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| Resource Management Act 1991 | CCC logo Black&White |
| **Report / Decision on a Resource Consent Application**(Sections 95A, 95B and 104 / 104A / 104B / 104C) |

*Applications lodged on or after 17 March 2023 where PC13 and 14 heritage provisions apply*

|  |  |
| --- | --- |
| **Application number:** | **RMA/+** |
| **Applicant:** | + |
| **Site address:**  | + |
| **Legal description:** | + |
| **Zone:** |  |
| **District Plan**: | + |
| **Proposed Plan Change 14**:  | +  |
| **Overlays and map notations:** |  |
| **District Plan**: | + |
| **Proposed Plan Change 13 & 14:** | + |
| **Road classification:** | + |
| **Activity status:**  |  |
| **District Plan:** | + |
| **Proposed Plan Change 13 & 14:** | + |
|  |  |
| **Description of application:**  | + |

# Proposed activity

[Brief description of application]

The proposal is described in detail on page + / in paragraph + of the application. The key aspects are:

# Description of site and existing environment

The application site and surrounding environment are described on page / in section + of the application. I adopt the applicant’s description and note the following additional points:

[insert aerial photo only if it assists]

# Activity status

**Christchurch District Plan**

The site is zoned + in the operative Christchurch District Plan. [Zone purpose only if required for context]

The proposal requires resource consent for a + activity under the following rules in the District Plan:

***Table of commonly breached rules****(delete)*

| **Activity status rule** | **Standard not met** | **Reason** | **Matters of control or discretion**  | **Notification clause** |
| --- | --- | --- | --- | --- |
| Activity status rule | Rule infringed (if relevant) | Extent of infringement – permitted vs proposed, or reason RC required | Rule # and matters of control or discretion  | No or specify the details |
|  |  |  |  |  |
|  |  |  |  |  |

For completeness I note that: *add/delete/edit as relevant*

* **Earthworks:** Earthworks are exempt under Rule 8.9.3.iv no earthworks will commence within the building footprint (as defined in the District Plan) until building consent has been issued.
* **Acoustic insulation:** The building is within +m of +, however acoustic insulation is not required as the exemption in Rule 6.1.7.2.1.a.i. A / B applies. OR Rule 6.1.7.2.1 Sensitive activities near roads and railways applies as the building is within +m of +, and the necessary acoustic information will be provided with the building consent.
* **Landscaping:** Compliance with Rule 14.12.2.7 Landscaping will be achieved by the provision of 2m wide landscaping along the road boundary.
* **Street tree:** Earthworks within 5m of the base of the adjacent street tree will be carried out by or under the supervision of a works arborist employed or contracted by the Council and comply with Rule 9.4.4.1.1 P12. *Or mention any global consent.*
* **Cultural values:** The site is located within a Mahaanui Iwi Management Plan Silent File area however the relevant matters of discretion do not require consultation or assessment of effects on cultural values.
* +

**Proposed Plan Change 13 Heritage**

Proposed Plan Change 13 (PC13) is relevant to this proposal. It was notified on 17 March 2023 and proposes amendments to the heritage rules and related provisions in various other chapters of the Plan. The objectives, policies and rules have legal effect from the date of notification pursuant to s86B(3) as the rules relate to the protection of historic heritage.

There are submissions relating to all proposed provisions, and hearings are not yet complete. However on 11 December 2024 the Council withdrew a number of provisions from PC13, including two Residential Heritage Areas (RHAs), the RHA built form standards in Chapter 14, the RHA interface area rules in Chapter 9, and several heritage listings.

The application complies with all of the remaining rules in PC13.

OR

The proposal requires resource consent for a + activity under the following rules in PC13:

| **Activity status rule** | **Standard not met** | **Reason** | **Matters of control or discretion**  | **Notification clause** |
| --- | --- | --- | --- | --- |
| 9.3.4.1.3 RD1 | - | The proposal involves alteration of a heritage item / heritage fabric, being + | 9.3.6.1 Heritage items and heritage settings | No clause |
| 9.3.4.1.3 RD2 | - | The proposal involves a new building in a heritage setting / new building / structure / features in a heritage item which is an open space, being + | 9.3.6.1 Heritage items and heritage settings | No clause |
| 9.3.4.1.3 RD6 | - | The proposal is for a new building / alteration to building exterior in the + Residential Heritage Area.The proposal involves a new / alteration to a road boundary fence/wall over 1.5m in height within the + Residential Heritage Area. | 9.3.6.4 Matters of discretion for Residential Heritage Areas | No clause |
| 9.3.4.1.3 RD7 | - | The proposal involves demolition/relocation of a defining/contributory building in the + Residential Heritage Area. | 9.3.6.5 Matters of discretion for demolition in Residential Heritage Areas | No clause |
| *Insert other rules as relevant* |  |  |  |  |

**Proposed Plan Change 14 Housing and Business Choice**

Proposed Plan Change 14 (PC14) was also notified on 17 March, and includes residential and commercial intensification provisions directed by the National Policy Statement on Urban Development 2020 (NPS-UD) and the Medium Density Residential Standards in [Schedule 3A](https://legislation.govt.nz/act/public/1991/0069/latest/LMS634505.html) of the RMA, and duplicated some of the PC13 changes to provisions relating to heritage items and areas.

The Independent Hearings Panel’s recommendations on PC14 were released on 30 July 2024, and the Council made decisions on recommendations relating to NPS-UD Policy 3 areas (i.e. in and around commercial centres) on 18 September and 2 December 2024. The decisions included removal of Residential Heritage Areas (RHAs) within the Policy 3 areas, and delisting of a number of heritage items/settings. Decisions to date are not relevant to this application. *or amend where necessary*.

In terms of PC14 and the MDRS, the heritage provisions mean that site is identified as being within a qualifying matter area [in addition to …]. As a result, the rules do not have immediate legal effect given section 86BA(1)(c)(ii) and the operative district plan rules continue to apply. While the objectives and policies have legal effect from the date of notification, Policy 2 of the MDRS requires that the MDRS (including the objectives and policies) cannot be applied where a qualifying matter is relevant.

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

The [NES](http://www.legislation.govt.nz/regulation/public/2011/0361/latest/whole.html) 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 has been identified as HAIL land but the NES is not applicable as the proposed soil disturbance and removal does not exceed the permitted volumes.

OR

The application site has been identified as HAIL land therefore the NES applies. The proposal requires consent as a + activity under the following regulations:

| **Activity status regulation** | **Regulation not met** | **Reason** | **Matters of control or discretion** | **Notification clause** |
| --- | --- | --- | --- | --- |
| As below | Regulation 8(3) Disturbing soil | The volume of soil disturbed will exceed 25m3 per 500m2. Approx. +m3 disturbance is proposed.The volume of soil to be removed from the site will exceed 5m3 per 500m2. Approx. +m3 is proposed to be removed. | As below | As below |
| Regulation 9(1) Controlled activities | As above | A Detailed Site Investigation exists and the report states that soil contamination does not exceed the applicable standard in Regulation 7.  | Specified in Regulation 9(2) | Must not be publicly notified |
| Regulation 10(2) Restricted discretionary activities | As above | A Detailed Site Investigation exists and the report states that soil contamination exceeds the applicable standard in Regulation 7. | Specified in Regulation 10(3) | No clause |
| Regulation 11 Discretionary activities | As above | A Detailed Site Investigation has not been carried out / has not been provided to the Council. | N/A | No clause |

**Overall activity status**

Overall, the application must be assessed as a + activity, being the most restrictive activity status [*only if NES applies. Do not bundle the activity status under the operative plan with the plan change*].

# Written approvals [Sections 95D, 95E(3)(a) and 104(3)(a)(ii)]

No written approvals have been provided with the application.

OR

The applicant has obtained written approval from the following person(s):

| **Name(s)** | **Property address** | **Location**  | **Owner / Occupier** |
| --- | --- | --- | --- |
| Jo Bloggs | 53 Hereford Street | Adjacent property to the east | Both |
|  |  |  |  |

Any adverse effects on these persons must be disregarded.

# NOTIFICATION ASSESSMENT

# Adverse effects on the environment and affected persons [Sections 95A, 95B, 95E(3) and 95D]

*If notification is precluded by a rule in the Plan or because the application is a controlled activity, delete this section and assess effects under the s104 heading instead, replacing references to s95A-E with the s104 equivalents.*

*If activity status or notification preclusions differ between the operative plan and proposed plan change, you will need to set out those differences where they materially affect your s95 assessment i.e. if controlled under ODP but RD under PC13 or similar.*

When assessing whether adverse effects on the **environment** will be, or are likely to be, more than minor, any effects on the owners and occupiers of the application site and adjacent properties must be disregarded (section 95D(a)). The assessment of **affected persons** under section 95E includes persons on adjacent properties as well as those within the wider environment.

As a controlled activity, assessment of the effects of this proposal is limited to the matters of control specified in the District Plan. Consent must be granted and conditions relating to the matters of control may be imposed.

OR

As a restricted discretionary activity, assessment of the effects of this proposal is limited to the matters of discretion for the rules breached.

OR

As a non-complying/discretionary activity, 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.

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 other proposed objectives and policies including those in PC13 are subject to submissions and can therefore be given very little weight.

Sections 95D(b) and 95E(2)(a) allow the adverse effects of activities permitted by the District Plan or an NES to be disregarded (the “permitted baseline”). [*would have to be a permitted baseline in both PC and ODP*]

In the context of this planning framework, I consider that the potential effects of the activity relate to …

**Effects headings if needed**

[Assessment]

+ effects are assessed on page / in section + of the application. I agree with and adopt the applicant’s assessment and note the following additional points:

The applicant has volunteered / agreed to a number of conditions relating to [+]. These form / are deemed to form part of the application and can be taken into account in assessing the effects of the proposed activity.

I accept the comments and recommendations of [+] and conclude that …

No other properties will be affected by [+] because …

Under Section 95E(1) a person is not deemed affected by an activity if the adverse effects on them are less than minor.

**Conclusion**

Overall, I consider that any adverse effects on the wider environment will be + and that there will be no affected persons.

# Notification tests [Sections 95A and 95B]

Sections 95A and 95B set out the steps that must be followed to determine whether public notification or limited notification of an application is required.

|  |
| --- |
| **PUBLIC NOTIFICATION TESTS – Section 95A** |
| ***Step 1: Mandatory notification – section 95A(3)*** |
| * Has the applicant requested that the application be publicly notified?
 | **No** |
| * Is public notification required under s95C (following a request for further information or commissioning of report)?
 | **No** |
| * Is the application made jointly with an application to exchange reserve land?
 | **No** |
| ***Step 2: If not required by Step 1, notification is precluded if any of these apply – section 95A(5)*** |
| * Do operative and proposed rules or an NES preclude public notification for all aspects of the application?
 | **Yes / No** |
| * Is the application a controlled activity under the District Plan and Plan Changes?
 | **Yes / No** |
| * Is the application a boundary activity?
 | **Yes / No** |
| ***Step 3: Notification required in certain circumstances if not precluded by Step 2 – section 95A(8)*** |
| * Does a rule or NES require public notification?
 | **No** |
| * Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor (discussed above)?
 | **No** |
| ***Step 4: Relevant to all applications that don’t already require notification – section 95A(9)*** |
| * Do special circumstances exist that warrant the application being publicly notified?
 | **No** |

[Comments]

In accordance with the provisions of section 95A, the application **must not be publicly notified.**

|  |
| --- |
| **LIMITED NOTIFICATION TESTS – Section 95B** |
| ***Step 1: Certain affected groups/persons must be notified – sections 95B(2) and (3)*** |
| * Are there any affected protected customary rights groups or customary marine title groups?
 | **No** |
| * If the activity will be on, adjacent to, or might affect land subject to a statutory acknowledgement - is there an affected person in this regard?
 | **Yes / No** |
| ***Step 2: If not required by Step 1, notification is precluded if any of the following apply – section 95B(6)*** |
| * Do operative and proposed rules or an NES preclude limited notification for all aspects of the application? *ODP and PC*
 | **Yes / No** |
| * Is this a land use consent application for a controlled activity under the District Plan and Plan Change?
 | **Yes / No** |
| ***Step 3: Notification of other persons if not precluded by Step 2 – sections 95B(7) and (8)*** |
| * Are there any affected persons under s95E, i.e. persons on whom the effects are minor or more than minor, and who have not given written approval (discussed above)?
 | **No** |
| ***Step 4: Relevant to all applications – section 95B(10)*** |
| * Do special circumstances exist that warrant notification to any other persons not identified above?
 | **No** |

[Comments]

In accordance with the provisions of section 95B, the application **must not be limited notified**.

# Notification recommendation

That, for the reasons outlined above, the application be processed on a **non-notified** basis pursuant to sections 95A and 95B of the Resource Management Act 1991.

**Reported and recommended by:** name and position **Date:** +

**Reviewed by:** name and position**Date:** +

*(review required if Planner Level 2 or Planning Technician - delete if not required)*

# Notification decision

That the above recommendation be accepted for the reasons outlined in the report.

|  |
| --- |
| Decision maker notes *Delete this box if not used*+ |

**Delegated officer:**

[Insert digital signature]

**Commissioner:**

|  |  |  |  |
| --- | --- | --- | --- |
| Name: |  |  |  |
| Signature: |  |  |  |
| Date: |  |  |  |

# SECTION 104 ASSESSMENT

# Actual and potential effects on the environment [Section 104(1)(a)]

The adverse effects on the environment are assessed in the preceding section 95 discussion, and that assessment is equally applicable here.

In addition, I note that the proposal will have the following positive effects:

* *Delete if no particular effects worth mentioning, or for RD activities only include if the positive effects relate to the matters of discretion*

Overall, I consider that the effects of the proposed activity on the environment will be acceptable.

Overall, I consider that the effects on the environment are able to be mitigated through compliance with recommended conditions such that they will be **+** and acceptable.

# Relevant objectives, policies, rules and other provisions of the Plan and Proposed Plan [Section 104(1)(b)(vi)]

Regard must be had to the relevant objectives and policies in the District Plan and the heritage objectives and policies in Plan Changes 13 and 14.

**Operative District Plan**

*Discuss relevant provisions*

**Plan Changes 13 and 14**

The heritage objectives and policies in PC13 and PC14 generally seek the same outcomes in terms of the protection and management of heritage items. I consider the following to be relevant to this application: *delete as relevant*

* 9.3.2.2.2 Identification, assessment and scheduling of heritage areas
* 9.3.2.2.3 Management of scheduled historic heritage
* 9.3.2.2.5 Ongoing use of scheduled historic heritage
* 9.3.2.2.6 Relocation of heritage items within and beyond heritage settings
* 9.3.2.2.8 Demolition of scheduled historic heritage

Whilst I give little weight to the PC13 objectives and policies given that there were submissions relating to all proposed provisions, I consider the outcome would likely be the same under either set of provisions. [Or discuss any potential inconsistencies etc].

*Address weighting as part of your discussion if there is a disconnect between the provisions of the DP and the PC. In general, PC13 should be given little weight if there are a lot of submissions in opposition, more weight if submissions are all in support, and significant weight once decision is released and the appeal period is still open. PC14 provisions are treated as operative as soon as decisions to accept them are made.*

Objective 3.3.7.a (part) and 14.2.3 and Policies 14.2.3.1-5 and 14.2.6.1 within PC14 are considered to have full legal effect as these originate from Clause 6 of [Schedule 3A](https://legislation.govt.nz/act/public/1991/0069/latest/LMS634505.html) of the Resource Management Act. As noted above, MDRS Policy 2 (14.2.3.2) requires that the MDRS are not applied where a qualifying matter is relevant and as in this case, and at this stage in the process I therefore apply Policy 2 and set aside the other MDRS objectives and policies. *Delete if MDRS not relevant to proposal*

In terms of the other policies of PC14, I note xxx are relevant insofar as the discretion I have available, but as they are subject to submissions and decisions have not yet been made, I give little weight to these provisions.

# Relevant provisions of a National Environmental Standard, National Policy Statement, Regional Plan, Regional Policy Statement or Coastal Policy Statement [Section 104(1)(b)]

The National Environmental Standard for managing contaminants in soil to protect human health is relevant to this application and is discussed above.

The District Plan gives effect to the relevant higher order documents referred to in s104(1)(b), including the Regional Policy Statement and Regional Plans, and the National Policy Statement on Urban Development (NPS-UD) which has largely been implemented via Plan Change 14. As such, there is no need to specifically address them in this report.

OR

The District Plan gives effect to the higher order documents referred to in s104(1)(b) for all relevant matters except …

# Other relevant matters [Section 104(1)(c)]

[Discuss or delete]

# Part 2 of the Resource Management Act [Section 104(1)]

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 through independent hearing and decision-making processes in a manner that appropriately reflects the provisions of sections 5-8 of the Act.

Accordingly no further assessment against Part 2 is considered necessary.

# Section 104(3)(d) notification consideration

Section 104(3)(d) states that consent must not be granted if an application should have been notified and was not. No matters have arisen in the assessment of this application which would indicate that the application ought to have been notified.

# Non complying activity threshold tests [Section 104D(1)]

The application satisfies both tests as the adverse effects on the environment will be no more than minor and the application is not contrary to the objectives and policies of the Plan or Proposed Plan Change 13.

# Section 104 Recommendation

That, for the above reasons, the consent **be granted** under the District Plan and proposed Plan Changes 13 and 14 pursuant to Sections 104, 104A/104B/104C, 108 and 108AA of the Resource Management Act 1991, subject to the following condition/s:

1. The development shall proceed in accordance with the information submitted with the application, including the stamped approved plans entered into Council records as RMA/+.
2. +

 *Only enable photographic evidence to be submitted and document verification fee charged in lieu of an inspection for consents in remote locations. Monitoring site inspections will be required for other conditions. If unsure, discuss with the Compliance Team.*

**Advice Notes (****click to view standard conditions****):**

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.
* **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 OR document verification feewill 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).

* 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*
* *Noise attenuation outside the Central City:* At the time of the lodgement of building consent, the consent holder will need to provide a **design report prepared by a suitably qualified acoustics specialist** stating that the design is capable of achieving compliance with District Plan Rule 6.1.7.2.1 Sensitive activities near roads and railways (including mechanical ventilation and air conditioning where required).  The development must be constructed in accordance with this information.

 If design changes are required to meet the requirements of the design report, and are outside the scope of this consent, an application under s127 for a change of conditions will need to be lodged and processed at the consent holder’s expense.

* *Noise attenuation within the Central City:* At the time of the lodgement of building consent, the consent holder must demonstrate **compliance with an acceptable solution** listed in Appendix 6.11.4 Noise Attenuation Construction Requirements or provide a **design report prepared by a suitably qualified acoustics specialist** stating that the design is capable of achieving compliance with District Plan Rule 6.1.7.2.3 Sensitive activities near roads in the Central City.  The development must be constructed in accordance with this information.

 If design changes are required to meet the requirements of rule 6.1.7.2.3, and are outside the scope of this consent, an application under s127 for a change of conditions will need to be lodged and processed at the consent holder’s expense.

* This resource consent has been processed under the Resource Management Act 1991 and relates to [District – include if consent also required from ECan] **planning matters only**. You will also need to comply with the requirements of the Building Act 2004 and any other legislative requirements (including but not limited to Environment Canterbury Regional Plans, health licence, liquor licence, archaeological authority, certificate of title restrictions such as covenants, consent notices, encumbrances, right of way or easement restrictions, landowner approval where required).
* For more information about the **building consent process** please contact our Duty Building Consent Officer (phone 941 8999) or go to our website <https://ccc.govt.nz/consents-and-licences/> *Include 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.*

* *New/altered vehicle crossing*

As the proposal involves the construction or alteration of a **vehicle crossing**, a Vehicle Crossing Application to the Council's Transport Unit is required.  Please refer to our webpage for more information: [Vehicle crossings : Christchurch City Council](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ccc.govt.nz%2Ftransport%2Fworking-on-our-roads%2Fvehiclecrossing%2F&data=05%7C02%7CCatherine.Elvidge%40ccc.govt.nz%7Cb1a10e7194ef47a305e908dd1318a0d2%7C45c97e4ebd8d4ddcbd6e2d62daa2a011%7C0%7C0%7C638687718676901549%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=3lBpVNl6NjRGblPbO4NkVbrRa7utKA1rFK1nq%2FeRU8Y%3D&reserved=0). Please allow plenty of time for your vehicle crossing application. If any changes are needed to the road layout or markings it may require consultation and approval by Council, the Parking Committee or the local Community Board (depending on the changes) and can take up to 3 months. The costs of making the changes must be met by the consent holder.

* *Redundant vehicle crossing*

 As the proposed development will result in the redundancy of an existing **vehicle crossing**, the consent holder will need to consult with the Council’s Vehicle Crossing Engineer to reinstate the redundant crossing. Please refer to our webpage for more information: [Vehicle crossings : Christchurch City Council](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ccc.govt.nz%2Ftransport%2Fworking-on-our-roads%2Fvehiclecrossing%2F&data=05%7C02%7CCatherine.Elvidge%40ccc.govt.nz%7Cb1a10e7194ef47a305e908dd1318a0d2%7C45c97e4ebd8d4ddcbd6e2d62daa2a011%7C0%7C0%7C638687718676901549%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=3lBpVNl6NjRGblPbO4NkVbrRa7utKA1rFK1nq%2FeRU8Y%3D&reserved=0). The costs of making the changes must be met by the consent holder.

* *Structure on legal road*

Separate permission to erect a structure on legal road is required from the Council’s Transport Unit for the proposed garage.  This requires an application to be lodged under the Structures on Road Policy.  Please refer to Council’s website for the Policy and application form: [Structures on Roads Policy : Christchurch City Council](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fccc.govt.nz%2Fthe-council%2Fplans-strategies-policies-and-bylaws%2Fpolicies%2Froads-and-footpaths-policies%2Fstructures-on-roads-policy&data=05%7C02%7CCatherine.Elvidge%40ccc.govt.nz%7C5899c00532084e67e35a08dcfe9cffbe%7C45c97e4ebd8d4ddcbd6e2d62daa2a011%7C0%7C0%7C638665197461381196%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=NHJl%2BdXjX4vZiUa3fUUJIaaMLzryxeF9i9ONDV2x1VI%3D&reserved=0) Please note that there are fees and possibly a licence or lease required as part of any application and approval.

* *Where manoeuvring is non-compliant:*

**Vehicle manoeuvring:** The consent holder should make prospective purchasers and/or tenants aware that the vehicle manoeuvring for Unit(s) + does not comply with the District Plan, which means that additional manoeuvres are required for the 85th percentile vehicle to access/exit the carpark/garage for Unit(s) +, and that a larger vehicle may not be able to access the space at all.  An 85th percentile vehicle equates to an intermediate sedan.

* *Where maneouvring is compliant but tight for 85%ile vehicle*

**Vehicle manoeuvring** assessed for this resource consent is compliant with the layout shown. Any addition of kerbing or similar features that impede the movement of vehicles may affect manoeuvring and lead to a non-compliance requiring an additional consent or change of conditions.

The consent holder should make potential purchasers and/or tenants aware that manoeuvring <into/out of> the <carpark/garage> for <Unit X> is compliant for an 85th percentile vehicle only, which equates to an intermediate sedan. Larger vehicles may require additional manoeuvres or may not be able to access the space.

* 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.
* 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 Kelly Hansen, Manager Parks Planning & Asset Management, via email at Kelly.Hansen@ccc.govt.nz*. Include where the proposal is on Council land*
* 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**.

**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.

**Reported and recommended by:** name and position **Date:** +

**Reviewed by:** name and position **Date:** +

*(review required if Planner Level 2 or Planning Technician - delete if not required)*

# Section 104 Decision

That the above recommendation be accepted for the reasons outlined in the report.

🗹 I have viewed the application and plans.

🗹 I have read the report and accept the conclusions and recommendation.

|  |
| --- |
| Decision maker notes *Delete this box if not used*+ |

**Delegated officer:**

[Insert digital signature]

**Commissioner: *(Conflict of Interest*** ***Form P-426*** ***also needs to be signed by commissioner)***

|  |  |  |
| --- | --- | --- |
| Name: |  |  |
| Signature: |  |  |
| Date: |  |  |

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