

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



Restricted discretionary activity

Application numbers: BUN60370958 (Council Reference)
LUC60370990 (s9 Land use consent)

Applicant: Three Blokes Limited

Site address: 362 Matakana Valley Road, Matakana

Legal description: Sec 1 SO 400726, Pt Allot 51 Psh Of Matakana SO 1044

Proposal:
To operate a water carrying business as a rural industry on the site.

Resource consent is required for the following reasons:

Land use consent (s9) – LUC60370990

Auckland Unitary Plan (Operative in part)

Rural - Rural Production Zone

- To establish a rural industry on the site is a restricted discretionary activity under rule H19.8.1 (A21).
 - Accessory buildings have the same activity status as the activity they are accessory to under rule H19.8 and therefore the three water tanks being accessory buildings, have the same activity status.

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have adequate 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, 104C, and Part 2 of the RMA, the resource consent is **GRANTED**.

Reasons

The reasons for this decision are:

1. The application is for restricted discretionary resource consent, and as such under s104C only those matters over which council has restricted its discretion have been considered. Those matters are:
 - H19.12.1(1)
2. 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 proposal is considered acceptable in terms of rural character and amenity as the only new buildings associated with the proposal are the water tanks which are commonly found within the rural environment. The main activity on the site will be the movement of trucks on and off the site, the activity will not be dominant in the wider environment.
 - b. The proposal will not limit rural production or compromise the lands availability of prime soils as the site has a history a soil contamination which current limits the productive availability.
 - c. The proposed water supply business utilises a natural resource on the site which is consistent with the intended use and character in the rural environment.
 - d. The additional truck movements are considered acceptable considering the receiving environment and what has previously occurred on the site.
 - e. The proposed vehicle access associated with the proposal is relatively flat and contains sufficient sightline so that vehicles can exit and enter the site safe and efficiently. Council's Development Engineer has reviewed the application and confirms that with the consent conditions, is acceptable.
 - f. The subject site is not located along an arterial road, coastline, or visually prominent location.
 - g. The proposal will have an acceptable level of noise as the trucks will not have to travel far on the site to fill up and will be on the site for a short period of time to fill up. Considering the receiving environment the noise will not be out of character.
 - h. The proposal is acceptable in terms of Mana Whenua as Ngāti Manuhiri have undertaken a site visit and completed a Kaitiaki assessment which concludes they do not oppose the proposed activity on the site.
 - i. In terms of positive effects, the proposal will provide for the applicants economic and social wellbeing, will provide potable water to the surrounding environment which will support the local communities, and is consistent with the rural character.
 - j. With reference to s104(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 and/or within the relevant matters of discretion.
3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents, insofar as they relate to the matters over which discretion is restricted. In particular those within chapter H19 of the Auckland Unitary Plan (Operative in Part) which seek to enable a range of rural production, rural industries, and

rural commercial activities, in a manner which is in keeping with the character of the zone and to ensure the wellbeing of the economy and the wellbeing of the people and local communities are maintained and enhance. The proposal will provide for local communities by supplying properties with additional water supply and has the ability to support (although not exclusively) rural production activities in the wider area. The proposal also utilises a natural resource, that being groundwater, and the build form associated with the built form will be of a scale and nature commonly found in the rural environment.

4. As a restricted discretionary activity, the other matters that can be considered under s104(1)(c) of the RMA must relate to the matters of discretion restricted under the plan.
5. In the context of this restricted discretionary activity application for land use, where the relevant objectives and policies and other relevant provisions in the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.
6. Overall, the proposal is considered to have actual and potential effects on the environment that will be acceptable. The proposal is consistent with the objectives and policies of the AUP(OP) and the purpose of the RMA.

Conditions

Under sections 108 and 108AA of the RMA, this consent is subject to the following conditions:

1. This consent shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number LUC60370990/BUN60370958.

- Application Form and Assessment of Environmental Effects prepared by Terra Nova Planning Limited, dated January 2021.

Report title and reference	Author	Rev	Dated
Vehicle Access Assessment – 362 Matakana Valley Road, Matakana	TPC Traffic Planning Consultants Ltd	-	22 March 2021
Application for Groundwater Take Assessment of Environmental Effects; reference: R7620-1	Hazard Consulting Limited	-	20 December 2020
Other additional information	Author	Rev	Dated
Email Correspondence: <i>RE: BUN60370958 362 Matakana Valley Road Matakana</i>	Kim Munro	-	Thursday 6 May 2021 2:37 PM

2. Under section 125 of the RMA, this consent lapse 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 lapse.
3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$340 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent.

Advice note:

The initial monitoring deposit 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(s). In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent(s) have been met, will the council issue a letter confirming compliance on request of the consent holder.

Operating hours

4. The water delivery business must be restricted to between the hours of:
 - a. 7am – 7pm Monday to Saturday
 - b. 9am – 6pm Sunday

Advice note:

No activities or deliveries may take place on public holidays.

Number of Trucks

5. The maximum number of deliveries shall be restricted to a maximum of 10 deliveries per day total resulting in 20 heavy vehicles movements per day of operation.

Vehicle Crossing

6. The vehicle crossing as shown on the Site Plan (figure 1) in Vehicle Access Assessment by TPC Ltd, must only be used by trucks or other heavy vehicles.

Advice note:

The purpose of this condition is to ensure that drivers using this vehicle access are in an elevated position so that the existing signage in the road reserve does not restrict sightlines.

7. The vehicle crossing must be designed and formed in accordance with the Auckland Transport (AT) guidance document; GD020A-1B. The commercial crossing construction standard required is to GD019A.

Advice note:

Works within the road reserve require prior approval from Auckland Transport. The consent holder should contact Auckland Transport as soon as possible to ensure any required approvals are issued prior to construction.

Advice notes

1. *Signage: No signage has been approved as part of this resource consent application. If signage is to be installed, the consent holder is advised that it must be compliant with the Signage Bylaw 2015, Auckland Unitary Plan (Operative in Part), or apply for the relevant permission/consent.*
2. *Limited as to Parcels: As this site is limited as to parcels, it is recommended that the property owner remove this limitation. This limitation is a civil issue and does not involve the council. The process to remove the limitation can be discussed with a licensed cadastral surveyor. Due to this limitation on the site, the application has been assessed on the basis of the survey information provided with the application.*
3. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
4. *For the purpose of compliance with the conditions of consent, “the council” refers to the council’s monitoring officer unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*
5. *For more information on the resource consent process with Auckland Council see the council’s website: www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment’s website: www.mfe.govt.nz.*
6. *If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).*
7. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), 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.*

Delegated decision maker:

Name: Chelsea Gosden

Title: Team Leader, Resource Consents

Signed:

A handwritten signature in black ink, appearing to be 'V. J. ...', is written over a light gray rectangular background.

Date:

14 May 2021

Resource Consent Notice of Works Starting

Please email this form to monitoring@aucklandcouncil.govt.nz at least 5 days prior to work starting on your development or post it to the address at the bottom of the page.

Site address:				
AREA (please tick the box)	Auckland CBD ☐	Auckland Isthmus ☐	Hauraki Gulf Islands ☐	Waitakere ☐
Manukau ☐	Rodney ☐	North Shore ☐	Papakura ☐	Franklin ☐
Resource consent number:			Associated building consent:	
Expected start date of work:			Expected duration of work:	

Primary contact	Name	Mobile / Landline	Address	Email address
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

Signature: Owner / Project Manager (indicate which)	Date:
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Once you have been contacted by the Monitoring Officer, all correspondence should be sent directly to them.

SAVE \$\$\$ minimise monitoring costs!

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent Monitoring Officer on 09 301 0101 or via monitoring@aucklandcouncil.govt.nz to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.