

21 October 2021



Ministry for Environment
s 9(2)(a)

Dear Jess,

RE: The Botanic Riverhead – 1092 Coatesville Riverhead Highway, Riverhead

Please find attached the Auckland Council approval granting consent to cancel the consent notice that restricted access onto Coatesville – Riverhead Highway and restricted the location of access onto Riverhead Road. The cancellation of the consent notice will be enacted at the same time as the proposed subdivision is implemented.

I trust this is sufficient information to enable you to complete your reporting to the Minister.

We look forward to hearing from you in due course.

Please do let me know if anything further is required.

Yours sincerely

Burnette O'Connor
Director/Planner

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Decision on an application to cancel conditions of a consent notice under section 221 of the Resource Management Act 1991



Discretionary activity under section 221(3)

Application number: VCN70019690
Applicant: Matvin Group Limited
Site address: Lot 1 DP 164590 Coatesville-Riverhead Highway, Riverhead
Legal description: Lot 1 DP 164590
Proposal:

To cancel a consent notice condition on instrument C810155.2, which restricts the placement of new vehicle crossings on Riverhead Road and Coatesville-Riverhead Highway.

Note: For the avoidance of doubt, any reference in this report to 'vary' or 'variation application' shall be taken to mean an application to change or cancel conditions of a consent notice under s221(3) of the RMA.

This discretionary activity under s221 of the Resource Management Act 1991 (RMA) is for cancellation of conditions of a consent notice, instrument C810155.2, involving the following amendments (with ~~striketrough~~ for deletion, underline for insertions):

Consent notice (s221) – Instrument C810155.2

~~(access restrictions) As Coatesville Riverhead Highway is a limited access road no crossings shall be authorised or are to be installed from that road to Lot 1 and no crossings shall be installed on the Riverhead Road frontage of Lot 1 within 90 metres of Coatesville Riverhead Highway, being a defined road boundary under rule 13.7(c) of the district plan.~~

Decision

I have read the application, supporting documents, and the report and recommendations on the application for variation. I am satisfied that I have sufficient information to consider the matters required by the RMA and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 221, 104, 104B, and Part 2 of the RMA, the application for variation to conditions of a consent notice is **GRANTED**.

Reasons

The reasons for this decision are:

1. In accordance with an assessment under s104(1)(a)-(ab) and s221(3A) of the RMA, the actual and potential effects from the variation will be acceptable as:
 - a. Auckland Transport's Development Planner has reviewed the proposal and has raised no concerns. Even with the removal of the consent notice condition, Coatesville-Riverhead Highway is still a limited access road and any future vehicle crossings will need approval from AT under section 346 of the Local Government Act.
 - b. Additionally, given that both Riverhead Road and Coatesville-Riverhead Highway are both arterial roads, a resource consent is required to construct any new vehicle crossing onto either of these roads. A full assessment covering road safety, visibility, and manoeuvring, among other things, will be required in support of any resource consent application.
 - c. Riverhead Road is straight, and sightlines are available up and down the road adjacent to the subject site.
 - d. The proposal will not result in any changes to the receiving environment as further approvals will be needed prior to establishing any new vehicle crossings onto either road. Adverse effects on traffic safety and the safe and efficient operation of the surrounding road network will be less than minor.
 - e. In terms of positive effects, the removal of the consent notice condition will allow for greater flexibility in the use of the subject site, particularly given the site is zoned as future urban, and thereby providing for the owner's social, economic and cultural wellbeing.
 - f. 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.
2. In accordance with an assessment under s104(1)(b) and s221(3A) of the RMA, the variation is consistent with the relevant statutory documents. In particular, the Auckland Unitary Plan (Operative in Part) (AUP(OP)). The AUP(OP) continues to regulate the placement of vehicle crossings via chapter E27. Transport, where any new vehicle crossings will require resource consent to ensure the safe and efficient operation of the transport network.
3. In accordance with an assessment under s104(1)(c) and s127(3) of the RMA, no other matters are considered relevant.
4. In the context of this variation application, where the objectives and policies of 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.
5. Overall, the proposal will have less than minor adverse effects on the surrounding road network as future resource consents will be required under the AUP(OP). The proposal will

not result in any increased effects on the safe and efficient operation of the road network and is consistent with the objectives and policies of the AUP(OP).

Advice notes

1. *This decision is to be read in conjunction with any other relevant approved resource consent(s) and does not negate the consent holder's requirement to continue to comply with the conditions of any previously granted resource consent(s) that have been implemented.*

Delegated decision maker:

Name: Helen McCabe

Title: Team Leader, Resource Consents

Signed:



Date:

20 October 2021