

**IN THE MATTER** of the Resource Management Act  
1991

**AND**

**IN THE MATTER** of an application by Lakeside  
Developments 2017 Ltd, for a sales  
precinct consisting of 5 show homes  
and a sales office, at 95 Scott Road,  
Te Kauwhata  
(LUC0583/17)

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## SECTION 113 RESOURCE MANAGEMENT ACT 1991

### DECISION ON APPLICATION

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1. For the reasons outlined in this decision notice and pursuant to sections 104 and 104B of the Resource Management Act 1991 ("**RMA**"), consent is granted, subject to the conditions appended to this decision notice as **Appendix 1**.

#### **Introduction**

2. This decision notice records a summary of the public hearing held on the application in Ngaruawahia, 27 October 2017, the decision made, and the principal reasons for this.
3. A site visit was undertaken to Scott Road on the morning of the hearing.
4. As the application had been subject to the RMA's pre-circulation requirements, the application material, Council's s.42A report, and expert evidence on behalf of the applicant had been read before the hearing. Non-expert evidence provided by one of the submitters, Ms Katarina Moorfield, 75 Scott Road, was presented at the hearing.
5. On behalf of the Council in its capacity as a Consent Authority the following were in attendance:
  - a. Ms E Makin (Consents Team Leader – East)

- b. Mr J Templeton (Land Development Engineer – Intermediate)
  - c. Mr T Whittaker (Director, Planning Works Limited)
  - d. Mrs LM Wainwright (Committee Secretary)
6. On behalf of the applicant the following were in attendance:
- a. Mr J Duthie (Tattico Ltd)
  - b. Mr S Ash (Winton Partners Ltd - Lakeside Developments (2017) Ltd)
7. On behalf of the submitters the following were in attendance:
- a. Ms K Moorfield, 75 Scott Road Te Kauwhata
8. At the conclusion of the applicant's right of reply the hearing was adjourned on the basis that I wished to further consider the matter of potential conditions of consent (were the application to be granted). On receipt of additional clarification from Mr Whittaker and Mr Duthie, and having determined that I had sufficient information to progress to a decision on the application, I closed the hearing on 1 November 2017.

## **Background**

9. I, Ian Munro, have been appointed by the Waikato District Council under s.34A of the RMA to make a decision on the application. I am an independent commissioner holding the MfE's Making Good Decisions qualification.
10. The application, site and its environment have been comprehensively explained in the application documents and Council's s.42A report prepared by consultant planner Mr Whittaker. The following is a brief summary:
- a. 5 show homes (ranging from 80m<sup>2</sup> – 219m<sup>2</sup>) and a sales office (approximately 50m<sup>2</sup>) on a property that would otherwise remain in rural use or at least remain of a rural character.
  - b. The buildings would not be connected to any network infrastructure and would not be occupied.
  - c. The project is intended to attract market interest and possible pre-sales based on Plan Change 20, a proposal to re-zone 194ha for residential development. However, this proposal does not form a part of, does not rely on or presuppose, and is otherwise not related to Plan Change 20.

- d. If Plan Change 20 is refused or does not proceed, the applicant has proposed conditions to remove the sales precinct.
  - e. The site sits at the southern end of Scott Road and is between Lake Waikare (east) and the town of Te Kauwhata (north). It is a dairy farm.
11. For more detail on the proposal I refer to the application documents and the description provided by Mr Whittaker in his s.42A report at sections 4 (proposal), 5 (site and locality), and 8 (plan change 20) which I adopt in full given that it was uncontested and largely relied on by Mr Duthie.
12. I note that there was no contention or disagreement between the parties as to what was being proposed or Mr Whittaker's analysis of the site and environment, although the submissions frequently raised issues related to Plan Change 20 rather than the current consent application.

### **Consents required**

13. The applicant and Mr Whittaker have each identified the consents required. There was broad agreement between Mr Duthie and Mr Whittaker as to the consents required, including that the activity falls to be a discretionary activity. As such any relevant environmental effect or RMA Plan policy matter can be considered. This includes all effects and issues of concern identified by the submitters, but only insofar as they relate to the application at hand rather than Plan Change 20. The submitters did not dispute that consent was required as a Discretionary activity.
14. I therefore accept and adopt the consent requirements set out in Mr Whittaker's s.42A report at section 7 (statutory provisions). Consent is required under rule 25.10.2 of the Waikato District Plan, whereby any commercial activity on a Rural zoned property must be considered as a discretionary activity. I refer to Mr Whittaker's report for a detailed outline of the consents required.
15. Overall consent is required under the Waikato District Plan as a discretionary activity.
16. I reiterate here that the proposal is not related to or in any way 'borrowing from' Plan Change 20. Mr Duthie and Mr Whittaker both agreed that in light of the issues raised in submissions to Plan Change 20, that none of it can be

considered operative and in this respect, I confirm that I have given it no regard whatsoever in this decision other than to satisfy myself that:

- a. the proposed Plan Change 20 provisions are not relevant to determining this application; and
- b. the decision I make on this application will have no material or otherwise binding consequence on whatever outcome is eventually determined for Plan Change 20.

### **Statutory and planning considerations**

17. Section 113 RMA outlines requirements for decisions on applications that were limited notified and this notice has been prepared in accordance with these requirements.

18. In making this decision, the following provisions of the RMA have been particularly considered:

- a. Sections 113, 104, 104B, 108.
- b. Part 2 in its entirety.

19. In making this decision, the following provisions of RMA planning instruments have been particularly considered:

- a. Waikato District Plan (Waikato Section): chapters 1A, 3, 8, 13, and 25.

20. Mr Whittaker provided an analysis of the proposal against the Waikato Regional Policy Statement. I find that the RPS is not relevant to the proposal.

21. Mr Whittaker also considered that in terms of s.104(1)(c) RMA (other relevant matters), there was some relevance in the timing of this application proceeding ahead of Plan Change 20. I disagree with Mr Whittaker's concerns; any applicant is free to seek resource consent for any activity other than a prohibited activity. If an applicant chooses to take on the potential risk of seeking a land use consent ahead of a Plan Change that could, if granted, make a planning document friendlier to the proposed activity, this risk sits squarely and solely on the shoulders of that applicant. I therefore do not consider that the timing of the application to be relevant factor in my decision. In reaching this decision, I note

my reliance on proposed conditions of consent requiring the removal of the sales precinct in the event that the Plan Change is refused or does not proceed.

22. I also record the inverse of my conclusion above. Not only do I consider that Plan Change 20 has no bearing on whether or not this current proposal should be granted or refused consent, I consider that were this proposal to be granted, its effects and planning significance pales into complete insignificance next to the entirety of the scale of Plan Change 20. It is not credible that a granted consent for 5 show homes and a sales office on a fractional proportion of the Plan Change 20 site could be used to somehow tip the balance of a decision on Plan Change 20 differently to what would be determined in due course were this consent to be refused consent.
23. I do however accept and agree with Mr Whitaker that Plan Change 20 is a relevant matter under s.104(1)(c) RMA but only to the extent that I have considered whether there is any interdependency between the two matters as identified in paragraph 16 above.
24. Mr Ash drew to my attention the significance of Plan Change 20 in light of an application from the Council to the Government for Housing Infrastructure Fund assistance. I did not find this relevant to my decision and I have not given any Government, Council or other support that may or may not exist for Plan Change 20 any weight in my decision, for the simple reason that my decision does not relate to a decision on the merits of Plan Change 20.

#### **Notification, submissions and late submissions**

25. Five submissions were received on the application. Three were in opposition, one was neutral but which raised concerns, and one was in support.
26. The submission of J and H Brown, 74 Scott Road, supported the proposal and its economic benefits for Te Kauwhata.
27. The submission of D Hume, 58 Scott Road, raised concerns regarding traffic, pedestrian safety, dust and servicing, but subject to these being managed was neutral.
28. The submissions of A and J Carrick, 17 Scott Road, J Moorfield (75 Scott Road, and K Moorfield, 75 Scott Road, opposed the proposal and raised concerns

relating to traffic, pedestrian safety, dust, servicing and the appropriateness of the Plan Change 20 development.

### **Summary of evidence**

#### **For the applicant**

29. Mr Duthie briefly outlined the proposal and its background, including his general agreement with Mr Whittaker's s.42A evaluation. Mr Duthie identified a number of changes to potential conditions of consent. Mr Duthie recommended that consent be granted.
  
30. Mr Ash outlined the vision of Lakeside Developments 2017 Ltd and the work it had completed to date on the wider Plan Change 20. Mr Ash also described to me the contact that had been had with submitters and other locals, and steps taken to address concerns raised. Mr Ash felt that consent should be granted.

#### **For the submitters**

31. Ms Moorfield briefly described her concerns, and she made it clear that she was not fundamentally opposed to the proposal. She was instead concerned that potential environmental effects, especially in terms of pedestrian safety for her children, were properly addressed.
  
32. Ms Moorfield conceded that provided her concerns were addressed, there was no reason to withhold consent to the proposal. She confirmed agreement to a proposal by the applicant to wash her house at the completion of earthworks for the sales precinct.
  
33. My questions to Ms Moorfield identified that the applicant had volunteered actions to improve pedestrian safety and amenity along Scott Road, but which fell short of installing a permanent footpath. The applicant confirmed that it was still prepared to provide what is best described as an interim or temporary facility. But that this was opposed by the Council' transport engineer.

#### **Council officers**

34. Mr Whittaker responded to the issues raised by Mr Duthie, Mr Ash, and Ms Moorfield. He identified that the amendments to his proposed conditions of consent identified by Mr Duthie were generally appropriate.

35. Mr Templeton was in attendance and discussed his analysis with me. A key concern was the matter of legal liability for any facility within the road reserve and that, in his view, a formal pedestrian footpath along Scott Road was not necessary at this time. I find that his concerns were valid, but not sufficient to rule out the mitigation offered by the applicant to address Ms Moorfield's concerns.
36. While the views of the Council, as the owner of Scott Road and legally required to manage its use as a road under the Local Government and Land Transport Management Acts are very relevant, my delegation and legal powers to make an RMA decision on behalf of the Council also give me authority to determine what environmental effects are appropriate, including by way of mitigation measures.
37. Ultimately, the question is of whether the mitigation measures proposed, despite whatever inferiority they may have in terms of a hypothetical permanent footpath alternative, nonetheless remain safer and more desirable than simply providing no facility at all until such future time as a permanent footpath facility is installed (if ever).
38. At this point I requested the applicant and council staff to consider further whether or not this particular situation was satisfactory or whether some agreement could be reached that would allow Mr Moorfield's very real concerns for the safety of her children to be better addressed, in the event that I determined to grant consent and impose a requirement for some manner of pedestrian facility in Scott Road.
39. After a 10-minute adjournment of the hearing, Mr Whittaker and Mr Duthie confirmed their view that, while they were not yet in complete agreement, it seemed that some progress could be made. The Council, through Ms Makin, also confirmed that the Council would abide by my findings in the event that I determined that the applicant's proposed interim / temporary footpath was acceptable.

**Applicant's right of reply**

40. Given the informal nature of the Hearing and that only one submitter had been in attendance, Mr Duthie's right of reply on behalf of his client was verbal and short. In his view the proposal was appropriate, had demonstrated that all relevant effects had been suitably addressed, and that even were I to agree with Mr Whittaker that the proposal had shortcomings in terms of the Waikato District Plan's policy framework, consent should still be granted.

41. I adjourned the Hearing at this point with a direction that Mr Duthie and Mr Whittaker collaborate further regarding the potential conditions of consent that were, by that point, almost fully agreed.
42. On 1 November 2017 I received from the Council an agreed set of conditions from Mr Duthie and Mr Whittaker, with no dispute remaining. This is when the Hearing was formally closed.

### **Principal issues in contention**

43. The information and evidence before me raised the following key issues in contention:
  - a. Appropriateness of the proposal ahead of Plan Change 20
  - b. Amenity / character effects
  - c. Traffic and pedestrian safety effects
  - d. Dust and nuisance effects
  - e. Infrastructure servicing effects
  - f. Contrariness to the Rural zone policy framework
44. In respect of all other matters, including other adverse environmental effects than those listed here, I find that there are no pathways that would lead to the refusal of consent. I accept the position of substantial agreement between the two expert planners involved in this matter, Mr Duthie and Mr Whittaker, including the conditions of consent they have jointly recommended. In all of these respects, I accept and adopt the analysis and conclusions reached in Mr Whittaker's s.42A report.

### **Findings on principal issues in contention**

#### Appropriateness of proceeding ahead of Plan Change 20

45. Mr Whittaker, and the opposing submitters, have raised concern with this application proceeding ahead of a decision to grant PC20.
46. This concern appears to have been presented as a moral principle or 'bad planning' rather than in response to a specific environmental effect of District Plan policy matter. Mr Whittaker was able to satisfy himself that he could properly assess and reach a clear recommendation to me on this application despite PC20 not being determined. None of the submitters asserted that they were



unable to understand or reach a view on the application in the absence of the plan change being determined either.

47. I find that there is no procedural, legal or technical concern with the current application proceeding ahead of PC20, although the following are important factors in this finding:
- a. The proposal does not rely on or borrow from PC20 in terms of any proposed objective, policy, or rules. It is premised and will stand or fall entirely on the basis of the Operative District Plan and existing environment.
  - b. There is no realistic nexus between the granting of this proposal and the ability of decision makers to refuse PC20 if that is the most appropriate end determination they arrive at for that application, because of the sheer difference in scale and effects (and permanence) between the current proposal and PC20. Similarly, refusal of this application would not in any way prejudice a decision to approve Plan Change 20.
  - c. That an applicant is willing to make a commercial risk by investing ahead of formal approval is a matter of sole concern to that applicant, on the proviso that, such as is the case here, steps are in place to ensure removal of the activity in the event that PC20 is refused or does not proceed. Related to this, if the current application is refused consent on the basis of inappropriateness in light of the Operative planning framework, that too remains the applicant's sole risk to consider.
48. Overall, I disagree with Mr Whittaker's concerns and prefer Mr Duthie's approach to this matter. The proposal can be soundly determined on its merits, and gives rise to no concern relating to its timing ahead of a decision on PC20.
49. I note however that had this application been for more permanent residential development or subdivision of the sort contemplated by PC20, then a much stronger nexus between it and a decision on PC20 would have existed.

Amenity / character effects

50. I find that PC20, given its scale, may result in a number of character and amenity effects relating to the entirety of Te Kauwhata that the decision makers for that matter will carefully consider. However, those matters do not arise in this application, nor will the fate of this application in any way materially impact on the outcome of PC20.

51. The proposal is for a development totalling 1ha that, until PC20 is finally granted, should be regarded as a temporary or at-most interim activity due to volunteered conditions requiring removal of the activity if PC20 does not proceed or is refused. The proposal is furthermore located well away from any adjacent property and will have no discernible impact on the town of Te Kauwhata as a whole.
52. The proposal will be of an appropriate visual quality and the applicant will take steps necessary to ensure safety and security is maintained at its facility.
53. I also note that the proposal complies with the Rural zone bulk and location controls, and is indeed considerably smaller than many rural facilities could be. I am familiar with a number of storage activities within rural environments, including for relocatable dwellings that could have comparable effects to the sales precinct proposed. While those would also likely require resource consent as commercial activities, they are nonetheless familiar within the rural environment and can be acceptable. However, that the proposal is for a discrete 5 show homes and sales office is a large factor in my conclusion; had this proposal been for a precinct of for instance 20 show home structures, I would have likely reached a different conclusion.
54. The proposal will not impact on the amenity values of any adjacent property, although restrictions on the hours of operation offered by the applicant and that the buildings will not be inhabited as permanent accommodation are material facts to my decision in this respect.
55. Overall, I find that the proposal will appropriately maintain the amenity and character values of the environment, and to that end I agree with the conclusions reached by Mr Whittaker and Mr Duthie.

#### Traffic and pedestrian safety effects

56. The proposal will generate considerably less traffic than many large-scale rural industries could do, and although there is potential for a relatively large volume of visitors to come to the sales precinct, I find that the proposal can be safely and appropriately accommodated on the road network.
57. However, in terms of pedestrian safety, I have come to accept that the concerns expressed by Ms Moorfield should be addressed by way of mitigation. Neither the applicant nor the Council's officers argued that Ms Moorfield concerns were unfounded or that the effects of concern to her should not be mitigated. I also find

that such mitigation could bring benefits by way of an improved pedestrian environment on Scott Road.

58. The question therefore becomes one of what form the mitigation should take. I agree with the applicant that installing a permanent footpath along the Council's road would not be justified and be indeed disproportionate to the scale and magnitude of adverse effects being mitigated. I find that some form of interim or temporary facility should be provided given the modest increase in pedestrian needs likely, and overall uncertainty regarding the eventual outcome of PC20 (inasmuch as the duration of this proposed sales suite activity may ultimately prove very short).
59. To this end, I consider the applicant and the Council have identified a workable and appropriate condition of consent that will ensure pedestrian safety is maintained until such time as either the activity ceases (if PC20 is refused), or if a full upgrade occurs at the time that a granted PC20 leads to urban subdivision. It would remain open to the Council, as landowner, to agree the final details of the facility with the consent holder, including whether it wished to undertake any additional measures, such as "temporary" type advisory signage associated with the facility so as to reaffirm to any members of the public that it is not a permanent facility.
60. I find that on the basis of the pedestrian safety and traffic management conditions offered by the applicant, the proposal would be appropriate. I agree with the conclusions reached by Mr Whittaker and Mr Duthie.

#### Dust and nuisance effects

61. The proposal is likely to generate dust, noise and other nuisance effects during construction. The applicant has proposed conditions relating to dust (house washing) and noise (construction) to manage these.
62. It is also possible that dust and other nuisances occur associated with visitors coming and going from the sales suite along Scott Road.
63. I find that the proposal will not generate problematic dust or nuisance effects on the basis that it is considerably smaller than many non-fanciful rural activities that could occur on the site and result in much greater effects on the environment than is proposed, and which could include frequent movements of large trucks or the noise from various rural industries.

64. The fact that the proposal is for 5 show homes reinforces that fundamentally the proposal is of a compatible scale with and is not offensive to adjacent residential activities, and it would not create any reverse sensitivity effects for adjacent non-residential activities because it is not strictly-speaking a residential activity.
65. Overall and on balance, I find that the proposal is appropriate, and I agree with the conclusions of Mr Whittaker and Mr Duthie.

#### Infrastructure and servicing effects

66. In response to the opposing submissions, at the hearing the applicant confirmed that the sales precinct will not be connected to any network infrastructure. As such there will be no environmental effects of concern. This mirrors the conclusion expressed by Mr Whittaker in his s.42A report.
67. I am satisfied that the activity will generate such a low demand for water and waste water that off-network solutions would be readily available (water tanks / portable toilets), and that the applicant's proposition that the sales suite will not need to be connected to any public services is credible. I also note that this finding relates to my overall findings regarding environment effects including on amenity values and character – as the lack of service connections is a key means to ensure that the show homes will not be occupied or used as dwellings.
68. Overall, I find the proposal raises no concerns relating to network infrastructure or servicing, and I agree with the conclusions of Mr Whittaker and Mr Duthie.

#### Contrariness to the Rural zone policy framework

69. Mr Whittaker identified an incompatibility between the proposal and the Rural zone policy framework. The issue was that the proposed activity is plainly not for a rural activity, rural service, or an activity that otherwise required a rural location. The proposed activity is a show home and sales suite to market what the applicant hopes will be residential development area in the near future.
70. Mr Duthie held no such concerns, considering that the proposal was temporary, small scale, and sufficiently removed from other activities that the site as a whole would appear to be and could be legitimately argued as remaining in rural use and of rural character.

71. I find in agreement with both of the experts. In terms of Mr Whittaker, I agree that the proposal is plainly unrelated to the rural environment of the Rural zone policy framework set out in the District Plan. In this respect, it is incompatible with the Plan.
72. But this does not lead to an automatic refusal of consent; the significance of the incompatibility in terms of environmental effects and planning precedent (i.e. the integrity or sound administration of the Plan) must be determined. In this respect, the proposal will not have concerning adverse effects on the environment (once the mitigation of recommended and volunteered conditions of consent are considered), and they will be substantially less than some other large-scale rural activities could result in.
73. In terms of Plan integrity, I find that the proposal will not give rise to any concern regarding the administration of the Plan or the integrity of the Rural zone; this proposal – were it to proceed – would not open a door to a flood of residential dwellings. The proposal is novel inasmuch as it is very unlikely that many developers for large-scale Plan Changes will routinely seek concurrent resource consents and plan changes in the District; and furthermore, seek some resource consents ahead of the necessary Plan Change being granted. This amounts to a scarcity factor that is relevant to my decision.
74. While not a definitive one-off, the particular scenario before me is unlikely to be frequently repeated. Secondly, the proposal is ultimately very small scale, in an unobtrusive area of land, and subject to conditions of consent that will remove the facility should PC20 not be granted or proceed. This last point is significant, because in light of the uncertainty regarding whether PC20 will be granted, what is proposed by the applicant amounts to a form of temporary activity in the first instance, that will either cease, or continue only if PC20 is granted and the land ceases to be driven by a Rural policy framework.
75. Overall and on balance, I therefore find that the proposal is incompatible with the District Plan's Rural zone policy framework, but that the incompatibility is of a sufficiently small impact that it would not justify the refusal of consent. In this respect, I agree with Mr Duthie but also, on account of his overall recommendation to still grant consent, Mr Whittaker in part.

### **Section 104 analysis**

76. In respect of those matters not in contention, I accept and adopt Mr Whittaker's s.42A analysis and conclusions and note Mr Duthie's agreement with Mr Whittaker's conclusions.

#### **Section 104(1)(a)**

77. Turning to my overall analysis of the proposal under s.104(1)(a) of the Act, I find that the proposal will result in a number of both positive and adverse environmental effects.

78. In terms of adverse effects, I find that the proposal will result in a number of adverse effects on the environment. I have considered the proposal's actual and potential adverse effects, both those of particular concern to the submitters and others identified in the AEE and/or s.42A report. I am also satisfied that, with the imposition of the identified consent conditions, adverse effects will be adequately avoided, remedied or mitigated. A satisfactory maintenance of rural amenity values will result, and benefits will result in the form of a more seamless progression to sales for the developer in the event that Plan Change 20 is eventually granted. The key reason that the proposal is environmentally appropriate relates to its small scale and isolation within its subject site whereby its effects are so separated from other activities or people that it will function with for the most part barely discernible effects.

79. Overall, I find that the proposal is suitable under s.104(1)(a).

#### **Section 104(1)(b)**

80. I find that Mr Whittaker and Mr Duthie have undertaken adequate assessments of the relevant planning provisions. For the reasons discussed previously, I find that the proposal is not compatible with the Rural zone framework, in agreement with Mr Whittaker. However, I find that due to the lack of concerning adverse effects, relatively novel nature of the proposal, and its small scale, combine to make the proposal's degree of overall Plan incompatibility so small as to not justify a refusal of consent.

#### **Section 104(1)(c)**

81. No other matters are relevant and reasonably necessary to allow me to complete my decision on the application.

## Part 2 RMA

82. I have considered the provisions of Part 2 in my analysis and findings expressed above in terms of s.104(1) RMA, and for completeness confirm my conclusion that the promotion of sustainable management would be best served by the granting of consent to the application subject to conditions. While the development of a sales precinct / show homes is plainly unrelated to Rural activities, it can be accommodated in this instance without giving rise to any concerning environmental effects or policy precedents.

### Conditions of consent

83. As has been referred to numerous times in the preceding analysis, the granting of consent would only be appropriate subject to the imposition of conditions. The applicant and Council's processing officer have agreed conditions of consent. I have reviewed these and consider them satisfactory although I have slightly amended proposed condition 10 (house washing) to confirm that the offer of house washing to the owners of 75 Scott Road shall include that the house washing, if it proceeds, shall be entirely at the consent holder's expense.

84. The recommended conditions address:

- a. Administration of the consent;
- b. Operating hours, scale and duration of the activity;
- c. Traffic and transport;
- d. Storm water;
- e. Construction noise;
- f. House washing of 75 Scott Road; and
- g. Monitoring

85. The revised conditions of consent recommended by Mr Duthie and Mr Whittaker have been adopted, subject to my changes to condition 10, and for completeness are included as **Appendix 1** to this notice.

## **Section 104B – the overall merits of the application**

86. Section 104B allows me to grant, grant with conditions, or refuse consent to the application.

87. On the basis of an overall consideration of the preceding analysis, the facts and background to the application, and the submissions and issues raised therein, I find that the promotion of sustainable management will be best served by the granting of consent to the application, subject to conditions. My reasons for this are set out below in my formal decision.

## **Decision**

88. The proposal by Lakeside Developments 2017 Ltd for a sales precinct consisting of a sales office and 5 show homes, at 95 Scott Road, Te Kauwhata, has been considered under sections 104, and 104B of the Resource Management Act. On an overall consideration of merit, the consent is granted subject to the conditions of consent appended to this decision and imposed under sections 108 of the RMA (**Appendix 1**).

89. The key reasons for this decision are:

- 1 The proposal will result in positive and adverse effects. Adverse effects can be adequately avoided, remedied or mitigated. Specific adverse effects on Scott Road and 75 Scott Road will result, although these are subject to conditions of consent to ensure suitable mitigation occurs. The proposal's adverse effects are acceptable and will have a marginal impact in the wider environment.
- 2 The proposal will result in development that complies with the zone's relevant bulk and location controls, and which is considerably less intensive or adverse than a number of large-scale rural activities would be, including in terms of traffic generation, dust nuisance, noise, and general visual amenity values.
- 3 The traffic and transport impacts of the proposal will maintain the safety and efficiency of the transport network, and the hours of operation proposed to be managed by way of consent condition will also significantly influence this.



- 4 The proposal is not consistent with the objectives and policies of the Operative District Plan as it relates to the purpose and function of rural activities in the rural environment, largely because the proposal is not rural and has no claims to serving the rural environment. However, in light of the absence of concerning adverse effects, the small scale of the activity proposed, and volunteered conditions of consent from the applicant confirming the activity will be removed if Plan Change 20 is declined, mean that the degree of Plan incompatibility that will result is not overly concerning or sufficient to warrant refusal of consent.
- 5 Overall the promotion of sustainable management as defined in section 5 of the RMA will be best served by the granting of consent taking into account the above reasons.



**Ian Munro**

Independent Commissioner

14 November 2017