

CENTRAL OTAGO DISTRICT COUNCIL
OPERATIVE CENTRAL OTAGO DISTRICT PLAN
REPORT OF PLANNING CONSULTANT

APPLICANT: Off Road Expeditions Queenstown Limited, 28 Derwent Street Naseby (RC180316)

The above has made application for a land use consent on the land legally described as Section 8 Block II and Section 22 Block 11 and Section 23 Block II, Town of Naseby, held in Computer Freehold Register 133548 and comprising an area of 4924 square metres (m²) more or less. The land is owned by Denis Joseph Columb and Marilyn Ann Columb.

The applicant seeks to operate a restaurant and bar commercial activity at the site located at 28 Derwent Street, Naseby. The restaurant and bar will operate 365 days per year, with a closing time of 12am each night.

The site is subject to RC020303 (varied by RC040211) which provides for traveller's accommodation for up to 56 guests on the site and the operation of a 400m² function venue catering for up to 65 guests at a frequency of 48 times per year. The new consent, if granted, will authorise all current and proposed activities on the site and the existing consent will be surrendered.

DISTRICT PLAN ZONING:

The site is located in the Residential Resource Area as shown on Map 22A of the Operative Central Otago District Plan (the District Plan). Part of the site is located within the Naseby Heritage Precinct. No changes are proposed to any external structures that would otherwise trigger the Heritage Precinct rules.

Rule 7.3.6 identifies the standards to be met by activities occurring within this zoning.

Rule 7.3.6(i) controls traffic generation and characteristics of activities requiring that:

- (a) No activity shall attract vehicles to the site for the purpose of refuelling, servicing, maintaining and/or storing those vehicles.
- (b) No activity shall involve the retailing of goods and services except as provided for by the definition of home occupation and in association with temporary activities as defined.
- (c) No activity shall involve the attraction of the public to the site for any public or private assembly provided this does not apply to the use of reserves or open public space; gatherings associated with normal residential activities; and temporary activities as defined.

In this instance, the proposal does not comply with Rule 7.3.6(i)(b) and 7.3.6(i)(c).

Rule 7.3.6(ii) - Sense of Amenity, Security and Companionship requires that all land use activities shall be associated with the use of the site for residential purposes unless that activity is provided for in terms of Rules 7.3.1(ii) or 7.3.2(v).

The proposal is not provided for under Rule 7.3.1(ii) or Rule 7.3.2(v) (scheduled activities and existing community activities) and is not associated with a residential purpose.

Breaches of Rules 7.3.6(i)(b), 7.3.6(i)(c) and 7.3.6(ii) of the District Plan are assessed as **discretionary** activities, pursuant to Rule 7.3.4(i).

NOTIFICATION:

A decision was made to notify the application on the grounds of special circumstances on 10 September 2018. The application was notified, pursuant to Section 95A(9) of the Act, on 20 September 2018 and submissions closed on 18 October 2018.

At the close of the submission period, two submissions were received. The submissions are summarised below:

| Name | Address | Support/ Oppose | Summary of Submission |
|-----------------------|---------------------------|---------------------------------|---|
| E A Ellis | 24 Derwent Street, Naseby | Support (subject to conditions) | <ul style="list-style-type: none">• Seeks that the closing time is 12am• No amplified music permitted outside• No upward light spill to retain dark sky• Not to be used as a base for a 4WD vehicle operation |
| DC Brady and KJ Brady | 26 Oughter Street, Naseby | Support | <ul style="list-style-type: none">• Recognise the need for visitor accommodation as there are limited bed night options in Naseby• Recognise the need for conference activities and restaurants in Naseby• Seeks current noise and alcohol restrictions to be retained. |

STATUS OF THIS REPORT:

The attention of the applicant is drawn to the fact that the purpose of this report is to bring to the attention of the Hearings Panel all relevant factual information or issues which should be considered in deliberating on the proposal. It must be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearings Panel, and it should not be assumed that the Hearings Panel will reach the same conclusion or decision having considered all the evidence.

COMMENT ON PROPOSAL:

Section 104 and 104B

It is noted that the proposed land use activity has status as a discretionary activity in the Residential Resource Area of the Operative Central Otago District Plan. It is appropriate that the Hearings Panel consider the proposal as an application for a land use consent under the District Plan as a discretionary activity pursuant to sections 104 and 104B of the Resource Management Act 1991.

Section 104(1) requires that subject to Part 2, the Hearings Panel shall have regard to any actual or potential effects of allowing the activity; any relevant provisions of the plan or proposed plan; and any relevant national or regional planning document.

Sections 108

Section 108 empowers the Hearings Panel to impose conditions on a resource consent should it be of a mind to grant consent. Recent changes to the RMA took effect on 18th of October 2017. Of these changes, the underlying principles introduced by Section 108AA are relevant when considering conditions to be imposed any resource consent. These principles set out the criteria the consent authorities must consider when imposing conditions.

Conditions can only be imposed on a consent if at least one of the following is satisfied:

- *the applicant agrees to the condition; or*
- *the condition is directly connected to an adverse effect of the activity on the environment;*
or
- *the condition is directly connected to an applicable district rule, regional rule, or national environmental standard; or*

- *the condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.*

In this context, an 'applicable rule' means a rule that is the reason, or one of the reasons that a resource consent is required for the activity (source: MfE Fact Sheet 10).

The Hearings Panel will need to be mindful of S108AA when imposing conditions on the consent, if it is of a mind to grant.

Part 2 of the RMA

The Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd [2014] NZSC38[2014]1 NZLR 593 (King Salmon) approach used in RJ Davidson Family Trust v Marlborough District Council [2016] EnvC 81 followed the Court's reasoning that in most cases it is not necessary to refer back to Part 2 when determining an application for resource consent. The rationale for this approach is because planning instruments are prepared as a cascade, with district plans at the bottom of the cascade. However, the recent Court of Appeal decision on Davidson (R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316) confirms that resource consents are expressly subject to Part 2 and that Part 2 is to be considered as well as the other considerations set out in S104.

DESCRIPTION OF PROPOSAL

The proposal is accurately described in the amended application, received on 16 August 2018. In summary, the applicant seeks to operate a restaurant and bar commercial activity at the subject site in Naseby. The restaurant and bar will operate 365 days per year, with a closing time of 12am each night. The restaurant will utilise an existing outdoor seating and fireplace area. No outdoor amplified music is proposed. This activity will be operated in conjunction with an authorised traveller's accommodation operation which serves up to 56 guests on the site and the operation of a 400m² function venue catering for up to 65 guests at a frequency of 48 times per year.

The new consent, if granted, will authorise all current and proposed activities on the site and the existing consent will be surrendered.

Site Description

The subject site occupies a large land area and has frontage to Derwent and Oughter Streets. The existing structures on the site are numerous (in the form of cabins and function venue and administration buildings) and are set well back from Derwent Street. Signage is erected on the site and identifies the use of the site as travellers' accommodation and restaurant. The surrounding land uses are predominantly residential but also include a church, emergency services depot and B&B accommodation facilities.

PLANNING HISTORY

RC020303 (varied by RC040211) provides for traveller's accommodation for up to 56 guests on the site and the operation of a 400m² function venue catering for up to 65 guests at a frequency of 48 times per year.

ASSESSMENT OF EFFECTS OF PROPOSAL

Permitted Baseline.

Under section 104(2) of the RMA, an adverse effect of the activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful.

Up to 56 travellers are permitted to stay on the site under RC020303 (as varied by RC040211) and are able to use the grounds and amenities (including the existing outdoor seating area and fireplace). Overall, it is the effects of the proposal over and above the activity authorised by RC020303 which are to be considered.

Traffic generation and characteristics of activities

The District Plan recognises that the generation of high levels of traffic including heavy trade vehicles has significant adverse effects on amenity values of residential areas particularly in terms of noise levels, visual impacts and the safe and efficient operation of residential streets.

With respect to this proposal, the surrounding traffic network appears to have low volumes and the nature of the community appears such that walking and bike riding are common modes of transport, especially during the peak holiday season. The existing activities occurring on the site currently generate atypical traffic movements for a residential zoned area.

The applicant's assessment that a large number of the public are likely to use alternative modes of transport to and from the venue is adopted for the purposes of this assessment. Where the public do use their private vehicles, the vehicle traffic generated by the public is expected to be limited and parking can be accommodated by the existing twenty-seven on site car parks or within the immediate surrounding area.

It is noted that based on seat numbers only, Table 12.3 of the District Plan requires 17 car parks for 65 restaurant seats. However, the restaurant does not seek to increase the number of seats beyond that required for the function centre rather they seek to increase the frequency that those seats are occupied. As such, the existing parking demand is not increasing and the parking assessment is limited to the frequency at which those parks are used. Furthermore, it is expected that many of the restaurant patrons will be guests staying on the site and therefore will result in no additional, or potentially negative traffic generation, as these guests will no longer need to leave the site to dine out.

Service vehicles to the site can be conditioned in terms of delivery times (typical business hours) and this has been recommended. Increased staff and delivery vehicle traffic movements are expected to be negligible in terms of the traffic network overall. Overall, no wider effects on the safe and efficient operation of the residential roads has been identified.

Sense of amenity, security and companionship

The District Plan provides guidance that a sense of amenity, security and companionship can be lost when premises are dormant at those times when neighbours are present. The plan notes that requirement to have associated residential activity is to avoid such loss and to contribute to the cohesion of residential areas.

In this instance, the applicant seeks to operate a restaurant and bar from an existing travellers' accommodation and function venue. While the number of guests (65) provided for by the function centre will not increase, the nature and frequency of the activity will alter. The restaurant will continue to close at midnight as the function venue currently does. As noted above, RC020303 (as varied by RC040211) provides for travellers' accommodation and provides a baseline for this site. The applicant expects that the restaurant will mainly service the travellers and, in this regard, effects of the bar and restaurant will be largely contained within the site.

In respect of the reasons given in the District Plan for Rule 7.3.6(ii), the site will not become dormant at alternate hours to residential occupation because of the existing traveller accommodation on the site. Furthermore, the site is currently used for non-residential purposes and in that regard, the cohesion of the residential area is already considered to be disrupted.

With regard to any external changes arising as a result of the proposal, there are no changes to signage or structures and, therefore, no changes proposed to the existing built environment. When viewed from the surrounding streets, any physical change will be indiscernible. No wider effects on daylight, sunlight and privacy have been identified.

The restaurant activity will be located to the rear of the site, closer to the Oughter Street frontage. The restaurant activity will be predominantly contained in the existing function centre, although there is an outdoor space available with outdoor fire place. The restaurant will be restricted to 65

customers as it is currently and is located off the main road and screened by the existing structures on the site.

To the rear, the restaurant is largely screened by topography and fencing. It is expected that the surrounding topography and existing building will help to mitigate the noise effects to the extent that these will not extend beyond the neighbouring properties. It is noted that the travellers are able to congregate in this area currently. The restaurant and outdoor seating areas are surrounded by cabins so will be largely self-regulating in respect of noise and disturbance.

The existing consent has a restriction regarding outdoor amplified music and this has been offered by the applicant in relation to this application also. It is considered that any effects on the pleasant living environment will be restricted to neighbours who were provided with the opportunity to submit on the application. It is noted that the matters raised by Mrs Ellis can adequately be addressed by conditions of consent; specifically, with regard to requiring a 12am closing time and no amplified music outside. It is noted that no change to external lighting is proposed as part of the application, nor does the applicant seek to operate a 4WD vehicle base from the site.

Surrender of RC020303 and RC040211

The original application sought a variation to RC020303 and RC040211 but this was determined to fall outside of the scope able to be considered pursuant to section 127 of the Act. The applicant subsequently amended the application to reflect this position and offered that, if this consent is granted, RC020303 and RC040211 will be surrendered. As such, the relevant conditions for RC020303 and RC040211 have been updated and carried down onto the new consent. These conditions are included in the draft conditions of consent attached as Annexure 1 to this consent.

Summary of Effects on the Environment

In summary, it is noted that the immediate neighbours were invited to submit on the application and only two submissions were received. The issues raised in the submissions (particularly that of Mrs Ellis) can be adequately addressed by conditions of consent. Given the location of the proposed restaurant activity towards the rear of the site at the Oughter Street frontage, that no physical changes are proposed for the site, the restriction on amplified music and closing hours, on-site parking and low traffic generation, it is unlikely that any adverse effects arising from a loss of a sense of amenity, security and companionship and changes to traffic generation and character will be more than minor. A full suite of recommended conditions of consent are annexed as Annexure 1 of this report.

OBJECTIVES AND POLICIES FRAMEWORK

Central Otago District Plan

Objectives and policies are to be considered in a suite, with relevant policies being read in the context of the specific objectives they are seeking to achieve. In *Blueskin Energy Limited v Dunedin City Council [2017] NZEnvC 150*, the Court held at Paragraph [36] that:

“Careful attention must be paid to the way objectives and policies are expressed. The meaning of words and phrases are to be interpreted and applied in their context; this is especially important when considering the integrated management of natural and physical resources.”

The relevant objectives and policies of the Residential Resource Area of the District Plan include:

7.1.1 Objective - Maintenance of Residential Character

To manage urban growth and development to maintain and enhance the built character and amenity values of those parts of the district that have been identified as the Residential Resource Area as well as the social, economic and cultural wellbeing, and health and safety of the residents and communities within those areas.

7.1.2 Objective - Protection of Living Environment

To manage the use of land to promote a pleasant living environment by ensuring that adverse effects of activities are avoided, remedied or mitigated, while accommodating appropriate change

at the interface with other resource areas. Cross Reference Issue 6.2.1, 6.2.4, 6.2.5, 6.2.6 Policies 7.2.1 to 7.2.6

7.1.3 Objective – Management of Change

To recognise that it is inevitable that the use of land shall change over the period of this plan and beyond in order to enable the community to provide for its wellbeing. The process of change can occur randomly within the various resource areas but will be most obvious at the interface between different resource areas. It is a purpose of this plan to manage that change.

7.2.1 Policy - Residential Character

To ensure that the character and amenity values of residential areas are protected by ensuring that the adverse effects of:

- (a) Excessive noise including noise associated with traffic generation and night time operations, (b) The generation of traffic over and above that normally associated with residential activities and in particular heavy vehicles, and demand for parking,
- (c) Glare, particularly from building finish, and security lighting,
- (d) Structures at the street frontages that do not complement the character and/or scale of development in the neighbourhood,
- (e) A reduction in privacy, access to daylight and sunlight
- (f) A reduction in visual amenity due to excessive signage, large areas of hard standing surfaces, and the storage of goods or waste products on the site,
- (g) The generation of odour, dust, wastes and hazardous substances,
- (h) The use and/or storage of hazardous goods or substances, and
- (i) The loss of a sense of amenity, security and companionship caused by non-residential activities. are avoided, remedied or mitigated.

7.2.2 Policy - Amenity Values

To ensure that the amenity values of residential sites, including privacy and ability to access adequate daylight and sunlight, are not significantly compromised by the effects of adjoining development.

7.2.3 Policy – Environmental Quality

To preserve the environmental quality found within particular areas of the District's residential environment.

7.2.4 Policy - Recreation Activities

To provide for the wellbeing of the District's communities by requiring developments to recognise and provide for the recreational needs of the community.

7.2.5 Policy - Open Space

To maintain the amenity value of open space within the District's residential environments.

7.2.6 Policy - Safety and Efficiency of Residential Roads

To require appropriate access and on-site parking to ensure that the amenity of neighbouring properties and the safe and efficient operation of roads is maintained while acknowledging that these requirements may be relaxed where this will result in retention of a heritage item or site that would otherwise be lost.

7.2.8 Policy – Management of Change

In recognition of the difficulty anticipating the timing and extent of change to the pattern of land use that is necessary to enable the community to provide for its wellbeing and to reconcile with the foregoing policies, it is appropriate that any major change at the interface between the various resource areas be considered within the wider context of the plan as a whole.

Objectives 7.1.1 and 7.1.2 seek to manage land to promote a pleasant living environment and maintain residential amenity. These objectives are achieved through the implementation of Policies 7.2.1 to 7.2.6. Objective 7.3.1 recognises that change is inevitable and seeks to manage change through Policy 7.2.8 by considering any change in context of the plan as a whole.

The application was publicly notified due to special circumstance and the public, including adjacent neighbours, were provided an opportunity to submit on the application. The matters raised in the two submissions received are able to be adequately addressed by conditions of consent. As discussed in the assessment of effects, it is considered that when viewed in the context of the existing activities authorised for this site, the proposal will not detract from a pleasant living environment. No changes to the built environment are proposed and no new effects relating to daylight, sunlight and privacy have been identified. No outdoor amplified music will be permitted, to assist with restricting noise effects. Furthermore, no open space is compromised by the proposal and no recreational needs arising from the proposal have been identified. Traffic and parking demand generated by the proposal is not expected to result in congestion and effects are considered to be less than minor. Overall the proposal is found to be **consistent** with Objectives 7.1.1 and 7.1.2 and their suite of supporting policies.

Taking into consideration the existing activities occurring on the site, that the activity will use existing resources on the site, and that the approval of the application would allow for the expansion of a business within the Naseby area, the proposed changes are not considered to be unmanaged and the application is considered to be **consistent** with Objective 7.1.3 and Policy 7.2.8.

Operative and Proposed Regional Policy Statement for Otago

The Regional Policy Statement for Otago (RPS) became operative in 1998. The purpose of the RPS is to promote the sustainable management of natural and physical resources, by providing an overview of the resource management issues facing Otago and setting policies and methods to manage Otago's natural and physical resources. Of specific relevance to this proposal are the objectives and policies set out in Chapter 5: Land and Chapter 9: Built Environment and which are summarised below:

- **Objective 5.4.1 and Policy 5.5.3** which seek to promote the sustainable management of Otago's land resources by maintaining and enhancing Otago's land resource.
- **Objective 9.4.2 and Policies 9.5.2 and 9.5.3** which seek to promote the sustainable management of Otago's infrastructure and transport network by promoting and encouraging efficiency in the development and use of Otago's infrastructure and transport network.
- **Objective 9.4.3 and Policy 9.5.5** which seek to avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources by maintaining and, where practicable, enhancing the quality of life for people and communities within Otago's built environment by, in part, managing the adverse effects of subdivision, land use and development on landscape values.

The assessment of effects undertaken above indicates that the proposal does not undermine the RPS and the proposal is not found to be contrary to the objectives and policies of the RPS.

The Proposed Regional Policy Statement for Otago (PRPS) was notified on 23 May 2015 and decisions were released on 1 October 2016. The PRPS is currently under appeal. The following assessment is undertaken against the PRPS, incorporating Council decisions, released on 1 October 2016.

Upon review of the PRPS, there were no specific objectives and policies which are considered relevant to the application. Overall, there is nothing in the proposal which is found to be inconsistent with the relevant Chapter (Part B, Chapter 5) of the PRPS.

Part 2 of the RMA

The purpose of the RMA to promote the sustainable management of the natural and physical resources detailed below:

managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations:
and*
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems:
and*
- (c) Avoiding, remedying, or mitigating any adverse effect of activities on the environment.*

The Court's approach, as discussed at paragraph [151] of the *King Salmon* decision, is supported in that Section 5 is not intended to be an operative provision, rather it sets out the RMA's overall objectives. As such, the application is assessed against the remaining provisions of Part 2.

It is considered that, while the site is located within a heritage precinct, there are no changes to buildings as a result of this proposal and no adverse effect on heritage values has been identified in accordance with 6(f). There are no other matters of national importance identified in Section 6 of the RMA which are relevant to this proposal.

In respect of the other matters set out in Section 7, it is considered that the following matters are relevant:

- 7(b) the efficient use and development of natural and physical resources:*
- 7(c) the maintenance and enhancement of amenity values:*
- 7(f) maintenance and enhancement of the quality of the environment:*

It is considered that, given the immediate existing environment, the proposal will not undermine the matters set out in section 7(b). With regard to sections 7(c) and 7(f), the assessment of environmental effects informs that the amenity values of the area will be maintained (recognising the existing consented activities occurring on the site) as will the quality of the surrounding environment. Overall, the proposal is considered to be consistent with Part 2 of the Act.

OFFSETTING OR COMPENSATION MEASURES

In accordance with Section 104(1)(ab) of the RMA, no need for consideration of offsetting or compensation measures has been identified.

OTHER MATTERS

Section 104(1)(c) of the Resource Management Act 1991 requires the Hearings Panel to have regard to any other matters considered relevant and reasonably necessary to determine the application.

RECOMMENDATION

Having regard to the information available at the time of writing this report, prior to the Hearings Panel's consideration of the application, it is recommended that the proposal be considered as an application for land use consent to a discretionary activity in terms of sections 104 and 104B of the Act.

For the reasons detailed in the body of this report, it is considered that, subject to conditions of consent, adverse effects on the environment will be acceptable to the degree that they are minor or less than minor and that granting consent will be not be contrary to the objectives and policies of the Operative District Plan, RPS and PRPS, and to the purpose and principles of the RMA.

In these circumstances, it is recommended that the Council **grant** consent to the application for land use consent to operate a restaurant and existing travellers' accommodation and conference centre, subject to conditions imposed under section 108 of the RMA and annexed as Annexure 1 to this report.

A handwritten signature in blue ink that reads "Kirstyn Lindsay". The signature is written in a cursive, flowing style.

Kirstyn Lindsay
Planning Consultant and Accredited RMA Commissioner
Southern Planning Solutions Limited

19 November 2018

ANNEXURE 1 – RECOMMENDED CONDITIONS OF CONSENT RC180312

Note: Conditions 3 -10 and 13 - 21 are amended from RC020303 and RC040211

1. *The proposal must be undertaken in general accordance with the information contained in the revised application for resource consent (RC180316) submitted by Off Road Expeditions Queenstown Limited on 16 August 2018 and the plan attached as Appendix 1, except where modified or confirmed by the conditions below:*
2. *At the time this consent is first exercised, the consent holder shall surrender in writing RC020303 and RC040211.*
3. *This consent authorises a restaurant and bar, travellers' accommodation and conference facility complex.*
4. *The buildings shall be generally located in the positions identified on the site plan dated 8 May 2004 prepared by Architectural Design – Stephen O'Malley Project No. 4003.*
5. *The cladding and roofs of the existing buildings shall be maintained in zincalume and/or straw bales covered in plaster and timber and plastered surfaces in natural tones*
6. *The two existing signs are authorised and shall be maintained.*
7. *The site shall be permitted to operate as a restaurant 365 days per year and host private functions on 48 days per year.*
8. *No amplified music shall be permitted outdoors.*
9. *The restaurant, bar, conference facility shall not operate beyond 12am on any night.*
10. *Service vehicles shall only service the site between the hours 7.30am to 6.00pm Monday to Saturday and 10.00am to 4.00pm Sundays and public holidays.*
11. *The solid fence at the boundary of 24 Derwent Street shall be maintained*
12. *The access to Oughter Street from the complex shall be upgraded, if necessary, to the satisfaction of the Chief Executive.*
13. *A minimum of 27 car parking spaces shall be provided on site for the use of those using the travellers' accommodation, conference facility, restaurant and bar.*
14. *All on-site car parking, access and manoeuvring areas shall be formed, metaled and sealed or otherwise finished to achieve a dust free standard. Any new power and telephone lines within the site shall be located underground.*
15. *The landscaping on the site shall be maintained in accordance with the site plan attached as Appendix 1.*
16. *Existing deciduous trees shall be retained. The removal of any such tree in future is permitted, provided that the Chief Executive is consulted prior to such removal.*
17. *Fencing shall be maintained at the Derwent Street and Oughter Street frontages of the site with provision for pedestrian gateways and the vehicle entrance where appropriate.*

Note: Existing fencing is acceptable in terms of this conditions and replacement of such fencing must occur in the event that the existing fencing is demolished. The design of any new fencing required in terms of this condition shall be determined in consultation with Heritage New Zealand.

18. *In accordance with Section 128 of the Resource Management Act 1991, the conditions of this consent may be reviewed on each anniversary of the date of consent if the consent authority finds that -*
- a) *There is or is likely to be an adverse environmental effect as a result of the exercise of this consent which was unforeseen when the consent was granted.*
 - b) *There has been a change in circumstances such that the conditions of this consent are no longer appropriate in terms of the purpose of the Act.*
19. *Where consultation is required with Heritage New Zealand by conditions of consent, written confirmation that such consultation has occurred shall be lodged with the Chief Executive prior to the construction of any building or the erection of any sign.*

Note: This site may contain archaeological material. Under the Heritage New Zealand Pouhere Taonga Act 2014, the permission of Heritage New Zealand must be sought prior to modification, damage or destruction or any archaeological site, whether the site has been previously recorded or is unrecorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. These provisions apply regardless of whether resource consent or building consent has been granted by the Council. Should archaeological material be discovered during the site works, any work affecting the material must cease and Heritage New Zealand and tangata whenua must be contacted.

APPENDIX 1 – RC180316 – APPROVED PLANS



