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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 / 104C) |

*Minor CA or RDA applications for built form rule breaches, including RLL, RSS, RBP outside Lyttelton, and the PC14 Future Urban zone. Use PC14 template* *P-400**d instead for residential applications in other zones*

|  |  |
| --- | --- |
| **Application number:** | **RMA/+** |
| **Applicant:** | + |
| **Site address:**  | + |
| **Legal description:** | + |
| **Zone:** |  |
| **District Plan**: | + |
| **Proposed Plan Change 14**:  | + *delete red rows if no relevant PC14 provisions* |
| **Overlays and map notations:** |  |
| **District Plan**: | + |
| **Proposed Plan Change 14**:  | + *delete red rows if no relevant PC14 provisions* |
| **Road classification:** | + |
|  |  |
| **Activity status:**  | + |
|  |  |
| **Description of application:**  | + |

# Proposed activity

*Briefly describe the proposal only if there is relevant information not already mentioned above.*

*Any specific information regarding the site and existing environment can be mentioned in the effects assessment section below if relevant to the assessment.*

This is a **fast-track application** under section 87AAC as it requires land use consent for a controlled activity under the District Plan and includes an electronic address for service. *Delete if not a fast-track application*

# Activity status

**Christchurch District Plan**

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

***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.a.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. *Planner to check if building consent has been lodged and if it has, ensure an acoustic design report has been provided and sent to EHOs (via Connect task). If no report or EHO acceptance of a report, trigger this as a non-compliance and RFI for the report.*
* **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 14 Housing and Business Choice** *delete if no relevant provisions*

Proposed Plan Change 14 (PC14) was notified on 17 March 2023, 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 (as modified by the proposed sunlight access qualifying matter). The MDRS (including objectives and policies) does not apply to this proposal as the Residential Large Lot zone / Small Settlement zone / Banks Peninsula zone outside Lyttelton / proposed Future Urban zone is not a ‘relevant residential zone’ (Policy 2, Schedule 3A).

The Independent Hearings Panel’s recommendations were released on 30 July 2024. Decisions made to date are limited to Policy 3 NPS-UD areas (in and around commercial centres) and are not relevant to this application.

# 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.

# Effects on the environment and affected persons [Sections 95A, 95B, 95E(3), 95D and 104(1)(a)]

*If notification is precluded by a rule in the Plan or because the application is a controlled activity, delete all references to s95A-E as this section only needs to cover s104. Move this section to underneath the notification assessment table.*

As a controlled activity, assessment of the effects of this proposal is limited to the matters of control noted above. 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 noted above.

*Briefly discuss effects on the environment (which excludes adjacent properties) and on persons (includes everyone) – examples below. If relevant comment on why other persons were not considered to be affected.*

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

e.g.

The proposed [building] will exceed [e.g. site coverage] by +, which will be largely indiscernible when viewed from neighbouring properties and the road. Having regard to the assessment matters in Rule + I consider the adverse effects on the environment will be negligible and there will be no affected persons.

Any adverse effects of the proposed [breach] will be limited to the neighbouring property at +*.* As the owner/s and occupier/s has / have given written approval to the application any effects on them must be disregarded. Given the localised nature of the breach no other persons will be affected, and there will be no adverse effects on the wider environment.

# Notification assessment [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.

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| **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)*** |
| * Does a rule or NES preclude public notification for all aspects of the application?
 | **Yes / No** |
| * Is the application a controlled activity?
 | **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** |

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

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| **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](http://legislation.govt.nz/act/public/1998/0097/latest/DLM431351.html) - is Te Rūnanga o Ngāi Tahu an affected person in this regard?
 | **No** |
| ***Step 2: If not required by Step 1, notification is precluded if any of the following apply – section 95B(6)*** |
| * Does a rule or NES preclude limited notification for all aspects of the application?
 | **Yes / No** |
| * Is this a land use consent application for a controlled activity?
 | **Yes / No** |
| ***Step 3: Notification of other persons if not precluded by Step 2 – sections 95B(7) and (8)*** *If the answer to either of the questions in Step 2 is Yes, answer N/A here as it is no longer applicable* |
| * 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 / NA** |
| ***Step 4: Relevant to all applications – section 95B(10)*** |
| * Do special circumstances exist that warrant notification to any other persons not identified above?
 | **No** |

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

# Other Section 104 matters

The application is:

* Consistent with Objective 14.2.4 (High quality residential environments) and 14.2.5 (Residential New Neighbourhood Zone) and supporting policies, as the proposal is in keeping with the anticipated character and level of amenity in this environment.

OR

* Consistent with the relevant objectives and policies in Chapter + as …
* Able to be granted consent without notification, pursuant to Section 104(3)(d).

For completeness, I note that the District Plan gives effect to Part 2 of the Act and the higher order planning documents referred to in s104(1)(b). The Plan was competently prepared and appropriately reflects the other relevant higher order provisions, so they do not need to be specifically addressed in this report[[1]](#footnote-1).

# Recommendations

A.That the application be processed on a **non-notified** basis in accordance with Sections 95A - 95F of the Resource Management Act 1991.

B. That the application **be granted** pursuant to Sections 104, 104A / 104C, 108 and 108AA of the Resource Management Act 1991, subject to the following condition:

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/+*.*

*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 (****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 fee *(only use for remote locations)* 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).

* 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: Prior to issuing the resource consent, Planner to check whether BCN has been lodged and if it has, ensure an acoustic design report has been provided and sent to EHOs (via Connect task). Section 37 should not be lapsed until the EHO has accepted the acoustic report as meeting the rule requirements.*

* *Noise attenuation outside the Central City:* When applying for a 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:* When applying for a 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.

* *Where manoeuvring is non-compliant:*

 **Vehicle manoeuvring:** The consent holder should make prospective purchasers and/or tenants aware that the vehicle manoeuvring for Unit X 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, 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 manoeuvring 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://ccc.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 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.** *(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.)*

**Development Contributions *Where DC assessment is available. If no DCs are required delete both advice notes.***

Insert table and Advice notes prepared by DC Assessors here

**Development Contributions *Where DC assessment is not yet available, i.e. Connect DC task not completed***

Please note that development contributions may be required under the provisions of the Council’s development contributions policy in force applicable at the time this consent application was received. If required, payment of development contributions must be made 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.

More information about development contributions can be found on our website at [https://ccc.govt.nz/consents-and-licences/development-contributions](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fccc.govt.nz%2Fconsents-and-licences%2Fdevelopment-contributions&data=05%7C02%7CCatherine.Elvidge%40ccc.govt.nz%7C3863c0aba4f746552e1408dd61ac9dc4%7C45c97e4ebd8d4ddcbd6e2d62daa2a011%7C0%7C0%7C638774116199995381%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=m5O3Jmsosn9tqsZvBOyHckTmmC8J9MFRL1MPz3ujtic%3D&reserved=0). If you have any queries in relation to this matter, please contact one of our Development Contribution Assessors via phone 03 941 8999 or email developmentcontributions@ccc.govt.nz.

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

# Decision

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

**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)