

BEFORE THE CHRISTCHURCH CITY COUNCIL

IN THE MATTER OF

The Resource Management
Act 1991

and

IN THE MATTER OF

an application by Fern Fitzgerald
Limited to demolish existing
scheduled heritage building at
187 Fitzgerald Ave, Christchurch
(RMA /2023/325).

DECISION OF HEARING COMMISSIONER

4 OCTOBER 2023

Introduction

1. On 14 February 2023 consent was sought by Fern Fitzgerald Ltd to demolish an existing heritage building at 187 Fitzgerald Ave, Christchurch.
2. I have been delegated the authority to determine the application made to the Christchurch City Council. I confirm here that I am a Certified Hearings Commissioner, with over 25 years of experience in the resource management field, and that I have completed the RMA: Making Good Decisions programme, being Chair certified. I have conducted numerous hearings on resource consent applications and plan changes for a range of South Island councils. The resource management issues involved in these hearings have been diverse and many are of relevance to this hearing.
3. The Council's section 95-95G notification assessment determined that the application should be publicly notified. The submission period closed 7 July 2023. A total of 38 submissions were received, two of which were late. The late submissions were accepted in accordance with section 37 of the Act. Of the submissions, 22 were in opposition to the proposal, and 15 supported it. One submission was neutral.

Procedural Issues

4. I advise here that I have determined that the consent should be granted subject to conditions imposed under Section 108 of the Act. The reasons for my decision are set out in the remainder of this document. The conditions are appended to this decision.

The Proposal

5. The facts of the application and the relevant provisions of the District Plan are set out in the Application, the section 95/104 reports, the legal submissions, and the evidence presented at the hearing. There is no dispute regarding the facts of either the application or the activity status and I therefore do not repeat these in detail. Consent is required overall as a discretionary activity for the demolition of the scheduled heritage building on the site.

Site Visit, Hearing and Appearances

6. I visited the site on 13 September 2023, following the hearing.
7. The Hearing was conducted in Christchurch on 12 September 2023. The following people attended the hearing:

The Applicant: Ms Alanya Limmer (Counsel)
Mr Paul Szybiak (Director of Fern Fitzgerald Ltd)
Mr Alex Loye (structural engineer)
Ms Sally Elford (consultant planner)
Mr Mike Vincent (Heritage Advisor)

Council Staff: Mr Jonathan Gregg (Planner)
Mr Gareth Wright (Heritage Advisor)

Submitters: Margaret Stewart
Monica Reedy
Peter Dyhrberg
Lynne Lochhead
Jennifer Dalziel

8. The section 42A report was precirculated, as was the Applicant's evidence. Ms Limmer presented legal submissions at the commencement of the hearing. The section 42A report and the evidence was pre read, with the applicant's experts presenting short summaries prior to taking questions. Some of the submitters wishing to speak read from written statements, and others offered verbal comments.
9. At the adjournment of the hearing, Ms Limmer provided a verbal closing, and the hearing was adjourned until such time as I completed a site visit. Prior to the formal closure, additional information was provided on behalf of Mr Ross Gray, who was unable to attend the hearing due to illness. Given the circumstances, I accepted the late information, and afforded Ms Limmer the opportunity to review it and offer any additional comments, should she wish, as an addendum to her closing. Mr Limmer provided a short additional response on 14 September 2023, and I subsequently closed the hearing on Monday, 18 September 2023 once I had reviewed the information provided.
10. Copies of the statements of evidence and submissions presented at the hearing are held on file by the CCC. I do not separately summarise the matters covered here but refer to or quote from that material as appropriate in the remainder of this decision.

Reasons for the Decision

11. The Act requires that I set down the reasons for my decision, and that I record the principal issues in contention and the main findings of fact. These matters clearly form part of any assessment of a proposal and consequently inform the outcome. They cannot be dealt with separately from the reasons for arriving at a particular outcome and are accordingly dealt with in that way in this decision.
12. The matters addressed in the submissions and the evidence presented at the hearing covered the following broad matters:

Reasons for submissions in support:

- The building is in poor condition.
- The historical significance of the building is insufficient to retain the building given the cost.
- Demolition will allow the site to be fully developed.
- Requiring redevelopment of the building may hinder the wider development.
- The building can be demolished in a way that allows salvageable elements to be reused.

Reasons for submissions in opposition:

- Heritage buildings need to be preserved, considering how many were lost post-earthquake.
 - Provides character and variety to the streetscape.
 - Visually significant building given its location.
 - Has been left to deteriorate because of neglect.
 - Building is one of the last of its type in Christchurch.
 - Repair and reconstruction are possible without compromising the building's heritage value.
 - The costs should be seen in the context of the whole wider development, not just this building.
 - The works to restore would not compromise the heritage values.
 - Demolition would result in construction waste and embodied carbon being released.
13. These matters must be considered in the context of Section 104 of the Act which sets out what must be considered when deciding a resource consent application. Section 104B provides that once those matters have been considered, I can grant or refuse an application for a discretionary activity. If the application is granted, conditions may be imposed under Section 108 of the Act. The matters contained in Section 104 have all been considered in arriving at this decision. In this context, I note that all parties agreed with the discretionary activity status.

Consideration of Effects

14. The broad range of actual and potential effects were traversed in detail in the section 42A report and the various evidence statements, and I note that for the most part there was alignment between the various experts for the Council and the Applicant. However, the principal issues that were focused on at the hearing, particularly by the submitters, related to the importance of retaining the City's historic heritage, the significance of the building in question as a representative example of historic corner shops that were occupied by owners on the second story, and whether there were other options available to the applicant. None of the submitters called any expert evidence.
15. I have considered all of the effects identified above, and at the outset I note, as did Ms Limmer in her closing, that the Council and Applicant's experts are largely agreed on the nature, extent, and proposed management of the effects at issue, with the only difference between the Council and Applicant's heritage witnesses being whether the extent of the work required to retain and/or repair the heritage item is of such a scale that the heritage values and integrity of the heritage item or building would be significantly compromised, and the heritage item would no longer meet the criteria for scheduling in Policy 9.3.2.2.1.
16. The submitters focused largely on the key issues identified in paragraph 12 above. No expert evidence was presented by any of the submitters. While this decision also largely focusses on these matters, I have also considered the remaining effects identified above briefly, as I agree with the legal submissions that the application should be considered in its entirety. For the most part, however, I note that Ms Elford and Mr Gregg agreed on the extent of the effects, and I accept their views. In this decision I therefore comment on the matters that were raised at the hearing or remained outstanding. I also comment on the conditions of consent later in this decision.

Heritage values

17. Mr Gregg noted that the reasons in the application for the demolition of the building are largely based on the extent of work required to repair and strengthen the building, and that the costs of doing so are prohibitive.
18. This was explained by Mr Szybiak, a Director of the Applicant company. His company purchased the building in 2021, with preliminary advice that repairs would be in the order of \$1 million, and that there would likely be heritage grant funds available. Once the purchase was confirmed, the applicant discovered that the various heritage funds were either depleted or not available to them. Subsequent to this, a detailed assessment of the building and revision of repair estimates determined that the cost to repair the building would likely exceed \$2 million. In the absence of the availability of any grants, and not having insurance funds available for the building, demolition became the applicant's only option. As noted by Mr Szybiak, the site could not be sold because the cost of repairing the building would exceed any value attributed to the land.
19. Ultimately this left the applicant in the position of either retaining the building on site in a declining state, or seeking to demolish it, as the cost was prohibitive. Mr Szybiak also noted that at no time since his company has owned the building has any other party expressed an interest in purchasing it to repair, and he stated that other parties in the industry had also indicated that the building would need to be repaired or removed before they would consider purchasing the site.
20. There was no dispute that the building does hold value as a heritage feature, and these were discussed both in evidence and in presentations for submitters. The point was made, however, that it is not on the Heritage New Zealand Pouhere Taonga (HNZPT) list, and that HNZPT had not made a submission. Being a Group 2 building in the District Plan, as noted by Ms Elford, it *"conveys aspects of cultural heritage and activities and a sense of place and identity, being its former use for residential and commercial use and its prominent location in the corner of Fitzgerald Ave and Gloucester Street"*. Submitters emphasised that this was one of a few remaining examples of buildings with ground floor retail and residential activity on the upper floor, with other examples also on key intersections along Fitzgerald Avenue.
21. Mr Vincent, the heritage expert for the Applicant, also presented the counterfactual – that if consent was declined, the prohibitive cost of repair would mean the building would remain on the site and fall into greater disrepair. The effects of this would therefore be equivalent to demolition. Mr Wright for the Council agreed with this point but did note that if the building did remain on the site, there would still be some (however small) chance that an alternative outcome, such as repair in the future, would be possible.
22. Ultimately, however, both the applicant and the Council agreed that the costs of retention are undeniably unreasonable, and as Mr Wright noted, demolition is therefore not an inappropriate course of action. I note also that while several submitters considered that the repairs could be done at a lower cost, no expert evidence was provided that presented a different view to the estimates presented by the Council or the Applicant.

23. Having considered the evidence provided, I agree with Mr Gregg's view that there are no reasonable alternative approaches to demolition given the costs required to bring the building up to modern standards. Given that demolition would result in the loss of the heritage values of the building, I agree with Mr Gregg that these effects are more than minor. I also note, however, the District Plan policies contemplate the demolition of scheduled buildings in certain circumstances, one of which is related to the cost of repair. This position is addressed overall in Mr Gregg's s42A report (para 58) where he states that:

It is important to note that the District Plan does not seek that heritage buildings be protected and retained at all costs. Rather it expressly provides that in some instances demolition may be appropriate with reference to the matters in policy 9.3.2.2.8 which includes consideration of whether the costs to retain an item are unreasonable. In this case I consider the costs of remediating the building to a point where it could be re-used are unreasonable given the collection of factors described above and as set out by the applicant and in the expert advice. This includes the extensive engineering and repair work required, the lack of grants/funding available, and the cost difference between the repair work and that of a new building. I discuss the other matters under 9.3.2.2.8 in detail in a later section of this report, suffice to say I do not consider any of them to be an impediment to the proposed demolition and that the unreasonable costs are the key relevant matter of policy 9.3.2.2.8 to the current application. For these reasons I consider this is an occasion when demolition is appropriate and thus the significant adverse effects upon heritage values of the building are acceptable.

24. Having considered the evidence provided, I agree with Mr Gregg's view that there are no reasonable alternative approaches to demolition given the costs required to bring the building. While the loss of the heritage values will be significant, I agree that in the circumstances this is a case where demolition is appropriate, and while the effects are significant, they are regrettable but acceptable.

Demolition Effects

25. Mr Gregg's report noted that while there are potential adverse effects from demolition and earthworks in terms of noise, vibration, demolition traffic and erosion/sediment control, he identified that overall, these effects will be short lived and will be managed through appropriate conditions of consent. This is consistent with the evidence of the Applicant, and I concur with this view. Any adverse effects can be appropriately addressed through conditions of consent.

Summary of Effects

26. Overall, having considered the totality of the evidence provided, and noting there was alignment between the expert evidence of the Applicant and the Council, I conclude that while the adverse effects of the proposal to demolish the building at 187 Fitzgerald Avenue will be significant as there will be a complete loss of the building's heritage values, I consider that the effects are acceptable given the prohibitive cost to repair the building to an appropriate standard.

Objectives and Policies

27. I have considered the relevant Objectives and Policies of the Christchurch District Plan, which were covered in detail in the evidence provided by Mr Gregg and Ms Elford, as well as by the heritage experts. Key The relevant provisions are set out and considered below.

Objective 9.3.2.1.1 - Historic heritage

- a. *The overall contribution of [historic heritage](#) to the [Christchurch District's](#) character and identity is maintained through the protection and conservation of significant [historic heritage](#) across the [Christchurch District](#) in a way which:*
- i. *enables and supports:*
 - A. *the ongoing retention, use and adaptive re-use; and*
 - B. *the [maintenance](#), [repair](#), upgrade, [restoration](#) and [reconstruction](#); of [historic heritage](#); and*
 - ii. *recognises the condition of [buildings](#), particularly those that have suffered earthquake damage, and the effect of engineering and financial factors on the ability to retain, restore, and continue using them; and*
 - iii. *acknowledges that in some situations demolition may be justified by reference to the matters in Policy [9.3.2.2.8](#).*

28. I agree with Mr Gregg that this objective seeks that heritage is maintained through protection and conservation but is tempered by the specific recognition of engineering and financial factors on the ability to retain heritage buildings. I also consider it important to note that the Objective also expressly provides that in some situations demolition may be justified by reference to the matters in Policy 9.3.2.2.8. I have considered this policy and consider the demolition to be appropriate under Policy 9.3.2.2.8 given the unreasonable costs of the extensive repair and engineering required to bring the building to an appropriate standard such that it could be returned to use. I am therefore satisfied that the proposal is consistent with Objective 9.3.2.1.1, and particularly parts ii and iii.

Policy 9.3.2.2.3 - Management of scheduled historic heritage

- a. *Manage the effects of [subdivision](#), use and development on the [heritage items](#), [heritage settings](#) and [heritage areas](#) scheduled in [Appendix 9.3.7.2](#) and [9.3.7.3](#) in a way that:*
- i. *provides for the ongoing use and adaptive reuse of scheduled [historic heritage](#) in a manner that is sensitive to their [heritage values](#) while recognising the need for works to be undertaken to accommodate their long term retention, use and sensitive modernisation and the associated engineering and financial factors;*
 - ii. *recognises the need for a flexible approach to heritage management, with particular regard to enabling [repairs](#), [heritage investigative and temporary works](#), [heritage upgrade works](#) to meet [building](#) code requirements, [restoration](#) and [reconstruction](#), in a manner which is sensitive to the [heritage values](#) of the scheduled [historic heritage](#); and*
 - iii. *subject to i. and ii., protects their particular [heritage values](#) from inappropriate [subdivision](#), use and development.*
- b. *Undertake any work on [heritage items](#) and [heritage settings](#) scheduled in [Appendix 9.3.7.2](#) in accordance with the following principles:*
- i. *focus any changes to those parts of the [heritage items](#) or [heritage settings](#), which have more potential to accommodate change (other than where works are undertaken as a result of damage), recognising that [heritage settings](#) and Significant (Group 2) [heritage](#)*

- items are potentially capable of accommodating a greater degree of change than Highly Significant (Group 1) [heritage items](#);*
- ii. conserve, and wherever possible enhance, the authenticity and integrity of [heritage items](#) and [heritage settings](#), particularly in the case of Highly Significant (Group 1) [heritage items](#) and [heritage settings](#);*
 - iii. identify, minimise and manage risks or threats to the structural integrity of the [heritage item](#) and the [heritage values](#) of the [heritage item](#), including from natural hazards;*
 - iv. document the material changes to the [heritage item](#) and [heritage setting](#);*
 - v. be reversible wherever practicable (other than where works are undertaken as a result of damage); and*
 - vi. distinguish between new work and existing [heritage fabric](#) in a manner that is sensitive to the [heritage values](#).*

29. I agree with Mr Gregg that with the exception of b. iv, most matters in this policy are not relevant to the proposed demolition, given that post demolition there will be nothing left to manage. I agree that the Applicant's offer of a photographic record of the demolition is consistent with 'b. iv' and is appropriate to record the values of the building.

Policy 9.3.2.2.8 - Demolition of heritage items

- a. When considering the appropriateness of the [demolition](#) of a [heritage item](#) scheduled in [Appendix 9.3.7.2](#) have regard to the following matters:*
 - i. whether there is a threat to life and/or property for which interim protection measures would not remove that threat;*
 - ii. whether the extent of the work required to retain and/or [repair](#) the [heritage item](#) is of such a scale that the [heritage values](#) and integrity of the [heritage item](#) would be significantly compromised;*
 - iii. whether the costs to retain the [heritage item](#) (particularly as a result of damage) would be unreasonable;*
 - iv. the ability to retain the overall [heritage values](#) and significance of the [heritage item](#) through a reduced degree of [demolition](#); and*
 - v. the level of significance of the [heritage item](#).*

30. I have considered the evidence provide at the hearing in relation to these matters and address them as follows:

- i. Fencing and boarding up the building could keep the public out of the site and building given its current unstable state. However, as Mr Szybiak stated in his evidence, this may not prevent people getting into the building given it appears to have historically been used by squatters. The fact that a gap has been retained in the fence for access and surveillance purposes also does not assist in this regard. Overall, I do not consider that fencing alone is sufficient to deter unwanted entry to the building, thereby placing it at risk of further damage.*
- ii. The Applicant's expert heritage advice was that even if the necessary remediation were undertaken the building may not retain sufficient heritage value to still meet the threshold for listing, whereas the Council's expert held a slightly different view. However, given that I have reached the view that the costs to repair the building are prohibitive, and*

there is no practical alternative to demolition, I agree with Ms Limmer's submission that the relatively minor divergence of views between the two experts is not material to the decision on this application.

- iii. As I discussed in the assessment of effects earlier in this decision, I agree with both the Applicant and the Council that the costs to retain the building are unreasonable and I therefore determine that the proposal is supported by this sub-policy. Matter 'iii' makes reference to costs "*particularly as a result of damage*", but I do not consider the application of the Policy is restricted only to circumstances where damage has occurred. I do not consider that the use of 'particularly' signals that the policy can only apply when damage is being repaired. I therefore agree with Mr Gregg that "*the fact that the majority of the costs in this case appear to be (noting no breakdown is given) attributable to repair and deferred maintenance with a smaller proportion being due to repair of damage does not preclude the proposal from being supported by this sub-policy*". I also note that the policy is not specific to earthquake damage alone.
 - iv. With respect to sub-policy iv, none of the evidence suggested that it was possible to retain some of the heritage values through a lesser scope of demolition. The expert evidence provided, however, indicated that much of the building's interior and exterior has suffered damage or is in a serious state of disrepair. Given the extent of work and cost that is required to repair the building, I agree with Mr Gregg's assessment that a reduced degree of demolition is a viable or practical option.
 - v. Mr Gregg's evidence noted that the building is a Significant (Group 2) heritage item in the District Plan, which is the lower of the two categories of heritage listing in the Plan. The statement of significance, which was provided in the Application documentation and again in evidence, notes that the building's significance lies in it being "a late Victorian combination shop and dwelling 'corner-shop', which demonstrates a societal cultural pattern of generational ownership and small-scale retailing that was once prevalent in the city". I accept that the statement concludes that this is a 'building type now rare in Christchurch' and is 'a landmark on Fitzgerald Avenue'. However, as I discussed in the assessment of effects, the cost to repair the building is unreasonable and while the building has heritage significance, there is no practical option other than demolition in this case.
31. Mr Gregg noted, and I agree, that Matters i-v under policy 9.3.2.2.8 do not form a hierarchy. The policy also does not require that all sub-parts must be satisfied in order to be consistent with the policy. Overall, I consider matter 'iii' regarding the unreasonable costs of retention to be particularly relevant in this case, and the evidence provided in relation to the costs is compelling. I therefore consider the demolition to be appropriate, and therefore consistent with Policy 9.3.2.2.8.
 32. For completeness, Mr Gregg's evidence addressed Plan Change 13 to the Christchurch District Plan. I agree with his assessment that Plan Change 13 does not change the direction of the objectives and policies. While it provides some additional clarity, and in particular in relation to Policy 9.3.2.2.8.iii, this Policy and the change thereto is not relevant in this case given the reliance on Policy 9.3.2.2.8.iv.

33. I therefore agree that as the planning framework remains the same under both the operative and proposed plans, and that the outcome would be the same under both, no weighting is required.

Other Relevant Statutory Documents

34. I must also have regard to the NPS Urban Development which came into effect on 20 August 2020. At a high level I note that the NPS Urban Development seeks to enable urban development to provide sufficient housing and business land. I agree with Mr Gregg's view that while Plan Change 14 is being progressed to implement the NPS-UD, this application only deals with demolition, and no assessment under the NPS-UD is required.

Part 2 of the Act

35. The Christchurch District Plan has recently been reviewed. Its provisions were prepared under the higher order planning documents and, through its preparation and the process of becoming operative, has been assessed against the matters contained within Part 2.
36. I agree with Mr Gregg that the District Plan is the mechanism by which the purpose and principles of the Act are given effect to in the Christchurch District. The District Plan was competently prepared through an independent hearing and decision-making process in a manner that appropriately reflects the provisions of Part 2. Accordingly, I am satisfied that no further assessment against Part 2 is considered necessary.

Conditions

A set of conditions was included in Mr Gregg's report, and there was no evidence provided that sought to change these. I consider that these are appropriate to manage the effects of the proposed demolition.

Decision

37. Having considered the application by Fern Fitzgerald Ltd to demolish a scheduled building at 187 Fitzgerald Avenue, Christchurch, consent to the application is **granted** pursuant to Sections 104, 104B and 108 of the Resource Management Act 1991, subject to the conditions appended to this decision in Appendix 1.



Andrew Henderson
Independent Commissioner
3 October 2023

APPENDIX 1 – CONDITIONS OF CONSENT FOR RMA 2023/235

General

1. Except where varied by the conditions of this consent the development shall proceed in accordance with the information and plans submitted with the application and saved into Council records as RMA/2023/325 Approved Consent Document.

Earthworks

2. All earthworks shall be carried out in accordance with a site specific Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified and experienced professional, which follows the best practice principles, techniques, inspections and monitoring for erosion and sediment control contained in Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury <http://esccantebury.co.nz/>. The ESCP must be held on site at all times and made available to the Council on request.
3. The consent holder must notify Christchurch City Council no less than three working days prior to works commencing, (via email to rcmon@ccc.govt.nz) of the earthworks start date and the name and contact details of the site supervisor. The consent holder shall at this time also provide confirmation of the installation of ESCP measures as per the plan referred to in Condition 2 above.
4. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road (including kerb and channel), or into a river, stream, drain or wetland. Sediment, earth, or debris must not fall or collect on land beyond the site or enter the Council's stormwater system. All muddy water must be treated, using at a minimum the erosion and sediment control measures detailed in the site-specific Erosion and Sediment Control Plan, prior to discharge to the Council's stormwater system.

Note: For the purpose of this condition muddy water is defined as water with a total suspended solid (TSS) content greater than 50mg/L.

5. No earthworks shall commence until the ESCP has been implemented on site. The ESCP measures shall be maintained over the period of the deconstruction and earthworks phases, until the site is stabilised (i.e., no longer producing dust or water-borne sediment). The ESCP shall be improved if initial and/or standard measures are found to be inadequate. All disturbed surfaces shall be adequately topsoiled **and** vegetated or otherwise stabilised as soon as possible to limit sediment mobilisation.
6. Dust mitigation measures such as water carts, sprinklers or polymers shall be used on any exposed areas. The roads to and from the site, and the site entrance and exit, must remain tidy and free of dust and dirt at all times.
7. All loading and unloading of trucks with excavation or fill material shall be carried out within the subject site.
8. Any surplus or unsuitable material from the project works shall be removed from site and disposed at a facility authorised to receive such material.
9. Any backfilling in the area of the excavated foundations shall be with clean fill only.

10. All public roads and footpaths shall be kept clear of any tracked material from the demolition site.
11. Any public road, shared access, footpath, landscaped area or service structure that has been damaged, by the persons involved with the development or vehicles and machinery used in relation to the works under this consent, shall be reinstated as specified in the [Construction Standard Specifications](#) (CSS) at the expense of the consent holder and to the satisfaction of the Council.
12. Any change in ground levels shall not cause a ponding or drainage nuisance to neighbouring properties. All filled land shall be shaped to fall to the road boundary. Existing drainage paths from neighbouring properties shall be maintained.

Heritage

13. A digital photographic record of the heritage item and heritage setting is to be lodged with Council's Heritage Team within three months of the completion of works. In order to adequately record changes to heritage fabric, photographs must be taken before commencement, at regular intervals during, and after completion of works. Photographs must be of printable quality, at least 1440 pixels by 960 pixels for a 4"x 6" print at a minimum resolution of 240 PPI.

Note: Information being submitted in relation to this consent is to be sent by email to rcmon@ccc.govt.nz. The current nominated Council Heritage Advisor for this consent is Gareth Wright (941 8026; gareth.wright@ccc.govt.nz). Alternatively contact Suzanne Richmond (941 5383; suzanne.richmond@ccc.govt.nz).

Note: For reasons of comparison, photographs should be taken of and from the same locations on each occasion. Photographs should be labelled with location, date, and photographer's name, and submitted as individual image files with a plan showing photograph locations. They can be submitted to the nominated Council Heritage Team contact on a memory stick, or electronically by either email (noting that Council's email data transfer limit is 20MB per email) or file sharing service such as wettransfer.com or dropbox.com to rcmon@ccc.govt.nz.

Advice notes:

i) *Monitoring*

The Council will require payment of its administrative charges in relation to **monitoring of conditions**, as authorised by the provisions of section 36 of the Resource Management Act 1991. The current monitoring charges are:

- (a) An administration fee of \$107 to cover the cost of setting up the monitoring programme; and
 - (b) A monitoring fee of \$185 for the first monitoring inspection to ensure compliance with the conditions of this consent; and
 - (c) Time charged at an hourly rate if more than one inspection or additional monitoring activities (including those relating to non-compliance with conditions), are required.
- The monitoring programme administration fee and initial inspection fee will be charged to the applicant with the consent processing costs. Any additional monitoring time will

be invoiced to the consent holder when the monitoring is carried out, at the hourly rate specified in the applicable Annual Plan Schedule of Fees and Charges.

- ii) 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.
- iii) 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 of 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.**
- iv) **Development Contributions**
No development contributions are payable on this consent.