

**BEFORE INDEPENDENT HEARING COMMISSIONERS
APPOINTED BY THE TIMARU DISTRICT COUNCIL**

UNDER: the Resource Management Act 1991

IN THE MATTER OF: Submissions and further submissions in
relation to Timaru Proposed District
Plan

**LEGAL SUBMISSIONS ON BEHALF OF MILWARD FINLAY LOBB LTD
(SUBMITTER POINTS 60.47 AND 60.48)
FOR HEARING B1: RURAL ZONES**

Dated: 11 July 2024

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1. INTRODUCTION

- 1.1 These legal submissions are presented on behalf of Milward Finlay Lobb Ltd (**MFL**) in relation to its two submission points on the Proposed Timaru District Plan's (**PDP's**) provisions for the proposed Brookfield Road Special Control Area (**Brookfield Road SCA**).
- 1.2 Those submission points seek changes to the building coverage and tree standards in the Rural Lifestyle Zone Chapter of the PDP. Specifically, the Submission Points seek that:
 - (a) RLZ-S2 be amended to provide a building coverage standard of 12.5% for the Brookfield Road SCA (Submission Point 60.47); and
 - (b) RLZ-S8 be amended to retain the Operative Timaru District Plan's (**Operative Plan's**) tree standard for the Brookfield Road SCA¹ (Submission Point 60.48).
- 1.3 MFL no longer wishes to pursue Submission Point 60.48. These legal submissions therefore provide an overview of MFL's current position on Submission Point 60.47 following the release of the section 42A report for Hearing B2: Rural.²
- 1.4 MFL is calling evidence in support of its position from:
 - (a) Mr Chris McKnight, Director of Quarry Hills Development Ltd (**QHDL**), the developer of the Brookfield Road subdivision; and
 - (b) Ms Melissa McMullan, planner, on planning matters.

¹ Contained in Part D, General Rule 1.11.7.4.15

² *Proposed Timaru District Plan, Section 42A Report: Rural Zones, Report on submissions and further submissions, Author: Andrew MacLennan, dated 19 June 2024 (Section 42A Report).*

2. SUBMISSION POINT 60.47

- 2.1 The Rural Lifestyle Zone in the PDP includes a zone-wide building coverage standard (RLZ-S3) of 10%; unlike the Operative Plan, there are no standards that prescribe the maximum footprint of particular buildings on sections within the Brookfield Road SCA.
- 2.2 In her evidence, Ms McMullan has addressed her concerns regarding the misalignment between this zone-wide standard and the Operative Plan's building footprint standards for household units (including attached garages), as amended by QHDL's global land use consent 102.2021.54.1 (**Consent**),³ and accessory buildings for sections within the Brookfield subdivision.
- 2.3 The zone-wide standard proposed in the PDP also does not accommodate the needs of the rural lifestyle section market, which Mr McKnight has gleaned from the feedback he has received from potential purchasers of sections in the Brookfield subdivision. That feedback has been that the Operative Plan's permitted activity standard for the footprint of accessory buildings, being 80m²,⁴ does not recognise that several sections in the Brookfield subdivision are flat and cannot have basement garages, and therefore must comply with the accessory building footprint standard for garaging.⁵
- 2.4 The 80m² standard is simply too restrictive for the type of garaging required by potential purchasers. It is noted in this regard that if the 10% building coverage standard in the PDP is retained for the Brookfield Road SCA, the footprint of accessory buildings could be no more than 50m² (assuming the footprint of household units is 450m² (as authorised by the Consent)).
- 2.5 For the benefit of the Panel, the following table summarises the Operative Plan and PDP standards for building coverage, and amendments to the Operative Plan's standard for the footprint of household units authorised by the Consent, as discussed in Ms McMullan's evidence. To enable the building coverage requirements of the Operative Plan and Consent to be compared with that proposed by the PDP (RLZ-S3), an equivalent "building coverage" (based on

³ A copy of the Consent and associated section 42A Report is **attached** to these legal submissions.

⁴ Part D, Performance Standard 4.9.

⁵ Statement of Evidence of Chris McKnight, at [2.4].

building footprint and minimum section size standards) is included for the Operative Plan and Consent.

	Operative Plan ⁶	Consent	PDP ⁷
Household unit (including attached garaging, but excluding decks and hard-surfacing)	350m ²	450m ²	No standard
Accessory building	80m ²	No change to Operative Plan standard (80m ²)	No standard
Building coverage	8.6% (based on minimum lot size of 5,000m ²) ⁸	10.6%	10%

- 2.6 To address its concerns, MFL seeks the inclusion of a new subclause in RLZ-S3, which requires the footprint of all buildings on sections within the Brookfield Road SCA to not exceed 12.5% of the net site area. The wording proposed by MFL in Submission Point 60.47 is as follows:

Brookfield Road specific control area

The footprint of all buildings on the site shall not exceed 12.5% of the net site area.

3. SECTION 42A REPORT

- 3.1 The Reporting Officer recommends that no amendments be made to the PDP in response to Submission Point 60.47, on the basis of (summarily):⁹

- (a) Perceived inefficiencies in the PDP including site-specific standards aligning with the requirements of resource consent conditions; and
- (b) His view that existing consents granted prior to the notification of the PDP prevail or existing use rights could be relied upon.

- 3.2 Ms McMullan has addressed the Reporting Officer's concerns in her evidence.¹⁰ She notes:

⁶ Part D, Performance Standard 4.9.

⁷ RLZ-S3.

⁸ Part D, Standard 6.3.19(5).

⁹ *Proposed Timaru District Plan Section 42A Report: Rural Zones: Report on Submissions and Further Submissions*, Author: Andrew MacLennan, dated 19 June 2024, at [11.7].

¹⁰ Statement of Evidence of Ms McMullan, section 6 (pages 6 to 8).

- (a) The PDP already brings through standards from the Operative Plan for the Brookfield Road SCA.¹¹
- (b) The Reporting Officer's response ignores the fact that the Consent authorises a change to the Operative Plan's standards for the footprint of household units (including garaging) but not accessory buildings.¹²
- (c) Her concerns regarding the inconsistencies between the Consent and RLZ-S3 and therefore there is the potential for RLZ-S3 to be misconstrued.¹³
- (d) The proposed 2.5% increase in building coverage:
 - (i) Is acceptable when the combination of large sites, generous setbacks, height limits and co-ordinated lot frontage plantings will limit the visual impact of buildings within the Brookfield subdivision and receiving environment.¹⁴
 - (ii) Is consistent with the objectives and policies of the Rural Lifestyle Zone, particularly RLZ-O2 The Character and Qualities of the Rural Lifestyle Zone and RLZ-P3 – Character and Qualities.¹⁵
 - (iii) Will meet the market need for larger accessory buildings within the Rural Lifestyle Zone.¹⁶

3.3 It is submitted that Ms McMullan's evidence provides a robust planning basis on which to include a site-specific building coverage standard for the Brookfield Road SCA.

4. DECISION SOUGHT BY MFL

4.1 Based on the evidence of Mr Knight and Ms McMullan, MFL respectfully requests that RLZ-S3 be amended to include a new sub-clause as follows:

¹¹ Statement of Evidence of Ms McMullan, at [6.2].

¹² Statement of Evidence of Ms McMullan, at [6.3].

¹³ Statement of Evidence of Ms McMullan, at [6.4].

¹⁴ Statement of Evidence of Ms McMullan, at [6.7].

¹⁵ Statement of Evidence of Ms McMullan, at [6.8].

¹⁶ Statement of Evidence of Ms McMullan, at [6.8].

Brookfield Road specific control area

The footprint of all buildings on the site shall not exceed 12.5% of the net site area.

- 4.2 For completeness, MFL confirms its request to withdraw Submission Point 60.48 relating to RLZ-S8.

Dated: 11 July 2024

A handwritten signature in blue ink, appearing to read 'J. Hamilton', is positioned above a horizontal line.

Georgina Hamilton
Counsel for Milward Finlay Lobb Ltd

28 April 2021

Quarry Hills Development Ltd
C/- Andrew Rabbidge
Milward Finlay Lobb Ltd

Email: andrew@mflnz.co.nz

Dear Andrew

Land Use Consent Application 102.2021.54.1
Global Consent to Increase Building Footprint of Household Units within the Rural Residential (Brookfield Road) Zone

I am pleased to advise that your land use consent was granted consent under delegated authority by Timaru District Council on 28 April 2021.

Please find attached the decision on the application and the approved plans.

If you have any queries on this matter, please do not hesitate to get in touch.

Yours faithfully



Nathan Hole
Team Leader Consents and Compliance

e. nathan.hole@timdc.govt.nz
p. 03 687 7223



**Decision of Timaru District Council
Land Use Consent - 102.2021.54.1**

Acting under the delegated authority from Timaru District Council, I have considered the application for land use consent and have decided pursuant to sections 104 and 104B of the Resource Management Act 1991 that consent be granted.

Consent is granted for all household units (including garaging, but excluding decks and hard-surfacing) to have a maximum total building area of 450m² on lots greater than 5,000m² within the Rural Residential (Brookfield Road) Zone.

Nathan Hole
Team Leader Consents and Compliance

Date: 28 April 2021

Advice Notes

Commencement

This resource consent commences on the date the decision was notified, or on such later date as stated in the consent, unless an appeal or an objection has been lodged, at which time the consent commences when this has been decided or withdrawn, or in the case of an appeal to the Environment Court on such later date as the Court may state in its decision.

Right of Objection

If you do not agree with any of the conditions of this consent, you have a right to object to the condition under section 357A of the Resource Management Act. Notice of any objection must be in writing, set out the reasons for the objection, and be lodged with the Timaru District Council within 15 working days of receipt of this decision.

You may, when making an objection, under section 357A (1)(f) or (g), request that the objection be considered by a hearings commissioner(s), who is not a member of the consent authority.

Subsequent Right of Appeal to the Environment Court

Any person who has made an objection under section 357A of the Act may appeal to the Environment Court against the decision on the objection pursuant to section 358 of the Act.

Notice of such an appeal must be in the prescribed form, state the reasons for the appeal and be lodged with the Environment Court (PO Box 2069 Christchurch 8013) within 15 working days after the decision on the objection being notified to that person, or within such further time as the Environment Court may allow.

Appeal Direct to the Environment Court

If you do not agree with the decision, an alternative to a section 357A objection, or if section 357A does not apply, is to appeal the decision under section 120 of the Act to the Environment Court.

However, there is no right of appeal under this section against the whole or any part of a decision of a consent authority to the extent that the decision relates to 1 or more of the following, but no other, activities:

- (a) a boundary activity, unless the boundary activity is a non-complying activity;
- (b) a subdivision, unless the subdivision is a non-complying activity;
- (c) a residential activity as defined in section 95A(6), unless the residential activity is a non-complying activity.

A person who made a submission on the application or review of consent conditions may appeal only in respect of a matter raised in the person's submission (excluding any part of the submission that is struck out under section 41D).

The notice of appeal shall be in the prescribed form; state the reason for the appeal and the relief sought; state any matters required by the regulations; and be lodged with the

Environment Court (PO Box 2069, Christchurch 8013) within 15 working days notice of the decision being received. Notice of the appeal must also be served on Timaru District Council within 15 working days within the same period. Notice of the appeal must also be served on any person who made a submission in relation to the application within 5 working days of the notice being lodged with the Environment Court. If you are in any doubt about the correct procedures, you should seek legal advice.

Minor Correction of Resource Consents

Section 133A of the Act provides the consent authority may at its discretion issue an amended consent that corrects minor mistakes or defects in the consent within 20 working days of the grant. If you consider that the consent contains a minor mistake or defect you may advise the Timaru District Council of the same.

Lapsing of Consents

A resource consent lapses on the date specified in the consent or, if no date is specified, 5 years after the date of commencement of the consent unless, before the consent lapses: the consent is given effect to; or, an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension.

Change or Cancellation of Conditions

An application to change or cancel a condition of this consent can be made under section 127 of the Act.

Review of Consent

A consent authority may, in accordance with section 129 of the Act, serve notice on a consent holder of its intention to review the conditions of resource consent.

Monitoring of Consent

Pursuant to section 35 of the Act, the local authority shall monitor the exercise of this resource consent. Should all the conditions of consent be complied with, a single monitoring visit will occur and therefore no further monitoring charges will be incurred. However, should conditions of consent not be met, further monitoring will be required which will generate additional costs as outlined above. Please note that some consents will require periodic or on-going monitoring and therefore despite compliance, monitoring will occur and costs will be charged for that monitoring.

Charges

Charges, set in accordance with section 36 of the Act, shall be paid to the Timaru District Council for the carrying out of its functions in relation to the administration and monitoring of resource consents and for carrying out its functions under section 35 of the Act.

Report on a Land Use Consent Application

Consent No:	102.2021.54.1
Applicant:	Quarry Hills Development Limited
Activity:	Increase the maximum building footprint for household units in the Rural Residential (Brookfield Road) Zone
Location:	Brookfield Road, Timaru
Zoning:	Rural Residential (Brookfield Road) Zone
Legal Description	Lot 10 DP 502319
Activity Status:	Discretionary Activity

1.0 Introduction

This report has been prepared under section 42A of the Resource Management Act 1991 (the Act) to document the assessment of the subject land use consent application. This report also constitutes the decision and reasons for the decision as required under section 113 of the Act.

2.0 Proposal, Site & History Description

2.1 Proposal Description

The applicant is the owner of the site on Brookfield Road that was been rezoned by way of a private plan change to the Timaru District Plan. The rezoning, which has been operative since September 2015, provides for rural residential development. The site has now been subdivided and it is understood that records of title will issue soon. The majority of the 30 lots range from 5000m² to 5,700m² in area. There are also four larger lots which sit within the southern section of the zone which have areas ranging from 1.1ha to 1.79ha.

The zoning has a number of specific controls including a limit on the area of household units (dwellings) including attached garaging. The limit is set at 350m² per site. The application seeks that this limit be increased to 450m² for all lots greater than 5000m² within the Zone. This approach is commonly referred to as a global consent as it applies to a number of properties. The application also proposes that a condition be placed on owners wishing to take advantage of the increased building area. This condition requires preparing and lodging of a landscape plan with the Timaru District Council for their approval.

The application site is shown in Figure 1 below and the proposed subdivision in Figure 2:



Figure 1 –Application site at Brookfield Road, Timaru **Source:** Canterbury Maps

The reason for the requested increase is that potential purchasers of these large sections want to build a sizeable house often incorporating garaging and that this is compromised by the 350m² limit. Based on other rural residential and large lot residential zones within Canterbury it is known that this is a common and expected aspiration of purchasers of these lots. It is also noted very few, if any, of these zones has a building footprint control.

Site and Surrounding Environment Description

The Rural Residential (Brookfield Road) Zone sits on the southern edge of Timaru sharing a boundary with Centennial Park to the north. It is surrounded by rural lots ranging from 1.2ha to 40ha in area. The land is rolling country with gullies and waterways including the North Branch of Otipua Creek. Brookfield Road is accessed from Landsborough Road approximately 1km west of the urban boundary of Timaru.



Figure 2 – Proposed subdivision, **Source:** Realestate.com

3.0 Activity Status

The site is zoned Rural Residential (Brookfield Road). Within this zone the main Permitted Activities are household units, home occupations, grazing of animals and open space. Performance standards for permitted activities area listed in 1.11.7.4 and include:

- A limit of one household per allotment
- Maximum building height of 4.5m
- Setbacks from zone boundaries, road and side boundaries and accesses
- Maximum building footprint for household units including attached garaging
- Colour reflectance controls
- Specified materials for housing and fencing
- Tree planting requirements

Specifically Performance Standard 1.11.7.4.9 specifies:

The maximum total area of building footprint per allotment shall be:

- a. *350m² for a household unit (including attached garaging, but excluding decks and hard surfacing); and*
- b. *80m² for accessory buildings*

Any application for breach of these performance standards is a Discretionary Activity under Rule 2.1. Accordingly the global consent sought is a **Discretionary Activity** and the matters that can be taken into account in deciding on this application are not limited.

5.0 Assessment of Application

5.1 Adequacy of Information

It is considered that the information provided by the application is adequate to determine the application in terms of section 104(6) of the Act.

5.2 Affected Parties/Written Approvals

Section 104(3) of the Act provides that a consent authority may not have regard to any effect on a person who has given written approval to the application. No written approvals have been submitted with the application.

6.1 Assessment of Environmental Effects

It is considered that assessment of the effects of the proposed increase in building footprint for the Rural Residential (Brookfield Road) Zone and the requirement of a landscape plan is most appropriately guided by the objectives and policies of the zone.

OBJECTIVE (1)

A rural residential environment is provided with low allotment density and high levels of amenity that maintains and enhances the amenity values of that zone and the surrounding area at Brookfield Road.

Principal Reason

Provides for residential choice and meets a community demand for an area of low density residential development. This objective acknowledges the value the community places on living in a pleasant environment whilst effects on the amenity values of surrounding areas is maintained.

POLICIES (1)

To provide for subdivision and built development in the Rural Residential (Brookfield Road) Zone where the effects on rural amenity values are managed in accordance with the following:

- (a) The number, size and layout of allotments is optimised in response to the topography and landscape values.
- b) Integrated management of subdivision, built development and activities is achieved by requiring compliance with an Outline Development Plan and a set of complementary rules which result in a comprehensive and efficient layout.
- (c) Limiting the extent of the Rural Residential (Brookfield Road) Zone to ensure rural outlook or appreciation is provided and that it remains contained and can be efficiently serviced.
- (d) Limiting the range of activities, buildings and infrastructure within the Rural Residential (Brookfield Road) Zone to those required for rural living only.
- (e) Connections are provided to waterways, reserves and urban areas for pedestrians and cyclists.

Comment: Objective 1 has the prime outcome of a low allotment density. The proposed increase in building footprint will not compromise the density established through the District Plan rules, and now subdivision of the land (RC101.20216.56) which creates lots greater than 5000m². The proposed increase in the building footprint from 350m² to 450m² which includes attached garages does not alter the density of the zone as all lots are required to have minimum lot size of 5000m² and this density has been achieved with the recent subdivision of this zoned land. It is noted that in addition, the subdivision consent places a consent notice on all 30 lots preventing any further subdivision of these lots. The density will therefore remain as is.

The objective also seeks to maintain and enhance the amenity values of the zone and surrounding area. The management of these amenity values is addressed in more detail in the policies assessed below.

Policy 1 lists the matters which are to be managed with regard to effects on “rural amenity values”. It is assumed that this reference includes both the values within the rural residential zone, outlook to rural areas and the amenity values of the surrounding residential areas and the rural area.

The first matter relates to optimising the number, size and layout of lots in response to topography and landscape values. This has been achieved in the subdivision layout consented in 2016 which is in accordance with the outline development plan and which includes larger lots on the steeper area. The shape of individual lots, the site layout and the relationship between the lots appears to be such that larger dwellings (with attached garages) can be easily accommodated within the lots without interfering with outlooks or limiting internal landscaping of properties.

The second matter confirms the importance of complying with the outline development plan and rules with the purpose of achieving a comprehensive and efficient layout. This has already been achieved with the subdivision consent for this zone as referred to above. An increase in building footprints of 100m² on the lots is not expected to impact on the efficiency of the layout or compromise its integrated approach.

The third matter seeks to ensure that the rural outlook or appreciation is retained and the zone can be efficiently serviced by limiting the zone extent. This latter matter is not relevant to the proposed increase in permitted building footprint. With regard to retaining rural outlook from sites the setback controls are the main mechanism to achieve this. The increase in building footprint size has potential to increase the likelihood of views of neighbours out to the rural area being partially obscured. This would depend on the shape and position of the building. Overall it is assessed that there would be limited situations when this occurs and technically this same level of effect would apply to a 350m² building that also meets the setbacks. Accordingly it is assessed that adverse effects on persons within the Zone are less than minor.

The fourth matter relates to retaining the sites for rural living only. And the fifth to connections to waterways, reserves etc. These factors are not relevant to the proposed increase in permitted building footprint.

The Explanation and Principal Reason for these policies include the following statements:

“While the zone provides for rural residential in a location which is highly accessible and convenient to the urban area, it is appropriate that the layout and scale of built development is sensitive to rural amenity values and the outlook from urban properties” and

Particular consideration has been given to locating built development in those areas where there is more potential to absorb development and to mitigate effects on outlook from the urban area to the rural residential development.

These statements reinforce that the key outcome sought with this zoning is its low impact on surrounding areas, rather than internally. In this regard it is assessed that the potential increase in built form within each lot is not expected to be noticeable beyond the zone due to

its significant separation from the Highfield, Westend and Watlington residential areas and houses on surrounding rural properties.

The Methods which follow the Policies refer to ensuring “*low density of subdivision and development and high levels of amenity*” by requiring compliance with standards relating to matters such as the bulk and location of buildings, appearance, open space and privacy and intensity of development. The standard relating to the maximum building footprint for household units with attached garages (Rule 4.9) limits the area of a household unit is the only standard controlling building size as there is no coverage limit. Normally the term “intensity” relates to the number of buildings per site or sites, not their size, so it is not clear what is being referred to in the list of Methods. The number of household units is limited to one per site (Performance Standard - Rule 4.1). This standard is not changing.

Overall in assessing the proposed increase in building footprint of household units with attached garages from 350m² to 450m² against the Objective, Policies and Methods of the Rural Residential (Brookfield Road) Zone it is concluded that there is no inconsistency.

In relation to the maintaining amenity within the zone, as compared to impacts on areas beyond the zone, it is noted:

- that the percentage building coverage of the site (not taking into account detached accessory buildings) will potentially increase from 7% to 9% of a 5000m² lot.
- there are a series of setbacks (in the District Plan and consent notices) from internal and road boundaries and zone boundaries ranging from 10m to 20m.
- houses have a maximum height of 4.5m which generally means that they will be one storey only.
- landscaping requirements in this Zone require a minimum of 4 trees on each site which are to be no closer than 10m apart and these are to be in the permitted building areas. It is also noted that the Outline Development Plan appears to require street trees to be planted along the full length of the identified road. Further to this the 2018 subdivision consent requires the following landscaping:
 - A 5m wide planting strip on the western boundary of lots 11 and 12 (the westernmost lots)
 - Four trees are to be planted in each lot along the road boundary where they have direct frontage to the new road. This requirement therefore applies to all except 8 rear lots.

The combination of the large sites, generous setbacks as compared to those in Residential zones, a strict height limit and coordinated planting of trees along the frontage of lots will limit the visual impact of buildings within the zone. In addition it is anticipated, as usually occurs in rural residential developments, that landowners will over time generously landscape their sites with lawn, shrubs and trees. The increase in building footprint to 450m² is therefore assessed to have a relatively small visual impact beyond what is currently permitted with retention of a generous area of open space. In these circumstances it is not considered necessary to require a landscaping plan to be prepared by all property owners as proposed by the applicant. Such a requirement is unlikely to achieve a higher level of amenity and has the following disadvantages;

- Landscaping needs/wishes for each property will inevitably change over time as occurs with most domestic sites
- There will be additional costs for property owners and the Council preparing and processing these landscape plans
- There is no guidance for owners and Council officers as to what is acceptable.

Conclusion

The proposed subdivision will not, or is not likely to have adverse actual and potential effects on the environment that are minor or more than minor. The proposed subdivision is assessed to have adverse actual and potential effects on persons that are less than minor.

6.1.1 Objectives & Policies of the Timaru District Plan

The proposed change of household unit footprint has been assessed in the previous assessment of environmental effects. The applicants have assessed the proposed subdivision against relevant Objectives and Policies of the Timaru District Plan. We agree and accept this assessment as comment as follows. In particular we agree that the high amenity values referred to in Objective 1 of the Zone in practice generally correlate with dwellings that are larger in size and scale. We are not surprised that the limit of 350m² may have put a number people off from buying lots as they will have been interested in these rural residential lots largely because they enable larger buildings.

6.1.2 Conclusion

It is considered that the proposed global consent to apply to the building footprint limit in the Rural Residential (Brookfield Road) zone is consistent with the relevant provisions of the District Plan.

6.2 Part II Matters

Part II of the Act stipulates the purpose and principles of the Act. The purpose of the Act is to promote the sustainable management of natural and physical resources. The proposed global consent are considered to be consistent with the various principals provided under Part II support this proposal including Section 7 in referee to amenity values..

Conclusion & Reason for the Decision

The global consent will enable the development envisaged in the Rural Residential (Brookfield Road) zone to occur in an efficient way. The adverse effects on the environment will be less than minor and the land use consent is consistent with the relevant objectives and policies of the District Plan.

7 Recommendation and Decision

Pursuant to sections 104 and 104B of the Resource Management Act 1991, it is recommended that consent be granted with no conditions other than standard applying to lots 5000m² or larger.

Reported on and Recommended by:
Date: 27 March 2021

Patricia Harte, Consultant Planner

Decision made by:



Nathan Hole

Team Leader Consents and Compliance

Date: 28 April 2021

8 Notification Status of Application

Public Notification: Section 95A(1) of the Act states that a consent authority must follow the steps set out in the section in the order to determine whether to publicly notify an application for resource consent.

Step 1

- Sections 95A(2) and (3) provide for mandatory public notification in certain circumstances. In this case Step 1 does not apply and therefore we move to Step 2 provided for under sections 95A(4) and (5)

Step 2

- This is to determine whether public notification is precluded. This application is for a discretionary activity land use consent and not a boundary activity and so public notification is not precluded.

Step 3

- Section 95A(7) and (8) refer to public notification being required in certain circumstances namely if the application is an activity that subject to a rule in a national environmental standard that requires public notification or the activity will have or is likely to have adverse effects on the environment that are more than minor. Assessment of this application concludes that the adverse effects on the environment of the subdivision are not more than minor.

Step 4

- Section 95A(9) requires that there is a determination whether special circumstances warrant public notification of the application. No special circumstances are associated with this application.

Limited Notification: Section 95B(1) of the Act states that a consent authority must follow the steps set out in the section in the order to determine whether to limited notify an application for resource consent.

Step 1

- Section 95B(2)-(3) requires limited notification of affected customary rights groups and affected person associated with a statutory acknowledgement. Neither of these situations applies with this application.

Step 2

- This is to determine whether limited notification is precluded by a rule or a national environmental standard or is a controlled activity other than for subdivision. Neither of these situations applies to this application and therefore limited notification is not precluded.

Step 3

- This section requires limited notification of any affected person determined in accordance with section 95E. The assessment in this report concludes that the adverse effects on any persons will be less than minor.

Step 4

- Section 95B(10) requires that there is a determination whether special circumstances warrant limited notification of the application to persons not already determined to be eligible for limited notification. No special circumstances are associated with this application

With regard to sections 95A, 95B and 95C of the Act, it is considered that the subject application should be processed on a non-notified basis because:

- The proposed activity will have or is likely to have adverse effects on the environment that are no more than minor.
- There is no rule or National Environmental Standard that requires public or limited notification of the application.
- The applicant did not request public notification of the application.
- There are no special circumstances that exist in relation to the application.
- The activity will NOT have adverse effects that are minor or more than minor on any person(s) or order holders(s).
- No further information was requested in relation to the application and the consent authority did not request the applicant if they could commission a report in respect of the application.

Acting under the delegated authority from Council, I have considered this application for a Subdivision Consent and have decided, pursuant to sections 95A-95F of the Resource Management Act 1991 that the application be processed on a non-notified basis.



Nathan Hole

Team Leader Consents and Compliance

Date: 28 April 2021