

Our Reference: RC165217 RC135396 / 160830087796
Valuation Reference: 2159125100

30 August 2016

Bourke Family Trust
17 Paisley Road
RD 1
KAIAPOI 7691

Dear Sir/Madam

**DECISION ON RESOURCE CONSENT APPLICATION
BOURKE FAMILY TRUST - 17 PAISLEY ROAD, FLAXTON**

Please find enclosed a copy of the decision reached by the Plan Implementation Manager under delegated authority from the Council on the above application.

We also enclose information relating to rights of appeal, lapsing of consent (where applicable), and other legal requirements.

Yours faithfully



Matthew Bacon
RESOURCE MANAGEMENT PLANNER
End

WAIMAKARIRI DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application lodged by **Bourke Family Trust** for a resource consent under Section 88 of the aforementioned Act.

APPLICATION

The applicants sought a resource consent to extend the timeframe for the use of a second dwelling as temporary accommodation under the provisions of the *Temporary Residential Accommodation – single additional unit on any one lot* policy until 30 June 2021.

DECISION

The Plan Implementation Manager, on the 29th August 2016, approved:

THAT pursuant to Section 104B of the Resource Management Act 1991 consent be granted retain a secondary dwelling established under the '*Temporary Residential Accommodation - Single Additional Unit on Any one Lot*' Policy until 30 June 2021 at 17 Paisley Road, Flaxton, being Lot 1 DP 61798 as a non-complying activity subject to the following conditions which are imposed under Section 108 of the Act:

1. The activity shall be carried out in accordance with the attached approved application plan.
2. The dwelling shall be removed from the site no later than **30 June 2021**.
3. **Inspection**
 - 3.1 Compliance with the above conditions may be verified by inspection by a Council Officer pursuant to Section 35(2)(d) of the Resource Management Act 1991. Should an inspection be necessary, the Consent Holder shall pay to the Council charges pursuant to Section 36(1)(c) of the Resource Management Act 1991 to enable the Council to recover its actual and reasonable costs in carrying out the inspections.

ADVICE NOTES


- a) This consent does not constitute consent in terms of the Building Act 2004, or the Natural Resources Regional Plan.

REASONS FOR DECISION

Pursuant to Section 113 of the Act the Council considered the following factors in determining the application:

- *Temporary Residential Accommodation - Single Additional Unit on Any one Lot*' Policy requires the consent to be processed as non-notified.
- The dwelling meets the required 20 metre setback in the Rural Zone.
- The applicants have confirmed that consent for a secondary dwelling is sought until 30 June 2021, which is the maximum date applicable under the relevant Order in Council. The consent resolution limits the duration of the consent to the allowable timeframe set under the Order in Council.

DATED at Rangiora this 30th Day of August 2016

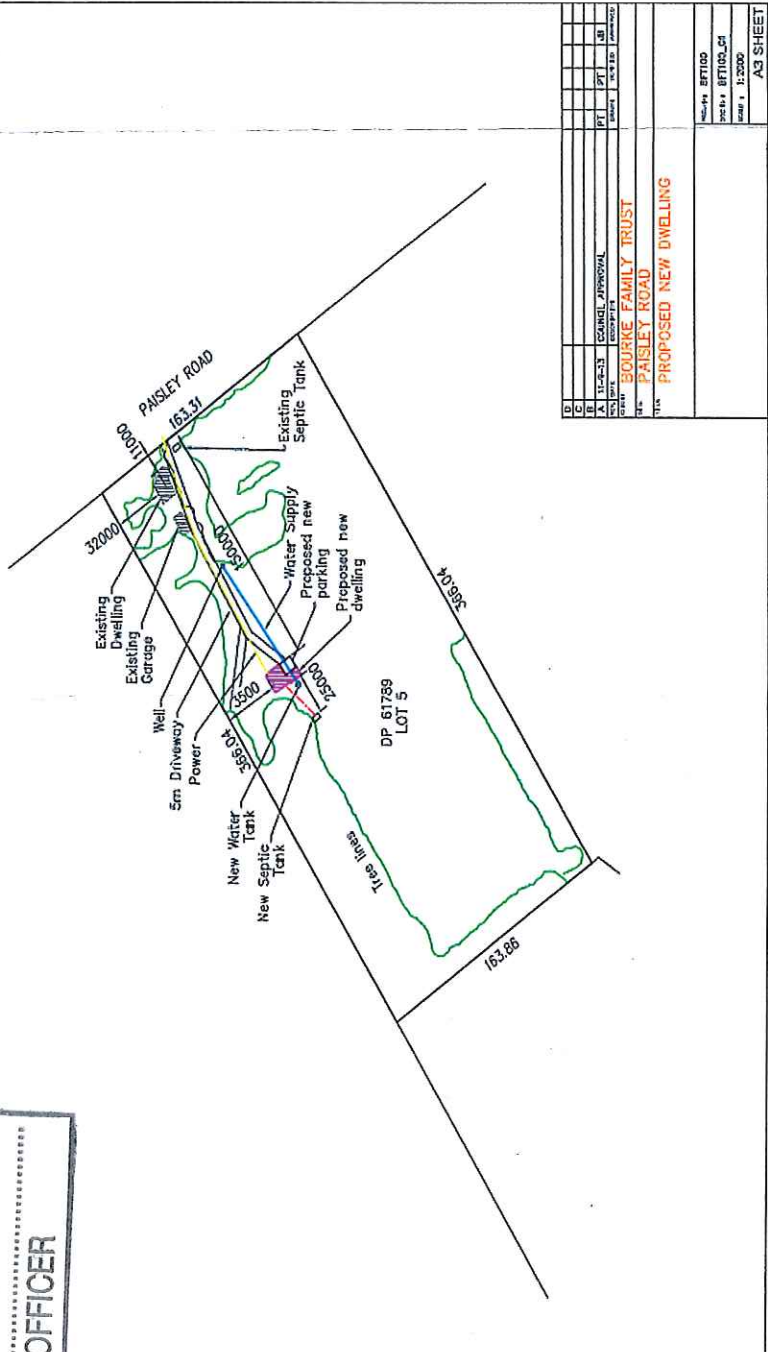


SIGNED by Matthew Bacon
RESOURCE MANAGEMENT PLANNER

WAIMAKARIRI DISTRICT COUNCIL
 APPROVED APPLICATION
 RC165217

P.M. Whiting 29/8/16

AUTHORISED OFFICER



DATE	DESCRIPTION	BY	CHKD
15-08-23	COUNCIL APPROVAL	PT	AB
15-08-23	COMPLETED	AB	AB
PROJECT: BOURKE FAMILY TRUST			
SITE: PAISLEY ROAD			
TITLE: PROPOSED NEW DWELLING			
SCALE: 1:2000			
SHEET: A3 SHEET			



WAIMAKARIRI DISTRICT COUNCIL
RIGHTS OF OBJECTION
RESOURCE MANAGEMENT ACT 1991

RIGHTS OF OBJECTION

The applicant may within 15 working days after the decision being received by them, lodge an objection with the Council against one or more conditions of consent in accordance with Section 357 of the Resource Management Act 1991.

The objection is required to be made by notice in writing to:

The District Plan Manager
Waimakariri District Council
Private Bag 1005
RANGIORA 7440

If you are in any doubt as to the procedure to be followed, or any matter arising out of the same, it is strongly recommended that you seek professional advice.

LAPSING OF CONSENT

Attention is drawn to Section 125 of the Resource Management Act 1991 which provides that a resource consent shall lapse **five years after the date of commencement** (being the issue date of the consent) or after the expiry of such shorter or longer period as expressly provided for in the consent unless:

- (a) The consent is given effect to; or
- (b) 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 after taking into account –
 - (i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and
 - (ii) whether the applicant has obtained approval from persons who may be adversely affected by granting of the extension; and
 - (iii) the effect of the extension on the policies and objectives of any plan or proposed plan.

OTHER LEGAL REQUIREMENTS

Section 23 of the Resource Management Act 1991 provides that compliance with the Resource Management Act 1991 (eg; by obtaining of an appropriate resource consent) does not remove the need to comply with all other applicable Acts, Regulations, Bylaws and rules of law.