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| Resource Management Act 1991 | CCC logo Black&White |
| **Report on a Limited / Publicly Notified Resource Consent Application**(Section 42A) |

**Application Reference: Land Use:** RMA +

 **Subdivision:** RMA +

 *(if only one application, delete the reference to land use or subdivision)*

**Applicant:** +

**Site address:** +

**Legal Description:** +

**Proposal:** +

**Zoning:** +

**Overlays and map notations:** +

**Activity status:** +*(if application is for both land use and subdivision consent, specify each activity status separately)*

**Submissions:** + in support

+ in opposition

 + which do / does not state a position

 (… of these submitters seek to be heard)

 *If there are not many submitters, list their names, physical addresses and whether they are in support/opposition. If a lot, attach this info as an appendix and refer to it here. Check first to make sure that there are no submitters who have requested their details be withheld for privacy reasons and deal with these on a case by case basis depending on the situation.*

**Date of Hearing:** +

**Recommendation:** Decline / Grant subject to conditions

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| **Preamble** |

1. My name is +++. I am employed as a +++ and based in the +++ Offices of the Christchurch City Council. I have been employed by the Christchurch City Council since +++. I hold a +++ degree etc. I am a +++ member of the New Zealand Planning Institute and have +++ years of experience working in the planning and resource management field.
2. This report has been prepared with advice from the Council staff detailed below. A copy of their reports has been attached in the appendices. *(If there is only one person, write the details into this paragraph and delete the table)*

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| **Officer** | **Position** | **Appendix** |
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1. This report reviews the application for resource consent and addresses the relevant information and issues raised. It should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Commissioner / Hearings Panel. It should not be assumed that the Commissioner / Hearings Panel will reach the same conclusion or decision having considered all the evidence to be brought before it / him / her by the applicant and submitters.
2. *If a commissioner has been appointed, briefly explain* why.

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| **Proposed activity** |

1. +++ has applied for land use consent on behalf of +++ to +++ at +++

 *Describe the proposal, outlining the key aspects. Bullet points are good. If the proposal is described in detail in the application, refer to the particular page(s) and don’t go into too much detail here, e.g.*

1. The proposal is outlined in detail on pages +++ of the application but in brief, the main features include:
	* +
2. The proposal is classified as a **boundary activity** under Section 87AAB(1) of the Resource Management Act because it only infringes boundary rules/a boundary rule in the District Plan. *Delete if not applicable*

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| **Background** |

1. For limited notified applications: A Delegated officer/Hearings Panel/Commissioner made a notification decision under Sections 95A and 95B of the Resource Management Act on +++ (date). They/he/she determined that the application did not need to be publicly notified, but that a number of persons may be adversely affected by the proposal.
2. As none/some of these persons had not given their written approval to the application, it was determined that the application needed to be processed on a limited notified basis. A copy of the application was served on those persons and they had an opportunity to make submissions on the proposal. No other persons had a right to make submissions on the application. (Note: The purpose of this hearing is to consider whether or not consent should be granted to this application. In making this decision, the Hearings Panel / Commissioner is required to consider Section 104(3)(d), which states that the consent authority must not grant a resource consent if the application should have been notified and was not. Other than this, the Panel / Commissioner has no jurisdiction to consider the matter of notification at the current proceedings. The only way the notification decision itself can be challenged is by seeking a judicial review through the High Court.)
3. This application for resource consent was received on + and notice was served on the affected persons / was publicly notified on +. *Note here if the notification was delayed due to requests for further information or changes to the application.* The submission period closed on +. A total of + submissions were received during this period – + in support, + in opposition and + which did not state a position. Refer **Appendix +** for the location of submitters in the immediate area.
4. *Note if any extensions of time were granted under section 37 of the Act.*
5. *Outline any other relevant background such as previous resource consents/applications which are relevant to the site or current application. Cross reference parts of the AEE where possible.*

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| **Description of the site and existing environment** |

1. The application site is located +++Refer **Appendix +** for the location of the site.*Or insert a SmartMap graphic directly into the text, notated with zones, features, location of nearby submitters’ properties, etc.*
2. *Cross reference all/part of the AEE when describing the site and locality. Ensure that the following are covered and add additional comment if not:*

*- any prominent features of the site*

*- zoning of the application site and surrounding sites/area*

*- the nature of activities / development in the surrounding area*

 e.g. The applicant’s Assessment of Environmental Effects (AEE) includes a description of the site and its immediate surroundings. I consider that this description is accurate and it should be read in conjunction with this report.

1. + Road is classified as a + road in the District Plan and carries around + vehicles per day.
2. *Describe any other relevant aspects of the existing environment such as existing resource consents, lawfully established existing uses, and unimplemented consents.*

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| **District Plan and National Environmental Standards – Relevant rules and activity status** |

*Note - This section needs amending to include reference to the City Plan if the application involves Coastal Hazards provisions, as the City Plan rules are still applicable.*

**Christchurch District Plan**

1. The site is zoned + under the District Plan. This zone + *explain briefly what the zone provides for, in the context of the application*.
2. The objectives and policies for this zone generally seek ++++ Key objectives and policies are listed within **Appendix +**, and are discussed in detail in a later section of this report.
3. The proposal requires resource consent under the following rules in the District Plan: *(if these are outlined comprehensively in the AEE consider cross-referencing rather than listing the non-compliances again here)*

| **Activity status rule** | **Standard not met** | **Reason** | **Matters of control or discretion** *(if relevant)* |
| --- | --- | --- | --- |
| *Activity status rule* | *Rule infringed (if relevant)* | *Extent of infringement – permitted vs proposed, or reason RC required* | *Rule containing matters of control or discretion* |
| 14.4.1.3 RD24 | 14.4.2.5 Outdoor living space | Minimum 6m dimension not achieved (5.56m);Minimum 90m2 not achieved (86m2) | 14.15.20 – Outdoor living space |
| 14.5.1.3 RD1 | - | The proposal will result in more than 2 new residential units | 14.15.1 – Residential Design principles14.15.4 – Minimum unit size and unit mix  |
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1. *If particularly relevant to the application or submissions, comment on whether any of the rules are subject to a non-notification clause.*
2. Overall the proposal must be considered as a **+ activity** under the District Plan.

**Proposed Plan Change 14**

1. *Copy wording from relevant non-notified template*

**National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)**

1. These standards seek to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed and if necessary the land is remediated or contaminants contained to make the land safe for human use.
2. The NES controls soil disturbance on land where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or is more likely than not to have been carried out. The application site is identified as HAIL land as + *hazardous activity* therefore the provisions of the NES apply.
3. The proposal requires consent under the NES as it breaches the following regulations:
* **Regulation 8(3)(c)** – the volume of soil disturbance will exceed 25m³ per 500m² (approximately +m³ proposed).
* **Regulation 8(3)(d)(ii)** - the volume of soil to be removed from the site will exceed 5m³ per 500m² (approximately +m³ proposed).
1. Pursuant to Regulation 9(1) the proposal is a controlled activity under the NES as:
* A Detailed Site Investigation (DSI) of the piece of land exists and has been submitted with this application; and
* The report on the DSI states that the soil contamination does not exceed the applicable standard in Regulation 7, and the report has been provided to the Council.

 Regulation 9(5) of the NES provides that applications for controlled activities must not be publicly notified.

 OR

1. Pursuant to Regulation 10(2) the proposal is a restricted discretionary activity under the NES as:
* A Detailed Site Investigation (DSI) of the piece of land exists; and
* The report on the DSI states that the soil contamination exceeds the applicable standard in Regulation 7, and the report has been provided to the Council.

 OR

1. Pursuant to Regulations 10(4) and 11 the proposal is a discretionary activity under the NES as the activity is not otherwise provided for as a permitted, controlled, or restricted discretionary activity. Specifically, a Detailed Site Investigation (DSI) of the piece of land has not been carried out / has not been provided to the Council.
2. *Outline the provisions of any other relevant NES*

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| **Submissions** |

1. + submissions were received on this application (+ in support, + in opposition and + which did not state a position). *Comment on any late submissions. It is good practice to obtain a decision on acceptance or otherwise of late submissions prior to notifying submitters of the hearing date, so they have certainty about being able to participate, and you are able to address their submissions in your report.*
2. *If there are heaps of submissions attach as an appendix a list of submitters, including their address and whether they wish to be heard. List the supporting submissions first, then opposing, all in alphabetical order.*
3. Copies of all submissions have been provided to the Hearings Panel/Commissioner.
4. The reasons for the submission/s in support are summarised as follows:
* *Summarise briefly, don’t list all the reasons! There should be no more than 0.5 – 1 page of bullet points at most.*+
1. The reasons for the submission/s in opposition are summarised as follows:
* *Summarise briefly, don’t list all the reasons! There should be no more than 0.5 – 1 page of bullet points at most.*+
1. *Comment on any issues raised that can’t be addressed in the assessment, i.e. are outside scope of application or not a planning issue.*

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| **Resource Management Act 1991** |

1. When considering an application for resource consent and any submissions received, the consent authority must have regard to the matters listed in Sections 104, 104A, 104B, 104C and 104D *(delete as appropriate, depending on the activity status)* of the Resource Management Act 1991. Subject to Part II of the Act, which contains the Act’s purpose and principles, including matters of national importance, the consent authority shall have regard to:
	* + - 1. *Any actual and potential effects on the environment of allowing the activity.*
				2. *Any relevant provisions of a plan or proposed plan, and national environment standard/ national / coastal / regional policy statement (delete as appropriate, depending on what is relevant)*
				3. *Any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
2. It should be noted that other than giving pre-eminence to Part II, Section 104 gives no priority to other matters. They are all matters to have regard to and the consent authority must exercise its discretion as to the weight that it gives certain matters, depending on the circumstances of the case.

*Choose as appropriate:*

1. Under Section 104A, a consent authority must grant consent to an application for a controlled activity, and may only impose conditions under section 108 for those matters over which it has reserved control in the plan or national environmental standards.
2. Under Section 104B, when considering an application for resource consent for a discretionary activity, a consent authority may grant or refuse the resource consent, and (if granted) may impose conditions under section 108.
3. Under Section 104C, when considering an application for resource consent for a restricted discretionary activity, a consent authority may grant or refuse the resource consent, and (if granted) may impose conditions under section 108. The proviso to this section is that the consent authority must consider only those matters specified in the plan or a national environmental standard over which discretion is restricted, and may impose conditions only for those matters.
4. Under Sections 104B and 104D, when considering an application for resource consent for a non-complying activity, a consent authority may grant or refuse the resource consent, and (if granted) may impose conditions under section 108.
5. Under Section 104D, and despite any decision made for the purpose of Section 95A in relation to minor effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment will be minor, or that the application is for an activity that will not be contrary to the objectives and policies of the plan and proposed plan *(if there is a relevant plan change)*.
6. Even where one of the threshold tests in Section 104D is met, the consent authority still retains an overall discretion as to whether to grant the application. That discretion is to be exercised having regard to the criteria set out in Section 104.
7. Pursuant to Section 104(3)(a)(i) a consent authority must not have regard to trade competition when considering an application. *Delete if not relevant to the application*
8. Section 104(3)(a)(ii) states that a consent authority must not have regard to any effect on a person who has given written approval to the application (unless that approval is withdrawn in a written notice before the date of the hearing). The applicant has obtained the written approval of the following parties:

+

+

1. *Include the following paragraphs for all limited notified applications.* As noted previously, Section 104(3)(d) states that a consent authority must not grant a resource consent if the application should have been notified and was not. The application was limited notified to those persons identified as being affected by the proposed activity. I do not consider that any additional information has become available that is relevant to the decision that was made under Sections 95A and 95B of the Resource Management Act. *(assuming this is the case. If there has been additional information that means you need to cover this issue in more detail, then do so.)*

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| **Actual and Potential Effects on the Environment (S.104 (1)(a))** |

*This section needs to focus on the key issues or effects, not the non-compliances one by one. State what the key issues are and group the non-compliances appropriately, e.g. “residential character and amenity” may cover bulk and location issues, noise, and traffic effects.*

*Positive effects should not be identified as a separate “category” of effects - be more specific re the type of effects (e.g. social/community wellbeing). Positive effects should also be addressed under the other effects headings where appropriate, e.g. if the proposal will have a positive effect on visual amenity, discuss this under the “Visual amenity” effects heading, rather than under a general heading of positive effects. In some effects categories there can be positive effects as well as adverse effects, and both should be discussed under the same heading (e.g. traffic effects).*

*Cross reference and/or adopt parts of the applicant's assessment or any expert report where possible, adding points of clarification, additional comments, or explaining any areas in which you do not concur with the applicant. This can (and should) also be done with any comments from your technical experts.*

e.g. I consider the AEE prepared by the applicant provides an accurate assessment of the actual and potential + effects of the proposal (refer paragraphs +) / with the exception of + / I note the following additional points.

1. As a restricted discretionary activity the Council’s assessment of the effects of this proposal is limited to matters relating to … (*matters relating to the rules breached, e.g. the impact of the building on the streetscape*) Having regard to this planning framework, I consider that the adverse effects of the proposal on the environment relate to *(briefly list or bullet point the main effects, e.g. traffic, loss of sunlight, visual impact etc).*

 OR

 As a non-complying/discretionary activity the Council’s assessment of this proposal is unrestricted and all actual and potential effects must be considered.  Guidance as to the effects that require consideration is contained in the relevant objectives and policies, and any associated matters of discretion or control.

1. The objectives and policies in the District Plan set the context for assessing the effects of the application. I note that the MDRS objectives and policies introduced in PC14 do not apply in qualifying matter areas, and the other new/amended policies are open to challenge via the plan change process.
2. I have considered the relevant issues and it is my view that they fall broadly into the following categories: Choose from the following types of sub-topics or use appropriate categories
* Positive effects *(refer to these more specifically, i.e. the type of effect)*
* Visual impact
* Residential character and amenity
* Construction effects
* Traffic effects
* Effects on heritage values
* Effects on protected trees
* Effects on the waterway/s
* Cumulative effects (don’t forget these)
* Health effects – noise, glare, dust
* Subdivision issues, etc

**Section 104(2) – Permitted baseline**

1. Prior to undertaking an assessment of the effects of this proposal it is useful to consider discretion available under Section 104(2) of the Act (referred to as the “permitted baseline”) whereby a consent authority may disregard an adverse effect of an activity on the environment if the Plan or national environmental standard permits an activity with that effect. Case law has established that this relates to the effects of non-fanciful hypothetical activities which could be carried out as of right under the Plan. I note that the use of Section 104(2) is discretionary, however I see no reason why that discretion should not be exercised in this case.
2. *Discuss what could be established on the site as a permitted activity under the City Plan or any relevant national environmental standard. e.g. Under the … zoning of the site, and given the large site area, there are a number of permitted development scenarios and site layout options. … are particularly relevant in this instance for the purpose of comparison …*

***Positive effects***

1. +

***+++ effects***

1. +
2. *Mention the assessment matters where relevant, particularly for controlled and restricted discretionary activities. As a general practice it is unnecessary to quote the assessment matters in full, but there may be some cases where this is helpful, e.g. density non-compliance and other more significant rule breaches. For non-complying activities it can still be helpful to discuss any relevant assessment matters but you need to clearly state that they provide a guide to assessment only (as opposed to being required considerations).*
3. *Briefly note the non-compliance(s) and the reasons for the rules. Try to avoid duplicating framework that has been introduced above. Mention any relevant assessment matters, particularly if the application is a controlled, restricted or full discretionary activity. When considering assessments by experts use terms like “on the basis of the advice received, I consider”*
4. *Where a comprehensive AEE is provided with an application, has been checked and approved by staff and is not disputed by submitters, this should be referenced in the report to avoid duplication.*
5. *It is not good practice to say in your report that the applicant can address certain matters/issues at the hearing. This disadvantages submitters who have not had the opportunity to consider new information, and should be addressed by way of a request for further information prior to setting the hearing and completing the report.*
6. *Include reference to section 104(3)(a)(ii) where appropriate, e.g.* I note that the owners / occupiers of the adjoining sites to the … have given their written approval to the proposal. Pursuant to Section 104(3)(a)(ii) any effects on these persons must be disregarded.

***Conclusion with respect to effects on the environment***

1. In summary, it is my opinion that +++ *Make sure you clearly state your conclusion on the scale of the effects (i.e. negligible, less than minor, minor, significant, etc). Avoid saying more than minor, as it could mean anything from slightly more than minor to significant.*

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| **Relevant Objectives, Policies, and other Provisions of a Plan or a Proposed Plan (S.104 (1)(b))** |

1. Regard must be had to the relevant objectives and policies in the Christchurch District Plan and Proposed Plan Change 14, which are attached in **Appendices +++** These generally seek +
2. *Discuss specific objectives and policies and how the application fits with these. Cover all issues even when they don’t necessarily help your conclusions otherwise you appear biased. Draw a conclusion on each objective/policy or group of objectives/policies, stating clearly whether you think the application supports, is consistent with, or is contrary (in the sense of being opposed or repugnant) to them.*
3. *Objectives and policies in proposed plan changes also require consideration, even if the rules are not yet in effect under s.86B. Copy relevant plan change wording from non-notified report templates P-400b-f, and discuss weight if there are inconsistencies between the proposal and the ODP and PC objs and pols.*
4. *Cross reference and/or adopt all or part of the applicant's assessment where appropriate.*
5. After considering the relevant objectives and policies it is my conclusion that in an overall sense, the application is +++

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| **Non-complying Activity Threshold Test (S.104D) If relevant** |

1. *Conclude whether the application satisfies the threshold test contained in Section 104D of the Act.*

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| **Other relevant Statutory Documents (S.104 (1)(b))**  |

1. Statutory documents of relevance to this application include + *(e.g. Regional Policy Statement, Regional Plans, National Environment Standards, National Policy Statement on +++, Coastal Policy Statement, National Environmental Standard for +++).*
* NES - *Discuss applicable National Environmental Standards. These include Air Quality, Sources of Drinking Water, Telecommunication Facilities, Electricity Transmission Activities, and Plantation Forestry.*
* NPS - *NPS include Urban Development, Freshwater Management, Renewable Electricity Generation, and Electricity Transmission.*
* Coastal Policy Statement - *not limited only to the CMA but also includes activities that adjoin and are visible from the coastal environment, i.e. land based activities including subdivision and earthworks and visual effects within the coastal environment (i.e. near the coast, not just within the CMA)*
* RPS - *The RPS covers the following: Ngai Tahu, RM processes for TAs incl. cross boundary issues and inter-agency coordination of processes, land-use and infrastructure, recovery and rebuilding of Greater CHCH, urban limits, fresh water, coastal environment, ecosystems and indigenous biodiversity, beds of rivers, lakes and riparian zones, natural hazards, landscape, historic heritage, air quality, soils, energy, contaminated land, hazardous substances, waste minimisation and management.*
* Regional Plans *These include the Canterbury Natural Resources Regional Plan, Waimakariri River Regional Plan, Regional Coastal Plan, Canterbury Land & Water Regional Plan.*
1. Regard must be had to the NPS Urban Development which came into effect on 20 August 2020. The provisions relating to … are relevant to the consideration of this application. The Council has not yet amended the District Plan / commenced the Plan change process to give effect to the NPS, however … *discuss provisions and weighting*
2. The District Plan has been recently reviewed and gives effect to the higher order planning documents. As such, there is no need to address them specifically in this report.

 *Or amend and discuss the provisions of any other relevant statutory documents not reflected in the Plan, e.g. the NPS-UD, which came in after the DP was reviewed.*

 *Also discuss NES as these sit alongside the DP and are not given effect to by it.*

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| **Relevant Other Matters (S.104 (1)(c))** |

**+ Recovery / Regeneration Plan**

1. The Christchurch Central Recovery Plan / Land Use Recovery Plan / Lyttelton Port Recovery Plan / Cranford Basin Regeneration Plan / Ōtākaro Avon River Corridor Regeneration Plan is relevant to this proposal as +. *Section 60 of the Greater Christchurch Regeneration Act 2016 has now expired so there is no need to ensure decisions are not inconsistent with Recovery Plans and Regeneration Plans, however these plans still exist and have not been revoked, so may be a relevant consideration in some cases. Consider whether any of the plans are relevant to the application. If so, note the outcomes sought, consider whether there is potential for the activity to impact on the successful implementation of the plan. The legislative history of the GCRA and OICs might also be relevant in some circumstances. The Land Use Recovery Plan (LURP) and Christchurch Central Recovery Plan have been given effect to in the District Plan. The Ōtākaro Avon River Corridor Regeneration Plan may be relevant to activities on nearby sites. Other plans are the Lyttelton Port Recovery Plan and Cranford Basin Regeneration Plan.*

**Lapsing of the consent (if the applicant is seeking a longer period)**

1. Section 125 of the Resource Management Act 1991 provides that resource consents shall lapse on the date specified in the consent, or if no date is specified, 5 years after the date of commencement of consent (unless the consent is given effect to). The applicant is seeking a longer period +++ explain what period and why +++
2. *Conclude whether an extended period should be granted, and include as a separate recommendation (e.g. Pursuant to Section 125… this consent shall lapse upon the expiry of a period of … years after the date of this consent …)*

**Precedent effect/Plan integrity (if particularly relevant)**

1. *If a non-complying activity, consider whether the proposal could set a precedent (see caselaw on when to apply precedent) or could undermine the integrity of the plan or affect the consistent administration of the plan and if so comment on this +++ Precedent can also be a relevant consideration for discretionary activities. There is no need to routinely discuss this matter – only mention it if it is particularly relevant.*
2. Given the non-complying status of this application it is appropriate to have regard to the issue of precedent, as well as the effect of granting consent upon the integrity of the District Plan and public confidence in its consistent administration. Case Law has established however, through the High Court in *Rodney District Council v Gould,* that concerns relating to plan integrity and precedent effect are not mandatory considerations. The Court held that they are matters that decision makers *may have regard to*, depending on the facts of a particular case including:
3. Whether a proposal is contrary to the objectives and policies of the plan; and if so
4. Whether in the circumstances of a particular case a proposal can be seen as having some unusual quality.

In this case the proposal is not contrary to the objectives and policies, therefore I am satisfied that issues of precedent or plan integrity do not arise.

 OR

1. I have concluded above that the application is contrary to the objectives and policies and therefore I consider issues or precedent or plan integrity. However in my opinion there are a number of sufficiently unusual characteristics of this site and proposal which set this proposal aside from the generality of cases. These include:
* +
* +
1. Given these factors, I consider that granting consent to this application is unlikely to give rise to any significant precedent effect which would challenge the integrity of the District Plan.

 OR

1. *If there are no unusual characteristics, explain how a precedent effect might arise, and why it would be of concern*

**Relevant Non-statutory Documents (if relevant)**

1. *Outline any non-statutory documents (e.g. Council strategies, neighbourhood plans) which are relevant to the site/area/proposal. Note that limited weight is able to be given to these documents.*

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| **Part 2 of the Act** |

1. The matters outlined previously are subject to Part 2 of the Act which outlines its purpose and principles.

1. The use, development and protection of resources is to be sustainably managed in a way that enables people and communities to provide for their social, economic and cultural wellbeing and their health and safety, while avoiding, remedying or mitigating any adverse effects of activities on the environment.
2. Taking guidance from case law[[1]](#footnote-1), the District Plan is considered to be the mechanism by which the purpose and principles of the Act are given effect to in the Christchurch District. It was competently prepared via independent hearing and decision-making processes in a manner that appropriately reflects the provisions of Part 2. Accordingly, no further assessment against Part 2 is considered necessary.

 *OR discuss the relevant provisions of Part 2 if the application involves coastal hazards, as the District Plan has not yet given effect to the higher order documents relating to these and is therefore incomplete in relation to such applications*

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| **Conclusion** |

1. After considering the actual and potential effects on the environment of allowing the application, it is my conclusion that +++
2. In my opinion this proposal is contrary to / not contrary to / consistent with the objectives and policies of the District Plan as +.  *Reference any relevant plan changes also.*
3. If non-complying: I therefore consider that the proposal satisfies the threshold test of Section 104D. In this respect I consider Council has a discretion to exercise as to whether or not to grant consent.
4. I consider that the proposal supports / is inconsistent with Part 2 of the Resource Management Act 1991.
5. Having considered all of the relevant matters under Sections 104, 104A, 104B and 104C, it is my opinion that consent should be declined / granted subject to conditions.

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| **Recommendation** |

1. I have assessed this application to + at +. Having considered all the matters relevant to this application, I recommend that this application be **declined / granted** pursuant to Sections 104, 104A, 104B, 104C, 104D and 108 *(delete as appropriate)* of the Resource Management Act 1991 subject to the following condition/s:
2. Except where varied by the conditions of this consent *(if the conditions go beyond what is proposed in the application)* the development shall proceed in accordance with the information and plans submitted with the application, including the further information/amended plans submitted on + *(be specific about what the additional/amended information relates to)*.The approved plans include:

 *Be as specific as you can about the plans, particularly if there have been revisions during the course of the application. You may need to specify the nature of the plans, their reference number, date, and who they were prepared by.*

1. Refer Standard Conditions and Earthworks conditions. Group under headings and list chronologically, e.g. Pre-start, Earthworks, …

**[Heading]**

1. +

**[Heading]**

1. +

**Advice notes:**

1. This resource consent will **lapse five years** **from the date it is issued** unless it is given effect to (i.e. the activity is established) before then.Application may be made under Section 125 of the Resource Management Act 1991 to extend the period for giving effect to the resource consent, and this must be submitted prior to the consent lapsing.
2. **Monitoring** will be carried out to ensure the **conditions are complied with** and that the development proceeds in accordance with the plans and details which were submitted with the application.

 The Council will require payment of its **administrative charges** in relation to monitoring, under section 36 of the Resource Management Act 1991. The monitoring programme administration fee and initial inspection fee will be charged to the applicant with the consent processing costs. If more than one inspection, or additional monitoring activities (including those relating to non-compliance with conditions), are required, the additional time will be invoiced to the consent holder when the monitoring is carried out, at the applicable hourly rate. The current monitoring charges are outlined on the [Resource Management Fee Schedule](https://www.ccc.govt.nz/assets/Documents/Consents-and-Licences/resource-consents/P-301-Resource-Management-Fee-Schedule.pdf).

1. This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will also need to comply with the requirements of the **Building Act 2004**. Please contact a Building Consent Officer (ph: 941 8999) for advice on the building consent process. *(Include this advice note when the application relates to conversion of the use of an existing building, or other similar situations where the applicant may not be aware that a building consent is required).*
2. This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will need to obtain separate permission from the **Council as owner of the land** before you may carry out the proposed activity on this site. Please contact Joanne Walton, Policy Advisor, Parks Unit via email at Joanne.Walton@ccc.govt.nz. *(Include this advice note where the proposal is on Council land).*
3. This site may be an archaeological site as defined and protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. Archaeological sites are defined in the HNZPTA as any place in New Zealand where there is physical evidence of pre-1900 occupation, regardless whether the site is known or not, recorded in the NZAA Site Recording Scheme or not, or listed with Heritage New Zealand or the local council. Authority from Heritage New Zealand is required for any work that affects or may affect an archaeological site. **Please contact the Heritage New Zealand regional archaeologist on 03 363 1880 or** **archaeologistcw@heritage.org.nz** **before commencing work on the land.** *(include this advice note for buildings/sites with district plan heritage protection and/or where the site was used in the 19th century or before this.  Areas where this will most often be relevant are in the central city, Lyttelton and Banks Peninsula and the city's older suburbs including areas with character area overlays.)*
4. As the site is shown by Council **flood hazard** modelling to be affected by flooding in a 2% annual exceedance probability event, the land is considered to be subject to a natural hazard and the building consent application will be considered under section 71 – 72 of the Building Act. If adequate provision for protection from this natural hazard is not made, the building consent will be granted subject to the condition that a natural hazard notice will be entered on the record of title.  Please contact the Duty Building Consent Officer for more information (dutybco@ccc.govt.nz). *Check floor levels advice and include when a site is within the 50yr flood extent*
5. Under the [Council’s Stormwater and Land Drainage Bylaw 2022](https://cccweb.cwp.govt.nz/the-council/plans-strategies-policies-and-bylaws/bylaws/stormwater-and-land-drainage-bylaw-2022/) no person may obstruct any overland flow path or floodplains with any material or structures such as fences and retaining walls. As the application site forms part of the flood plain for [name of waterway], any proposed fencing will require authorisation from the Asset Planning Stormwater and Waterways Team who can be contacted via email Stormwater.Approvals@ccc.govt.nz.

iv) **Development Contributions *Where DCs NOT Payable***

 No development contributions are payable on this consent.

 **Development Contributions *Where DC assessment is available***

 Insert table and Advice notes prepared by DC Assessors here

 **Development Contributions *Where DC assessment is NOT yet available***

 Please note that a development contribution may be required under the provisions of the CCC Development Contributions Policy applicable at the time of application. The Council requires Development Contributions to be paid prior to the issue of the Code Compliance Certificate for a building consent, commencement of a Resource Consent, the issue of a section 224 certificate for a subdivision consent, or authorisation of a service connection.

 Development contribution requirements are as defined in Council’s Development Contributions Policy established under the Local Government Act 2002. Full details of the policy are available from our website at [www.ccc.govt.nz/consents-and-licences/development-contributions/](https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.ccc.govt.nz%2Fconsents-and-licences%2Fdevelopment-contributions%2F&data=05%7C01%7CCatherine.Elvidge%40ccc.govt.nz%7Ccf15a64b9dd14f614a4e08da5303853c%7C45c97e4ebd8d4ddcbd6e2d62daa2a011%7C0%7C0%7C637913571821548078%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=P0iXpXhavO1f06jBKwi%2FULsCUyGJpZoeXBDExBiPVjE%3D&reserved=0). If you have any queries in relation to this matter, please contact one of our Development Contribution Assessors on phone (03) 941 8999 or email developmentcontributions@ccc.govt.nz.

If the application is for a joint land use/subdivision consent, structure this section as two separate recommendations as follows:

1. Having considered all the matters relevant to these applications, I recommend that:
2. **Land use CONSENT (RMA…)**

That for the above reasons the land use consent application to … at …, **be declined / granted** pursuant to Sections 104, 104A, 104B, 104C, 104D and 108 *(delete as appropriate)* of the Resource Management Act 1991, subject to the following conditions:

1. +

**B) Subdivision consent (Rma…)**

That for the above reasons the fee simple subdivision consent application to … **be declined / granted** pursuant to Part VI and Part X of the Resource Management Act 1991, subject to the following conditions:

1. +

Signature

Name

**POSITION**

**Reviewed by:**

Name

**POSITION**

Type in the date

1. *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 [↑](#footnote-ref-1)