

Decision on notification of an application for resource consent under the Resource Management Act 1991



Discretionary activity

Application number: LUC60311264
Applicant: Three Blokes Ltd
Site address: 362 Matakana Valley Road, Matakana
Legal description: Part Allotment 51 Parish of Matakana, Section 1 Surveyor Office Plan 400726

Proposal:

Land use consent for the manufacture of handcrafts on site, associated with a permitted market activity within two existing rural buildings at 362 Matakana Valley Road. In particular:

- The market activity is to be established within two of the existing sheds located at the southern end of the site. The market is to operate from units within the two buildings, with shared lunchroom and toilet facilities for vendors.
- In addition to selling handcrafts, horticultural or agricultural products, food and beverage, the vendors will be able to manufacture handcrafts on site.
- 20 car parking spaces are being made available adjacent to Matakana Valley Road and along the southern boundary. The car park will be access over an existing access and vehicle entrance with Matakana Valley Road.
- The market will operate between the specified hours of 7am and 7pm daily.
- An extensive list of common handicraft examples found in an on-line search includes:
 - o Textiles: embroidery, quilting, tapestry, weaving,
 - o Woodcraft: wood-carving, wood-turning, furniture making,
 - o Papercraft: paper modelling, collage, papier-Mache,
 - o Pottery and glass crafts: ceramics, mosaic art, glass blowing,
 - o Metalwork: jewellery-making, engraving, enamelling, gilding
 - o Other: basket weaving, floral design, leatherwork, toy-making.

The resource consent required is as follows:

Auckland Unitary Plan – Operative in Part

- The manufacture of handcrafts and similar goods at the markets is not specifically provided for, and therefore the activity status defaults to discretionary in accordance with C1.7(1) of the Auckland Unitary Plan (Operative in Part).

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent(s). I am satisfied that I have sufficient information to consider the

matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on notification.

Public notification

Under section 95A of the RMA this application shall proceed without public notification because:

1. Under step 1, public notification is not mandatory as:
 - a. the applicant has not requested it;
 - b. there are no outstanding or refused requests for further information; and
 - c. the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977.
2. Under step 2, public notification is not precluded as:
 - a. there is no rule or NES that specifically precludes public notification of the activities; and
 - b. the application is for an activity other than those specified in s95A(5)(b).
3. Under step 3, public notification is not required as:
 - a. the application is for an activity that is not subject to a rule that specifically requires it; and
 - b. the activity will have or is likely to have adverse effects on the environment that are no more than minor because:
 - i. The element of the proposal that requires consent is the ability of the vendors to manufacture handcrafts on site, including timber-based goods, pottery etc, which may then be sold at the market. Given that the market is to be contained within the two existing buildings the manufacture of the goods on-site will not result in effects over and above those associated with the permitted market activity, or other activities that are permitted in the Rural Production Zone. The applicant has accepted that the noise emissions from the manufacture of handcrafts will be required to comply with the permitted activity noise standards.
 - ii. The proposal of the market is to be contained within the two existing buildings, the manufacture of handcrafts from the buildings will not result in adverse amenity effects over and above what could be expected from a permitted market activity. In addition, the manufacturing of handcrafts is limited to the operating hours of the market, and will therefore need to be sensitive to both adjoining vendors and patrons of the market.
 - iii. No additional structures are necessary to facilitate the development and the overall impact on the landscape and rural character will be less than minor.
 - iv. Although there will be an increase in traffic along Matakana Valley Road to the application site, this is not over and above what might be expected in associated with a permitted rural market activity, therefore the increased traffic will not result in adverse effects on the other users of Matakana Valley Road. The manufacturing

of the handcrafts will not result in additional traffic movements beyond what could be anticipated from a permitted market activity.

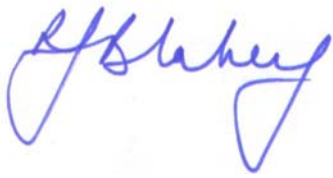
4. Under step 4, there are no special circumstances that warrant the application being publicly notified because there is nothing exceptional or unusual about the application, and the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

Limited notification

Under section 95B of the RMA this application shall proceed without limited notification because:

1. Under step 1, limited notification is not mandatory as:
 - a. there are no protected customary rights groups or customary marine title groups affected by this proposal; and
 - b. no persons to whom a statutory acknowledgement is made is adversely affected by this proposal.
2. Under step 2, limited notification is not precluded as:
 - a. there is no rule or NES that specifically precludes limited notification of the activity; and
 - b. the application is for an activity other than those specified in s95B(6)(b).
3. Under step 3, limited notification is not required as:
 - a. this application is not for a boundary activity or prescribed activity; and
 - b. there are no adversely affected persons because the effects in terms of amenity and character will be less than minor. The proposed manufacture of handcrafts, ancillary to the permitted market activity, will not have any significant reverse sensitivity effects, or constrain rural production activities on surrounding sites. In addition, the activity will operate from within the market buildings, will not require any additional built development, and will not result in noise, light, or traffic levels greater than those normally found in areas set aside for rural lifestyle activities. Furthermore, the manufacturing of handcrafts is limited to the operating hours of the market, and will therefore need to be sensitive to both adjoining vendors and patrons of the market. The applicant has accepted that the noise emissions from the manufacture of handcrafts will be required to comply with the permitted activity noise standards
4. Under step 4, there are no special circumstances that warrant the application being limited notified to any persons because there is nothing exceptional or unusual about the application, and the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur.

Accordingly, this application shall proceed on a **NON-NOTIFIED** basis.



Richard Blakey

Duty Commissioner

16 May 2018

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Discretionary activity

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Proposal:

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The resource consent required is as follows:

Auckland Unitary Plan – Operative in Part

- The manufacture of handcrafts and similar goods at the markets is not specifically provided for, and therefore the activity status defaults to discretionary in accordance with C1.7(1) of the Auckland Unitary Plan (Operative in Part).

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent(s). I am satisfied that I have sufficient information to consider

the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104B and Part 2 of the RMA, the application is **GRANTED**.

1. Reasons

The reasons for this decision are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be acceptable as:
 - a. The element of the proposal that requires consent is the ability of the vendors to manufacture handcrafts on site, including timber-based goods, pottery etc, which may then be sold at the market. Given that the market is to be contained within the two existing buildings the manufacture of the goods on-site will not result in effects over and above those associated with the permitted market activity or other activities that are permitted in the Rural Production Zone.
 - b. The proposal of the market is to be contained within the two existing buildings, the manufacture of handcrafts from the buildings will not result in adverse amenity effects over and above what could be expected from a permitted market activity or other activities that are permitted in the Rural Production Zone. The manufacturing of handcrafts is also limited to the operating hours of the market, and will therefore need to be sensitive to both adjoining vendors and patrons of the market. The applicant has accepted that the noise emissions from the manufacture of handcrafts will be required to comply with the permitted activity noise standards.
 - c. No additional structures are necessary to facilitate the development and the overall impact on the landscape and rural character will be less than minor.
 - d. Although there will be an increase in traffic along Matakana Valley Road to the application site, this is not over and above what might be expected in associated with a permitted rural market activity, therefore the increased traffic will not result in adverse effects on the other users of Matakana Valley Road. The manufacturing of the handcrafts will not result in additional traffic movements over the permitted market activity.
 - e. In terms of positive effects, the market will allow the rural property and existing infrastructure to be utilised in a manner appropriate for the Rural Production Zone.
 - f. With reference to section 104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment.
2. In accordance with an assessment under section 104(1)(b) of the RMA, the proposal is consistent with the relevant statutory documents. In particular, the objectives and policies outlined in H19.2.1, H19.2.2, H19.2.3, H19.2.4, as the development of the site can be suitably mitigated through the provision of the existing rural buildings and the permitted market activities. The proposal will overall maintain the existing rural character and amenity values.

3. This proposal achieves the sustainable management purpose of the RMA under Part 2 because the activity is not considered to adversely impact on the rural character and amenity values of this locality.

2. Conditions

Under section 108 of the RMA, these consents are subject to the following conditions:

General Conditions

1. The land use activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number LUC60311264
- Application Form, and Assessment of Effects prepared by Bianca Markham of Terra Nova Planning Ltd dated November 2017 and referenced 11961, responses to section 92 dated 19 December 2017 and 24 April 2018.
- Specialist Reports

Report title and reference	Author	Rev	Dated	
Additional Environmental Investigation	Groundwater and Environmental Services		7	September 2005
On-Site Wastewater Treatment and Disposal Report – Referenced L20145b	Hutchinson Consulting Engineers		3-11-17	
Detailed Site Investigation, 362 Matakana Valley Rd, Matakana, Auckland	Geosciences Ltd		16	April 2018
Site Specific Hydraulic Analysis – Referenced L20145C	Hutchinson Consulting Engineers	1	13	April 2018

- Plans signed by Consultant Planner Claire Phillips on 10-5-18

Plan title and reference	Author	Rev	Dated
Proposed Site Plan	Terra Nova Planning Ltd		October 2017
Proposed Markets	Terra Nova Planning Ltd		October 2017
Proposed Parking	Terra Nova Planning Ltd		October 2017

Advice Note:

In the event that minor amendments to the erosion and / or sediment controls are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the controls may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Team Leader Compliance Monitoring NW1 prior to implementation to confirm that they are within the scope of this consent.

Lapse Date

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - a. The consent is given effect to; or
 - b. The Council extends the period after which the consent lapses.

Monitoring

3. The \$640 (inclusive of GST) charge shall be paid as part of the resource consent fee and the consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

Advice Note:

The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will Council issue a letter confirming compliance on request of the consent holder.

Advanced notification that works will be beginning on site

4. The Team Leader Orewa Monitoring, shall be notified at least five (5) working days prior to activities commencing on the subject site.

Advice Note:

Condition (4) requires the consent holder to notify Council of their intention to begin earthworks a minimum of five working days prior to commencement. Such notification should be sent to the Orewa Compliance Administrator at ResourceConsentAdmin@aucklandcouncil.govt.nz or 0800 426 5169 to advise of the start of works.

5. The noise generated by the manufacture of handcrafts within the market just comply with the following noise levels within the boundary of any other site within the Rural Production Zone:

<i>Time</i>	<i>Noise Level</i>
<i>Monday to Saturday 7am – 10pm</i>	<i>55 dB L_{Aeq}</i>
<i>All other times</i>	<i>45 dB L_{Aeq}</i> <i>75 dB L_{AFmax}</i>

6. Noise levels shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound and shall be assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

Advice note:

The consent holder is reminded of their general obligation under section 16 of the Resource Management Act 1991 to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level.

7. Twenty carparking spaces shall be available and marked for exclusive use of the Market activity.
8. The manufacturing of handicraft shall be limited to:
- (a) Textiles: embroidery, quilting, tapestry, weaving;
 - (b) Woodcraft: wood-carving, wood-turning, furniture making;
 - (c) Papercraft: paper modelling, collage, paper-Mache;
 - (d) Pottery and glass crafts: ceramics, mosaic art, glass blowing;
 - (e) Metalwork: jewellery-making, engraving, enamelling, gilding; and
 - (f) Other: basket weaving, floral design, leatherwork, toy-making.
9. Hours of handcraft manufacture are limited to:
- (a) 7.00am to 7.00pm on Monday to Saturday; and
 - (b) 9.00am to 6.00pm on Sunday.
10. No more than two people shall be involved in the manufacture of handcrafts in any one unit.
11. No business may occupy more than two units within the Market.

3. Advice Notes

1. *Please read the conditions of this resource consent carefully and make sure that you understand all the conditions that have been imposed before commencing the development.*
2. *The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and the Historic Places Trust Act 1993. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004. Please note that the approval of this resource consent, including consent conditions specified above, may affect a previously*

issued building consent for the same project, in which case a new building consent may be required.

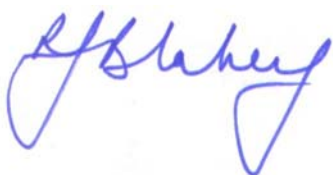
- 3. A copy of this consent should be held on site at all times during the establishment and construction phase of the activity.*
- 4. If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application you have a right of objection pursuant to sections 357A or 357B of the RMA. Any objection must be made in writing to Council within 15 working days of notification of the decision.*
- 5. The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within neighbouring property, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve Council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising. To obtain sign-off for the resource consent, the services described by the conditions above are required to be in place to the satisfaction of Council.*
- 6. Compliance with the consent conditions will be monitored by Council in accordance with section 35(d) of the RMA. This will typically include site visits to verify compliance (or non-compliance) and documentation (site notes and photographs) of the activity established under the Resource Consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. Only after all conditions of the Resource Consent have been met, will Council issue a letter on request of the consent holder.*
- 7. Any earthworks shall be managed to ensure that no debris, soil, silt, sediment or sediment-laden water is discharged beyond the subject site either to land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works shall cease immediately and the discharge shall be mitigated and/or rectified to the satisfaction of the Team Leader, Compliance Monitoring, Orewa.*
- 8. There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.*
- 9. Prior to the commencement of earthworks activity, all required erosion and sediment control measures on the subject site shall be constructed and carried out in accordance with the GD05.*
- 10. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks activity, that in the opinion of the Team Leader, Compliance Monitoring Orewa, is noxious, offensive or objectionable.*

Wastewater disposal field

- 11. The wastewater from buildings on the lot shall be collected and disposed of in accordance with the report prepared by Ian Hutchinson Consulting Engineers Ref: L20145b dated 3rd November 2017*

and located as per the Site Specific Hydraulic analysis by Ian Hutchinson Consulting Engineers Ltd, ref: L20145c Rev 1 dated 13 April 2018, unless otherwise approved by Council.

12. *The site management practices outlined in the 'Detailed Site Investigation, 362 Matakana Valley Rd, Matakana', Auckland' prepared by Geosciences Ltd and dated 16 April 2018 (DSI) shall be implemented during soil disturbance activities and comply with the following standards:*
- (a) controls to minimise the exposure of humans to mobilised contaminants must—*
 - (i) be in place when the activity begins:*
 - (ii) be effective while the activity is done:*
 - (iii) be effective until the soil is reinstated to an erosion-resistant state:*
 - (b) the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:*
 - (c) the volume of the disturbance of the soil of the piece of land must be no more than 25 m³ per 500 m²:*
 - (d) soil must not be taken away in the course of the activity, except that,—*
 - (i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples:*
 - (ii) for all other purposes combined, a maximum of 5 m³ per 500 m² of soil may be taken away per year:*
 - (e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:*
 - (f) the duration of the activity must be no longer than 2 months:*
 - (g) the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.*
13. *If unexpected materials are encountered during the works suggestive of contamination, works should cease immediately to allow a suitably qualified environmental specialist to assess the material and advise on its management. No earthworks are to be undertaken outside the areas identified as part of this application without further Assessment in terms of the Contamination.*



Richard Blakey

Duty Commissioner

16 May 2018