

Application of the Permitted Baseline

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Permitted Baseline - Background

- Developed through case law ... 'activities permitted as of right'
- Introduced to Resource Management legislation in 2003 (RMA Amendment)
- Section 94A(a) and 104(2)
- Consent authorities "*may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect*".

Permitted Baseline – What it Means

- Discounting exercise
- Difference in effect of a proposed activity and that permitted to occur as of right
- Lloyd v Gisborne DC – three categories of activities to be considered as part of permitted baseline:
 - What lawfully exists on site at present
 - Permitted activities
 - Unimplemented resource consents

Application in Transport Planning

- Typically applied to trip generation
- Relates to permitted activities only
- Permitted activities unregulated because effects no more than minor
- Permitted activities unregulated
- Hypothetical activities must be non-fanciful