warkworth Law Trustees Limited
Lot 104 DP 96550, Kotare Place, Sandspit	Lot 104 DP 96550, Lot 107 DP 98536	Auckland Council

- B) Any effect on persons who have given written approval to the application

No written approval has been provided to the application.

4.1.5.2 Effects that must be disregarded – Permitted Baseline Assessment

The permitted baseline refers to permitted activities on the subject site. The buildings at the Sandspit Holiday Park (Motor Camp) as existing on 28 September 1989 are permitted. Earthworks and deposition of urban clean fill less than or equal to a total volume of 200m³ which comply with the development controls under Rule 18.10 are permitted.

This constitutes the permitted baseline and these adverse effects may be discounted as the level of adverse effect arising from those permitted activities is deemed to be acceptable. It is only any other or further adverse effects arising from the proposal over and above the permitted baseline which are to be assessed.

4.1.6 Adverse Effects Assessment

Having regard to the above and after an analysis of the application, including any proposed mitigation measures, the following assessment addresses the adverse effects of the activity on the environment. As a Discretionary Activity the full range of adverse effects must be considered.

Location, Scale and Intensity

The proposed ablution block will be located close to the western boundary of the subject site. As the proposal is a Discretionary Activity, the development control rules for the zone are not applicable. However, the rules can be used as a guideline when assessing the adverse effects regarding the location and scale of the proposed

building. If the development controls are applied to this application, the ablution block will infringe the side yard, height in relation to boundary and site coverage controls.

The main component of the ablution block (including the kitchen, toilets and showers) will be located approximately 1.8m from the boundary. Measured on the proposed plans, approximately 0.04m² of the veranda at the northwest corner and 0.6m² of the mower storage area at the southwest will infringe the 1.2m side yard control. The storage area will comprise a lean-to rather than an enclosed building space. The steps to the west of the ablution block will also infringe the control by 0.01m². The block will be adjacent to the small metalised/grassed area of Sandspit Road - Brick Bay Reserve, which is currently used by the Holiday Park as a boat parking area. The area is separated from the rest of the Reserve by mangrove wetland to the west. Thus, the public access to the area is limited. Even if the area is used by the public in the future, it is considered the effects of the yard infringement on the visual amenity of the public and the character of the area will be less than minor, as the scale of the infringement is small and the veranda and the storage area are substantial open. In addition, the location of the building and the yard infringement will not restrict public access to the Reserve, and the function of the Reserve will be maintained.

Regarding the effects of the height in relation to the boundary infringement, three apexes of the roof will infringe the height control and the area of infringement will be approximately 1.5m² on each apex. According to the District Plan, the control is not applied to the apex of any roof or gable end not exceeding 1m² in area. Thus, the Council should only consider the effects of 0.5m² of each apex. Due to the small scale, the visual and overbearing effects caused by the infringement are considered to be less than minor.

In terms of site coverage, the maximum cumulative footprint area of all buildings permitted on a site in the Landscape Protection Residential Zone is 500m². The existing coverage of the subject site is over 500m². The proposed ablution block will be largely located within the footprint of the existing storage shed to be removed. The existing female toilet on the site will be also removed. The increase in the building footprint of the site will be minor, and the effects on the character and stormwater drainage of the site and the surrounding area are considered to be no more than minor. Regarding the scale of the ablution block, although it will be larger than the existing shed, the building will comply with the control on maximum bulk if the rule is applied. The overbearing impact or visual effects on the public are considered to be less than minor, if the boat parking area is used by the public in the future.

As the proposed building will be located on a flat area and screened by the existing vegetation on the subject site and the Reserve, the building will be hardly visible by the public from Sandspit Road, Brick Bay Drive and the coast (see Figure 1).

Regarding the intensity of activities in the ablution block, as the block is a replacement of the existing kitchen and toilets in the Holiday Park, the intensity of the relevant activities on the site will not increase due to the proposal. Also, the activities will be largely located inside the building. It is expected that the activities will comply with the noise limits in the District Plan. Although the block will operate outside of daylight hours, the adverse lighting effects to the public will be less than minor because the adjoining boat parking area will be unlikely to be used by the public at night.

External Appearance

The ablution block is designed to complement the colonial style of the buildings within the Holiday Park. The applicant has accepted a consent condition which requires the exterior cladding of the proposed building to be finished in natural materials or be painted in recessive colours.

When reviewing the application, the Council's Property Manager, Keith Morris, points out that the west elevation of the building will contain a concrete block wall with smallish windows and one door, and landscaping should be required to improve the visual amenity. The Council's Parks Advisor, Huia Kingi, indicates that the small windows will limit the surveillance from the building into the Reserve (the boat parking area). The landscaping may help to soften the appearance of the building, but it will create a barrier reducing visibility between the Reserve and the building.

Regarding the issue of surveillance and safety, there will be larger windows from the kitchen and a door from the cleaner and store room on the west elevation. The southern part of the building behind the smaller windows will contain showers and toilets. It will not be appropriate to provide visual connections with the Reserve. There are a few cabins to the southwest of the ablution block. The occupiers of the cabins can also help to provide surveillance to the Reserve. Thus, it is considered by the processing planner that the sufficient surveillance will be provided to the Reserve. It is inappropriate for the Council to require landscaping to the west of the building as it will reduce the visual connections between the building and the Reserve.

Traffic

850m³ of excavation material will be transported off the site and 1000m³ of clean fill will be imported. Approximately 370 truck loads (740 truck movements) will be required for the transportation. The truck movements will be temporary. The applicant has accepted a consent condition to limit the truck loads to a maximum of 80 loads per day, which will limit the intensity of truck movements on the neighbouring roads. As the traffic volume of Sandspit Road close to the subject site is low, it is considered that the road network will have the capacity to accommodate the truck movements, and the effects on the safe and efficient operation of the road network will be no more than minor. The applicant has also accepted consent conditions to restrict the operation hours of the earthworks and construction, which will mitigate the adverse effects caused by the traffic on the amenity of the neighbouring area. In addition, a review condition will be recommended to address any traffic effects which may arise from the exercise of the consent granted to the application. By reviewing the condition of truck loads, the Council may require the consent holder to reduce the truck movements, if more than minor adverse effects arise on Sandspit Road or any other roads as a direct result of the proposed activity.

When the proposed ablution block is completed, it will replace the existing toilets and kitchens in the Holiday Park, and will not increase the vehicle movements to or from the subject site.

Earthworks

The proposed excavations will infringe the 1 to 2 rule in relation to the western boundary. The Council's development engineer, Steve Cavanagh, has reviewed the earthworks and recommended a condition to require the earthworks to be supervised by a qualified engineer. A general earthwork condition for controlling instability will be also recommended should the consent is granted. It will require the consent holder to manage the earthworks to ensure that they do not lead to any uncontrolled instability or collapse affecting either the subject site or any neighbouring properties. The conditions have been accepted by the applicant. As the excavation area will be filled by engineering fills, the effects of the proposal in terms of land instability in the long term are considered to be less than minor.

The earthworks will mainly take place on the existing platform for the storage shed and the driveway to the north. No trees removal is proposed. However, the earthwork area will be close to the large totara tree located to the south of the shed (see Figure 2). There are also a few large trees to the north and the southeast. The applicant has accepted a consent condition to protect the trees during the earthwork and construction stage. Thus, the effects on the vegetation on the site and its ecological values will be no more than minor.

There is a large area of mangrove in the Sandspit Road - Brick Bay Drive Reserve to the west of the boat parking area. The shortest horizontal distance from the earthwork area to the mangrove will be approximately 15m. Erosion and sediment control conditions accepted by the applicant will prevent discharging soil, silt, sediment or sediment-laden water off the site. According to the proposal, the earthworks will be limited to the building platform of the proposed ablution block. Given the conditions to be imposed and the separation distance to the mangrove area, the effects of the earthworks on the natural character, ecology and wildlife of the Reserve will be less than minor.

In terms of the amenity effects of the earthworks on the public, the works will be temporary in nature. The applicant has accepted consent conditions on operation hours, noise and dust. Given the location of the earthwork site, the effects on the amenity value and health and safety of the public are considered to be no more than minor.

Cultural Heritage

As described in section 2.2, there are cultural heritage sites recorded on the subject site. The Council's heritage advisor has reviewed this application and considered that there are potentials for archaeological findings on the site due to the recorded prehistoric and historic period of settlement on the site. A consent condition will be imposed and, if the proposed earthworks result in archaeological features being uncovered, all works on the site shall cease and the New Zealand Historic Places Trust (NZHPT) shall be contacted. The consent holder is also advised to consult with the NZHPT about the requirements of the Historic Places Act. Given the condition to be complied with, the potential effects of the proposal on the cultural heritage of the site are considered to be no more than minor.

Compatibility and Cumulative Effects

The proposed ablution block will be compatible with the existing buildings on the site and the adjacent reserve, given its location, scale and external appearance discussed above. The boat parking area of the reserve is currently used by the applicant. The proposed development will have less than minor effects on the function of

the area even if the applicant is unable to lease it and the area is converted for public use in the future.

The ablution block will replace the existing toilets and kitchen on the site. Any cumulative effects of erecting the new building are considered to be no more than minor.

Summary

Having assessed the adverse effects of the activity on the environment, it is considered that the activity will have no more than minor adverse effects on the environment.

4.1.7 Special Circumstances (Section 95A(4))

Section 95A(4) states that a council may publicly notify an application for resource consent if it considers that special circumstances exist, notwithstanding that a rule or NES precludes notification and the application has not requested notification.

There are no special circumstances surrounding this application.

4.1.8 Public Notification Assessment Conclusion

It is considered that this application can be processed without public notification for the following reasons:

- The adverse effects on the environment of the activity for which consent is sought will be no more than minor because of the reasons expressed in section 4.1.6 of this report.
- There are no special circumstances that would act as a basis for Council to exercise its discretion under section 95A(4).

4.2 Limited Notification Assessment (Sections 95B, 95E-95F)

4.2.1 Statutory Considerations

As concluded above the application does not need to be publicly notified. The consent authority must decide if there are any affected persons or affected order holders in relation to the proposed activity.

A person is considered to be an affected person if the adverse effects of the activity on the person are minor or more than minor (but are not less than minor).

In considering whether a person is an affected person in relation to an activity, the consent authority in its assessment:

- may disregard an adverse effect on a person if a rule or NES permits an activity with that effect;
- must have regard to every statutory acknowledgement made in accordance with the RMA specified in Schedule 11;
- must disregard those persons who have provided their written approval (and this has not been withdrawn in writing at the point of this decision); and
- must disregard persons, if it is unreasonable in the circumstances to seek that person's written approval.

If the consent authority decides that there are affected persons or "affected order holders" in relation to the proposed activity, then the application requires limited notification to those affected persons unless a rule or NES precludes limited notification of the application.

A person is an affected order holder if:

- the person is the holder of a customary rights order; and
- the activity may have any adverse effects on a recognised customary activity carried out under that order; and
- the person has not given written approval to the activity or has withdrawn approval to the activity before the consent authority has decided whether there are any affected order holders.

The consent authority must give limited notification to any affected order holder regardless if a rule or NES precludes public or limited notification of the application. There are currently no customary right order holders in the Auckland region.

4.2.2 Requirements of a Rule or National Environmental Standard

There are no rules in the relevant District Plan/Regional Plan/NES that would preclude limited notification of the application.

4.2.3 Limited Notification / Adversely Affected Persons Assessment

No persons are considered to be adversely affected by the activity. As shown on Figure 1, the proposed ablution block will be adjacent to the Sandspit Road - Brick Bay Reserve to the west. The Council's Parks Advisor has reviewed the application and considered that the Parks are not affected if the development controls rules are not applicable. As the proposal is a Discretionary Activity, technically the development control rules for the zone are not applied to this application. However, as discussed in Section 4.1.6, even the rules are applicable, the side yard, height and coverage infringements will have less than minor effects on the Reserve. The applicant has also accepted consent conditions in relation to noise and dust control, operation hours, public access to reserves, instability and erosion and sediment control. Given the proposed location and external appearance of the building and the conditions to be imposed, the Reserve is not considered to be affected by the proposal.

The reserve to the north of the subject site is leased to the applicant and contains the facilities of the Holiday Park (Figure 1). The amenity values of the reserve are not considered to be affected by the proposal, due to the separation distance to the proposed ablution block. Given the consent conditions on track movements discussed above, the traffic effects on the reserve and other neighbouring properties on Sandspit Road are considered to be less than minor.

As shown on Figure 1, the adjacent sites to the south are well separated from the building site for the ablution block and they are not considered to be affected by the proposal.

4.2.4 Limited Notification Assessment Conclusion

This application may be processed without limited notification because no persons are considered to be adversely affected.

5.0 NOTIFICATION RECOMMENDATION

Pursuant to sections 95A and 95B of the RMA, this application may be processed without public notification or limited notification for the following reasons:

(a) The activity will have adverse effects that are no more than minor in respect of the wider environment and less than minor on the adjacent properties. In particular:

- Considering the location, scale and external appearance of the proposed ablution block, the proposal will have less than minor adverse effects on the character of the adjoining reserve and the visual amenity of the public.
- Given the consent conditions regarding truck movements, the effects of the proposed earthworks on the safe and efficient operation of the road network will be no more than minor.
- Considering the engineering conditions to be imposed, the effects of the earthworks in terms of land instability and the ecology and wildlife of the area are considered to be no more than minor.
- No tree removal is proposed. The existing large trees adjacent to the building site will be protected during the earthwork and construction stage.
- The application has been reviewed by the Council's heritage advisor. Given the consent condition to be imposed to protect archaeological features, the potential effects of the proposed earthworks on the cultural heritage of the site are considered to be no more than minor.
- There are no persons considered to be affected by the activity as discussed in section 4.2.3 of this report.

(b) There are no District Plan rules or national environmental standards that require public notification.

(c) The applicant has not requested public notification.

(d) Bearing in mind the broad discretion the Council has under section 95A(1) of the RMA to notify an application and having regard to the degree of adverse effects, the nature of the proposal, and any benefit the Council might gain from public notification (in terms of better understanding the effects of the activity), there are no readily apparent reasons to warrant doing so in this instance.

(e) There are no special circumstances to warrant public notification.

Accordingly, it is recommended that the application proceeds on a non-notified basis.



Reporting Officer
Jinyu Zhou, Planner
Northern Resource Consenting and Compliance

26/3/2013
Date

6.0 SECTION 95A AND 95B NOTIFICATION DETERMINATION (L59778)

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, this application (L59778) by Sandspit Holiday Park for resource consent to erect a new ablution block and undertake associated earthworks at 1334 Sandspit Road, Sandspit being Part Allotment 23 Parish of Mahurangi shall be processed on a non-notified basis.



Senior Planner Resource Consents
Andrew Woodford

26.3.2013
Date

7.0 CONSIDERATION OF APPLICATION

7.1 Statutory Considerations

When considering an application for a Discretionary Activity, the consent authority must have regard to Part 2 of the RMA ("Purposes and Principles" – sections 5 to 8), and sections 104, 104B and 108 of the RMA.

7.2 Section 104(1)(a) Actual and potential effects on the environment

Section 104(1)(a) of the RMA requires that a council has regard to any actual and potential effects on the environment of allowing the activity. Section 4 of this report provides an assessment of the adverse environmental effects of the proposal and concludes that those effects will be no more than minor. The proposal will also have positive effects as it will provide additional holiday facilities to the public.

7.3 Section 104(1)(b)(i) and (ii) Relevant provisions of National Environmental Standards and other regulations

There are no National Environmental Standards or other regulations in effect that apply to this application.

7.4 Section 104(1)(b)(iii) Relevant provisions of National Policy Statements

There are no National Policy Statements relevant to this application.

7.5 Section 104(1)(b)(iv) Relevant provisions of the New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement is not applicable to this application.

7.6 Section 104(1)(b)(v) Relevant provisions of the Auckland Regional Policy Statement

The Auckland Regional Policy Statement (ARPS) is a strategic document which sets out the direction of managing the use, development and protection of the natural and physical resource of the Auckland region. Due to the nature and scale of the proposal, the provisions of the ARPS are not relevant to the consideration of this application.

7.7 Section 104(1)(b)(vi) Relevant provisions of the relevant regional/district plan(s) objectives, policies and rules

Auckland Council District Plan (Rodney Section) applies to this application.

7.7.1 Relevant objectives and policies

The proposal is considered to be consistent with the objectives and policies in sections 8.3, 8.4, 8.8.2, 18.3 and 18.4 of the District Plan. In particular:

- The proposal will maintain the character, landscape and amenity values of the subject site and the neighbouring area, as discussed in section 4.1.6 of this report.
- The proposal will retain the existing heritage values of the site and will not generate any natural hazards.
- The proposal will not adversely affect the road network and other infrastructure in the neighbouring area.

7.7.2 Relevant assessment criteria

The proposal is considered to be consistent with the assessment criteria specified in Rule 10.13.1, 18.12.2, 18.12.8 and 18.13.2, as discussed in section 4.1.6 of this report.

7.8 Section 104(1)(c) Any other matters considered relevant and reasonably necessary to determine the application

Other matters, including monitoring, have been considered in the determination of the application.

7.8.1 Development Contributions

Development contributions will be assessed by the Council's Development Contributions Team.

7.8.2 Monitoring

Monitoring conditions are recommended for the proposed activities in this application.

7.8.3 Other relevant legislation

There is no other legislation relevant to this proposal.

7.8.4 Designations/Limitations

The proposal will not impact on any designations.

7.8.5 Any other relevant matters

There are no other relevant matters relating to this application.

7.9 Consideration of Part 2 (Purpose and Principles) of the RMA

Section 5 in Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment. As discussed in section 4.1.6 of this report, the adverse effects of the proposal will be no more than minor. The proposal will also enable the communities and the owner of the subject site to provide for their social and economic well-being. Therefore, it is considered that the proposal is consistent with the provisions of section 5 of the Act.

Section 6 of the Act sets out a number of matters of national importance which need to be recognised and provided for, and includes among other things and in no order of priority, the protection of outstanding natural features and landscapes, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the protection of historic heritage. The proposal is considered to be consistent with section 6, because it will maintain the quality of the natural features of the surrounding reserves and the coastal environment and historic heritage of Sandspit.

Section 7 identifies a number of "other matters" to be given particular regard by a council in the consideration of any assessment for resource consent. Section 8 requires a council to take into account the principles of the Treaty of Waitangi. The proposal is considered to be consistent with section 7, because the proposal will enable an efficient use of land resource. In addition, the amenity values of the surrounding area and the quality of the environment will be maintained. Regarding to section 8, local iwi had the opportunity to comment on the application. It is considered that there are no Treaty matters.

Overall, the application is considered to meet the relevant provisions of Part 2 of the RMA as the proposal achieves the purpose of the RMA being sustainable management of natural and physical resources.

7.10 Lapsing of Consent

Section 125 of the RMA provides that if a resource consent is not given effect to within five years of the date of the commencement (or any other time as specified) it automatically lapses unless the consent authority has granted an extension. In this case, it is considered five years is an appropriate period for the consent holder to implement the consent due to the nature and scale of the proposal.

7.11 Conclusion

Overall, it is recommended that consent is granted to the application subject to conditions for the following reasons:

1. The effects of the proposal can be avoided, remedied or mitigated in that:

- Considering the location, scale and external appearance of the proposed ablution block, the proposal will have less than minor adverse effects on the character of the adjoining reserve and the visual amenity of the public.
- Given the consent conditions regarding truck movements, the effects of the proposed earthworks on the safe and efficient operation of the road network will be no more than minor.
- Considering the engineering conditions to be imposed, the effects of the earthworks in terms of land instability and the ecology and wildlife of the area are considered to be no more than minor.

- No tree removal is proposed. The existing large trees adjacent to the building site will be protected during the earthwork and construction stage.
- The application has been reviewed by the Council's heritage advisor. Given the consent condition to be imposed to protect archaeological features, the potential effects of the proposed earthworks on the cultural heritage of the site are considered to be no more than minor.

2. The proposal is considered to be consistent to the objectives, policies and assessment criteria of the Auckland Council District Plan (Rodney Section) and Part 2 of the RMA.

Reporting
Planner

Jinyu Zhou

Title:

Planner

Signed:



Date:

26 March 2012
