

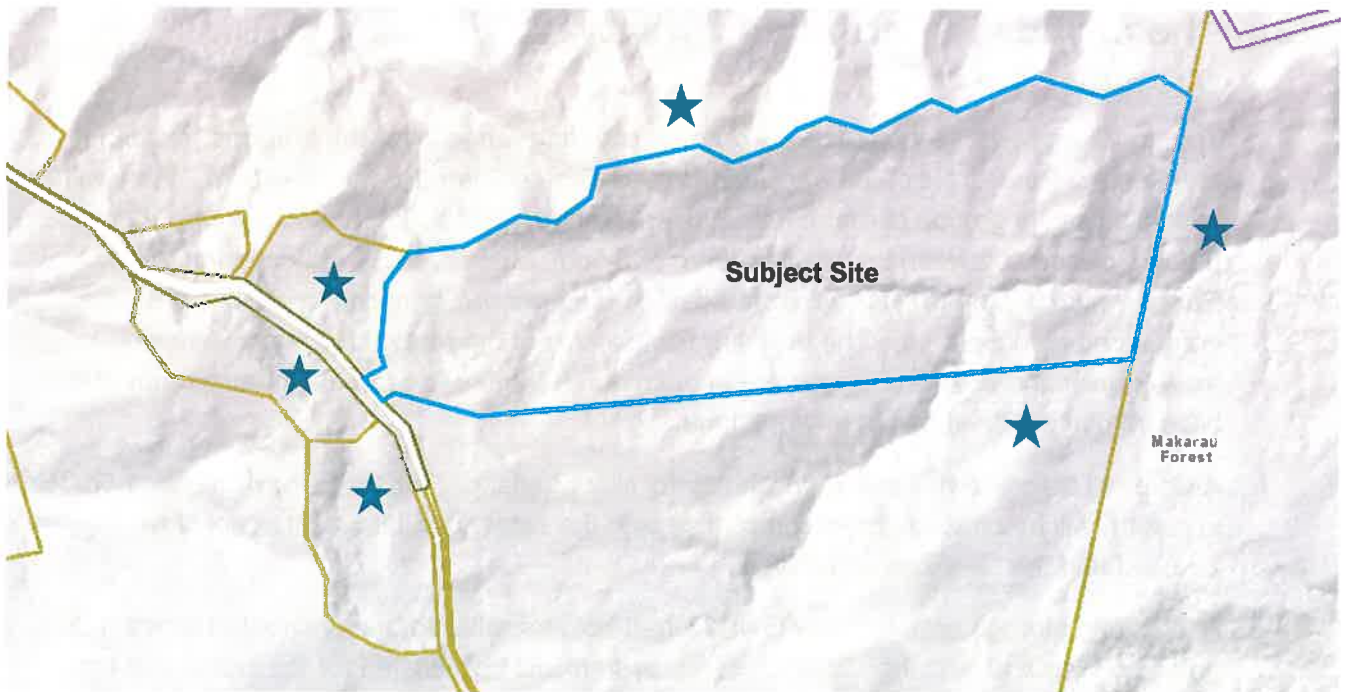
Report for a certificate of compliance application under section 139 of the Resource Management Act 1991 (RMA)



1. Application description

Application number(s):	L67783
Applicant's name:	Raymond O'Brien and Victoria Pichler
Site address:	273 Tuhirangi Road, Kakanui
Legal description:	Lot 2, DP 365701
Site area:	37.91ha
Operative plan(s):	Auckland Council District Plan (Rodney Section)
Zoning:	General Rural
Special features, overlays etc:	Floodplain, Overland Flowpaths
Proposed Auckland Unitary Plan ("PAUP") Zoning & Precinct:	Rural Production
Special features, overlays etc:	Natural Resource: Indicative Streams [i]

Locality Plan



Subject site and adjacent properties- star.

Application documents (plans and reference documents)

The following information has been provided:

- Application Form, and analysis prepared by Raymond O'Brien, dated 20th June 2016.
- Correspondence between Raymond O'Brien and Rebecca Harris dated between the 24th of June 2016 and the 18th of August 2016.

Letter of Support	Author	Rev	Dated
Re: 237 Tuhirangi Road, Makarau Lot 2 DP 365701 266363	Peter Miles, Range Inspecting Officer	-	20 th July, 2016

Plan title and reference	Author	Rev	Dated
Site Plan indicating estimated location of activity – Auckland Council GIS viewer screenshot.	Raymond O'Brien	-	No date provided

Report title and reference	Author	Rev	Dated
273 Tuhirangi Road Pistol Club- Acoustic Assessment	Marshall Day Acoustics	-	8 August 2016

2. The proposed permitted activity

Proposal

The applicant proposes to create an outdoor shooting range involving firearms (pistols) in the General Rural zone of the Auckland Council District Plan (Rodney Section). There will be two separate groups of ranges, an Eastern Range which will operate for a maximum of 8 hours per day between the hours of 6am and 6pm, Monday to Sunday and the Western Range which will operate for a maximum of 8 hours per day between the hours of 6am and 6pm, Monday to Saturday. The Western Range will not operate on Sundays. When both the Western and Eastern Ranges are in operation (Monday to Saturday) a maximum of 6 bays in total will be in use at any one time.

A Club will be created in affiliation with Pistol New Zealand. Targets (approximately 1.5m in height) will be constructed in compliance with the safety regulations of Pistol New Zealand and the New Zealand Police.

A toilet and storage area for targets and target holders will also be constructed with a total gross floor area of less than 25m². A septic system will be installed for the toilets and this will not discharge more than 2m³ of wastewater to land per day. Drinking water will be provided via a mix of rain water and delivered water, with a quality filter system installed.

The noise performance standards for the General Rural Zone state that the noise level measured inside the notional boundary shall not exceed 50 dB L_{Aeq} between the hours of 6am to 6pm Monday to Saturday and 45 dB L_{Aeq} between the hours of 6am to 6pm on Sundays and Public Holidays. The applicant has engaged Marshall Day Acoustics who have prepared an assessment of compliance for the proposed pistol club. The report,

dated 8 August 2016 concludes that the Rating levels for the proposed pistol club comply with the noise performance standards of the District Plan at all receivers for both ranges (Eastern and Western), Monday to Saturday. The Eastern Range complies at all receivers for the more restrictive Sunday limit.

The proposed ranges (both Eastern and Western) will be separated by a mixture of trapezoid shaped earth berms and fences that will be constructed to meet the safety criteria set out by the NZ Police. The finalised dimensions and amount of earth berms has not been confirmed, and is currently being designed by an engineering consultant. The height of the berms and width are subject to New Zealand Police requirements; however they will vary in size from approximately 15-20 metres in length, with a base width of 3.5m and a top dimension of 0.8m. A range certifier for the NZ Police has inspected the site, and is involved in the drafting of the design of the ranges. The amount of earthworks undertaken to construct these ranges will not exceed 1000m³ as confirmed by the applicant.

Vegetation removal will be kept to a minimum and will not exceed 1 hectare in area.

Figure 1: Proposed area of development.

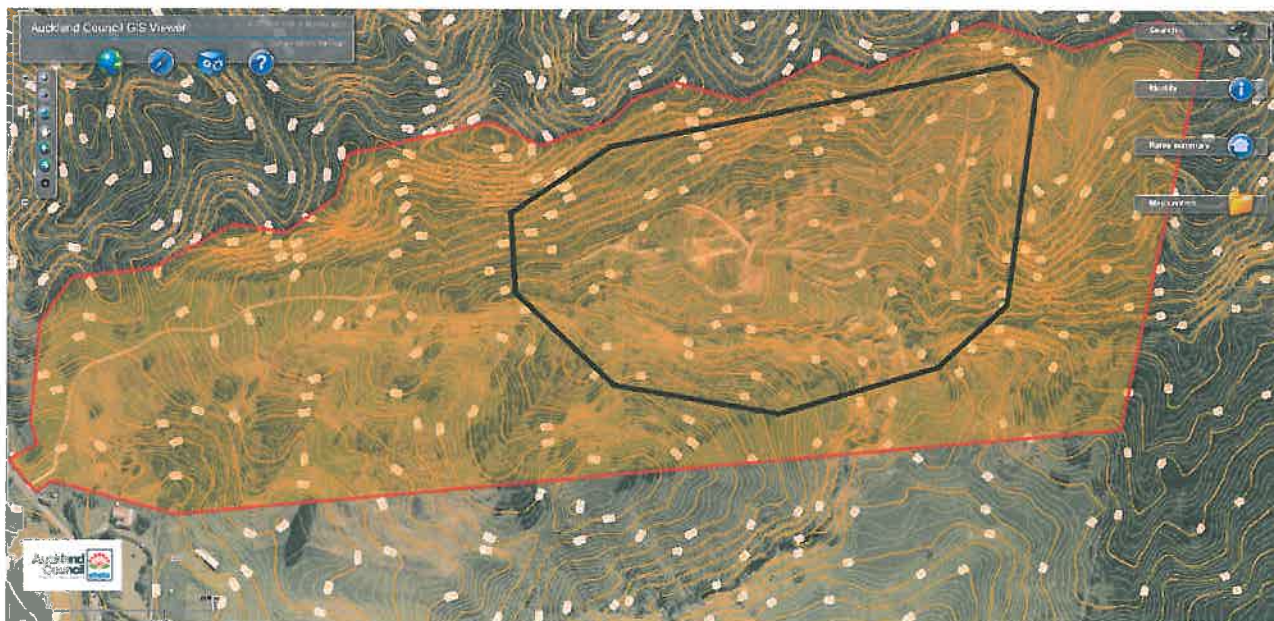


Figure 2: Approximate location of Pistol Range illustrating proximity to closest neighbours (closest dwelling at approx 522m away from Western Range).



Figure 3: Proposed Pistol Range Configuration



3. Reasons for the application(s)

The applicant has requested a certificate of compliance under the following rule(s) for the activity described above:

Auckland Council District Plan (Rodney section)

The subject site is zoned General Rural under the ACDP:RS. The following activity is permitted in this zone:

- **Outdoor Recreation** not involving buildings (except for goal posts, seating, fencing and ancillary buildings eg. Toilets, ticket offices, storage) up to a total

gross floor area of 25m² per site and excluding horse riding schools or horse riding facilities and horse training facilities is a permitted activity.

The activity of a gun shooting range with firearms is considered to fit the definition of outdoor recreation. Outdoor recreation means *'any use of land for public/and or private leisure, sporting and recreational activities and excludes motorsports.'*

Consideration of the applications

4. Statutory considerations

Section 139 of the Resource Management Act 1991 (RMA) sets out the circumstances under which a consent authority may issue a certificate of compliance.

A certificate must be issued if the activity referred to in the application can be done lawfully in a particular location without a resource consent, and the applicant pays the appropriate administrative charge.

Any certificate which is issued must describe the activity and the location, and state that the activity can be done lawfully in the particular location without a resource consent, as at the date on which the consent authority received the request (section 139(7)).

Under section 139(8), a consent authority must not issue a certificate if the request has been made after a proposed plan has been notified, and the activity referred to in the application could not be done lawfully in a particular location without a resource consent, under the proposed plan.

5. Analysis of plan provisions

The proposal has been described in the application material and further correspondence submitted. The information submitted by the applicant is considered against the permitted activity rules of the relevant plan(s) below.

Auckland Council District Plan (Rodney Section)

The subject site is zoned General Rural under the ACDP:RS. The following rules apply to this zone:

Provision / rule	Analysis / Conclusion
Rule 7.9.2 Activity Table 1 Outdoor Recreation – Ancillary buildings	The primary ancillary buildings required will be a toilet and a storage area for targets and target holders. This will have a total gross floor area of less than 25m ² and therefore will meet the permitted activity criteria set out in Rule 7.9.2 Activity Table 1 Outdoor Recreation.
Appendix 21B Parking – Outdoor Recreation- 1 parking space for every 3 persons the	The shooting range will be designed to accommodate 30 people on a regular basis, and up to 200 people no more than 3 times per year. A minimum of ten on-site parks will

activity is designed to accommodate.

be provided for regular use, with more provided to accommodate larger competitions during the year. This is a large rural site with parking to be provided in the central area of the range boundaries, thereby complying with the parking requirements.

Noise

Monday -Saturday 6:00am - 6:00pm 50 dBA L_{eq} within the notional boundary.

Sundays and Public Holidays 6:00 am – 6:00 pm 45 dBA L_{eq} within the notional boundary.

The applicant has provided an acoustic assessment of compliance from Marshall Day Acoustics. This report concludes that based on acoustic modelling (closest dwelling at approx 522m away from Western Range) the Rating levels for the Western Range complies with the noise performance standards of the ACDP:RS Monday to Saturday 6:00am - 6:00pm. The Eastern Range complies 7 days per week, 6:00am - 6:00pm. Council's Environmental Health Specialist Daniel Winter has reviewed this report and confirmed the noise is predicted to comply with the noise levels of the ACDP:RS.

Hours of Operation

Hours of Operation for the Eastern Range will be a maximum of 8 hours per day between the hours of 6am and 6pm, Monday to Sunday which is considered to be within the permitted limits as confirmed by the Marshall Day noise assessment. The Western Range will operate for a maximum of 8 hours per day between the hours of 6am and 6pm, Monday to Saturday as it does not comply with the more restrictive Sunday noise limit.

Rule 7.9.4.2.1.1 Earthworks

– Less than 200m³ or greater than 200m³ but less than 1000m³ subject to compliance with the performance standards set out in Rule 7.9.4.2.1.3

The applicant has confirmed that the proposed earthworks will be within the permitted threshold for the General Rural zone (less than 1000m³). Although exact designs are yet to be finalised the approximate volume of a 20m x 7.525m² trapezoid shaped earth bund will result in approximately five ranges (requiring six earth bunds) being able to be constructed as a permitted activity. The applicant may use a mixture of earth bunds and fences constructed to meet the safety criteria set out by the NZ Police.

The proposed location of both the Eastern and Western ranges are outside of the area labelled as a floodplain on Council's GIS maps. No earthworks will take place within 10m of a wetland or natural watercourse.

**Rule 7.10.3 Rule- Yards –
General Rural Zone**

Rear yard- 6m

Front yard- 10m

Side yards -6m

The applicant has demonstrated the proposed activity will be clear of the yard setbacks, as shown above in Figure 3.

Rule 7.10.4 Site Coverage

For sites of 8000m² or greater -
2000m² plus 10% of the net site
area in excess of 8000m².

The proposed activity will be within the permitted limits for site coverage thereby complying with the site coverage provisions.

**Rule 16.16.2.2 Signs in
Rural Zones**

No signage is proposed.

Use of a SITE on not more than a total of 3 days within any 12 month period for events such as festivals, carnivals, markets, race meetings and rallies (including temporary structures for such activities) provided that the number of persons catered for and attending such events does not exceed 200 for each event and where access for the activity is not obtained from a STATE HIGHWAY.

The applicant has advised that competitions will have around 100-150 competitors and will occur no more than 3 times per year. The amount of persons attending will not exceed 200. Access is not obtained from a State Highway. As a result, the proposed activity meets the permitted threshold for the Use of a Site provision.

**Rule 7.9.4.1.3.2 Vegetation
removal**

Vegetation removal will not exceed 1ha in area.

Proposed Auckland Unitary Plan

The subject site is zoned Rural Production under the Proposed Auckland Unitary Plan. The following rules apply to this zone:

Provision / rule

Analysis / Conclusion

Part 3 Chapter H 4.2.1.1 Earthworks From 501m² up to 1000m² and from 251m³ up to 1000m³ is a permitted activity.

The applicant has confirmed that the total area of earthworks will not exceed 1000m² or 1000m³.

6. Conclusion

Overall the proposal is a permitted activity under the relevant rules of the Auckland Council District Plan (Rodney Section) and the operative rules of the Proposed Auckland Unitary Plan. On this basis the proposal described can be done lawfully without a resource consent as of the 20th of June 2016.

7. Recommendation

Under s139 of the RMA, I recommend that Council issue a certificate of compliance as:

- The applicant has demonstrated that the proposal complies with the provisions of the Auckland Council District Plan (Rodney Section) General Rural zone as of 20th of June 2016.
- The applicant has demonstrated that the proposal complies with the operative provisions of the Proposed Auckland Unitary Plan Rural Production zone as of 20th of June 2016.

This report and recommendation prepared by:

Name: Rebecca Harris

Title: Planner, Resource Consents

Signed:



Date:

18-08-16