Resource Management Act 1991

Christchurch City Council

Report / Decision on a Non-notified Resource Consent Application

(Sections 95A / 95B and 104 / 104B / 104D / 106)

Application Number:	RMA92024087 and RMA92024088
Applicant:	Fulton Hogan Land Development Limited
Site address:	140 Quaifes Road
Legal Description:	Lots 934 and 935 DP 458806
City Plan Zoning:	Living G (Halswell West) Zone
Activity Status:	Subdivision: Non-complying Landuse: Restricted discretionary
Description of Application:	**RMA92024087 Subdivision:** Stage 10 subdivision in Longhurst to create 22 residential lots being 1 Density A development lot and 21 Density B allotments. **RMA92024088 Landuse:** Landuse consent is sought: • as part of the subdivision, undertake earthworks associated with the geotechnical mitigation work within reserve Lot 929 DP453318. • to allow dwellings with a maximum height of 5.5m on any of the Density B allotments in Longhurst Stage 10, to have site coverage of 45%. • the construction and associated earthworks of buildings on proposed Lots 703, 710 to 713 and 716 to 730 within the 7m setback of an environmental asset waterway, being the stormwater basin on Lot 929 DP453318.

Introduction

A description of the proposal, the site and surrounds is included in the application report by Davie Lovell Smith dated November 2013.

The proposal is summarised below:

RMA92024087 Subdivision:

Stage 10A
- Create 21 residential density B allotments.
- Create one density A development lot.
- Create two reserve lot (Lot 980 and 981).

Stage 10B
- Create one reserve lot (Lot 985).

Stage 10C
- Create one reserve lot (Lot 984).

RMA92024088 Landuse:
- as part of the subdivision, undertake earthworks associated with the geotechnical mitigation work within the existing reserve on Lot 929 DP453318.
- to allow dwellings with a maximum height of 5.5m on any of the Density B allotments in Longhurst Stage 10, to have site coverage of 45%.
- the construction and associated earthworks of buildings on proposed Lots 703, 710 to 713 and 716 to 730 within the 7m setback of an environmental asset waterway, being the stormwater basin on Lot 929 DP453318.

Planning Framework

City Plan

The Christchurch City Plan became operative in part on the 21st of November 2005. Since this time the land has been rezoned to LGZ under private plan change 60 which was approved by the Canterbury Earthquake Recovery Minister under the Canterbury Earthquake Recovery Act 2011. All rules applicable to this application are operative and therefore assessment is only required under the City Plan.

The site is zoned LGZ under the City Plan and the proposal is to be assessed overall as a non-complying activity. The Living G (Halswell West) Zone provides the ability and opportunity to plan and develop a mixed density and mixed use community comprehensively. The purpose of this zone is to allow maximum flexibility and incentive for developing the zone for residential activity in accordance with the framework of development plans in the Appendices to this part of the City Plan:

(a) Outline Development Plan (Halswell West) (Appendix 3W);
(b) Marker Buildings and Focal Points (Appendix 3W/a));
(c) Movement Network Layer Diagram (Appendix 3W/b);
(d) Blue Network Layer Diagram (Appendix 3W/c);
(e) Green Network Layer Diagram (Appendix 3W/d);
(f) Reticulation Network Layer Diagram (Appendix 3W/e); and
(g) Tangata Whenua Layer Diagram (Appendix 3W/f).

These documents are collectively referred to in this report as the Outline Development Plan (ODP).

Consent is required under the following provisions of the City Plan:

Landuse

Part 2, Volume 3

- **Development Standard 11.2.2(a) – Open Space:** *Density B limit is 40% or 40% minus 18m2 where a garage is not provided.*
  The proposal would allow dwellings with a maximum height of 5.5m on any of the Density B allotments in Knights Stream Park Stage 6, to have site coverage of 45%.

Part 9, General City Rules

- **Development Standard 5.5.4:** *Any filling or excavation, or the erection of buildings shall be a discretionary activity within the setbacks specified below:*
  Environmental asset waterways 7m
  The following would occur within 7m of stormwater basins:
  - subdivision earthworks for the ground strengthening work would be undertaken as part of the subdivision on the inner edge of an existing stormwater basin; and
  - future buildings and associated earthworks on Lots 703, 710 to 713 and 716 to 730.

Subdivision

Part 14, Subdivision

- **Development standard 28.1.2 Residential allotment size and site density – residential activities.** This standard requires that Density B lots have an average net area of between 275m² to 325m². The average net area of this subdivision is 358m².
  This standard requires that Density A lots have an average lot size to be contained within a range of 200m² and 250m² with a minimum net site area of 150m² and a maximum net site area of 300m². As a development site for multi-unit development, Lot 703 (2,013m²) can not comply with this standard.
- **Community Standard 28.2.1 Conformity with Outline Plan – Density A Residential Area. Comprehensive subdivision and associated land use development:** Any proposed Density A subdivision shall be accompanied by comprehensive building and allotment design information detailing the nature, character, scale and form of development associated with proposed allotments and shall be a restricted discretionary activity with the Councils' discretion limited to design, layout of the subdivision and associated development, and the ODP. The proposal does not comply with this standard as comprehensive development plans are not provided for Lot 703.
- **Critical Standard 28.3.2 Residential allotment size and site density.** Notwithstanding rule 28.1.2, under this standard any subdivision that does not meet the average lot size in the range specified in that rule for the location to which the development applies as shown on the ODP shall be a non-complying activity. As outlined above in response to rule 28.1.2, the average net density and maximum net site area requirements would not be satisfied.

In addition under Part 14.1 to Part 14.17 there are also a number of rules which trigger a controlled activity status for subdivision with the exercise of Council's control relating to matters such as property access; esplanade reserves, strips, access strips and additional land; natural and other hazards; water supply; stormwater disposal; sanitary sewer disposal; energy supply; telecommunications; land for open space and recreation; easements; building location; and the preservation of vegetation and landscape.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The application outlines that the NES is not considered to apply to this application for subdivision and earthworks, as the land involved was not identified as being a potentially contaminated site in previous reports prepared for these developments.

Overall the landuse has a **restricted discretionary activity** status with regards to the development standards relating to open space and waterway setbacks and the subdivision has a **non-complying activity** status because of the non-compliance with the critical standards.

Has the applicant requested that the application be publicly notified? [Section 95A(2)(b)]

No.

Pursuant to Section 95A, will the adverse effects of the activity on the environment be more than minor, or are they likely to be more than minor?

The non-complying activity status of this application would potentially allow a wide range of effects to be considered as Council's discretion is unlimited. However the proposed subdivision and use of land is in general accordance with the ODP and LGZ which enables the development of the site for urban purposes. Many of the impacts associated with the proposal such as visual amenity, character, loss of rural production land etc would therefore be reasonably anticipated by neighbours and the wider community. I therefore consider that it is reasonable to focus the assessment of effects to the key assessment matters relating to the rules that require resource consent and the ODP.

I agree with most of the assessment provided by the applicant on these matters and therefore this section focuses on those issues considered the most relevant to this application.

Consistency with ODP

The applicant considers that there is a small difference between the ODP and the proposal. The proposed is a reduced area of Density A along Caulfield Avenue. This reduction has arisen from the need to provide a drainage reserve from Caulfield Avenue and the replacement of approximately three density A lots with three Density B lots. I consider that these differences are minor and within the scope of the existing ODP.

Density

None of the residential lots meet the density standards.

The Density A lot is provided as a development lot for future multi-unit development and thus will be large that permitted. Seven units are expected for this land.

All Density B lots fit within the permitted range for a Density B lot but the average density is approximately 358m². The applicant has outlined that the overall development site for Longhurst achieves an average density of 15 dwellings per net hectare which is consistent with the overarching aims for the site under assessment matters 28.5(k).

Servicing

The proposal would utilise existing services provided to the subdivision. No significant issues have been raised in the assessment of this application by Council engineering staff.

Access

All lots affected by this proposal would be left with adequate legal and physical access.

All lots within the subdivision would be provided with frontage to a legal road.

Natural Hazards

Natural hazards that could potentially effect the subdivision mainly relate to geotechnical matters. This topic is addressed in the final section of this report that addresses section 106.

Earthworks/Construction Activities
The application states that:

Very little works will be required to form these allotments as the majority of the bulk works has already occured.

Earthworks will be necessary to provide for the land stabilisation proposed as part of the geotechnical report, and for the final building platforms for Lots 716 to 730.

While construction activities are generally an accepted component of development activities given their relatively short duration and temporary nature, it is important that appropriate measures are undertaken to ensure that any potential adverse effects arising from construction activities are appropriately managed.

Dust is a potential consequence of earthwork activities, especially over the drier months. Mitigation of any dust nuisance associated with the earthworks will be achieved with the use of water carts, sprinklers or other suitable dust suppressant means. The applicant is agreeable to the imposition of a condition of consent to this effect.

As with the mitigation of dust nuisance, potential noise nuisance will be controlled by applying a strict specification on the contractor. The contractor will be required to comply with NZS 6803:1999 "Acoustics – Construction Noise". The applicant is agreeable to this requirement being imposed as a condition of consent.

It is expected that standard consent conditions will be imposed which will require the certification of plans and erosion and sediment management control prior to earthworks commencing.

The land stabilisation works are essentially being undertaken with the 'environmental asset waterway' that is the adjoining stormwater basin. It is considered that there are no ecological values that would be impacted on this water as the area concerned is only covered with grass.

There is nothing extraordinary about the proposed earthworks and on the basis of the applicant's assessment. I do not consider that earthworks undertaken as part of the subdivision would have an adverse effect on neighbours or the wider locality.

I note that the applicant has not undertaken an assessment of the buildings and associated earthworks within the 7m setback although has suggested a condition to ensure that buildings are located in accordance with the City plan rules excluding those relating to waterway setbacks. Erosion and sediment control measures are typically used during the building consent process for dwellings to avoid the discharge of sediment to the environment. No issues have been raised by the Planning Engineer (Mr Brian Norton) with respect to the water way setback breach.

I consider that any effects of the earthworks or consequent buildings within the setback area are less than minor.

Site Coverage
In relation to the proposal for the Density B lots to have site coverage of 45% I consider that:

- 45% site coverage would still allow a complying outdoor living space to be provided;
- the approach taken in this application is similar to other living zones in the City Plan where there is a density bonus for single storey houses; and
- the approach taken in this application is similar to other consents issued by Council.

In my view the proposal to increase site coverage would have less than minor effects on future occupants and neighbours for the following reasons:

- a lower building height than is permitted (no more than 5.5m) limits the potential for the additional building area to be visually obtrusive;
- sufficient land area would remain available for landscaping; and
- a complying outdoor living space can be provided.

I note that the proposed site coverage conditions do not specifically accommodate a garageable space in a situation when the maximum amount of site coverage would be reached. Notwithstanding the ability to provide a permitted garageable space is a requirement of the City Plan and thus must be provided with any proposal that reaches the maximum permitted site coverage otherwise additional resource consent would be required.

Conclusion

Overall, I am satisfied that the effects of the proposed subdivision and landuse would be in keeping with the intent of the ODP, LGZ and other rule related provisions in the City Plan.

The adverse effects of this proposal are internal to the application site. There are no/negligible adverse effects on the wider environment and there are no affected parties.

Any conditions of consent recommended with this report reflect the proposal put forward by the applicant and/or have been agreed to by the applicant.

Despite the above, do any special circumstances exist in relation to this application which would lead you to conclude that the application should be publicly notified? If the answer is yes, why? [Section 95A(4)]

No

Who is considered to be adversely affected by the activity? [Section 95E(1)]

There are no affected parties.

Has written approval been obtained from every person who is considered to be adversely affected by the activity? [Section 95E(3)]

Not applicable.

If the answer to the above question is no, is it unreasonable in the circumstances to seek the person's written approval? [Section 95E(3)(b)]

Not Applicable.

How do any relevant objectives, policies, rules or other provisions of the City/District Plan relate to the proposal?

I consider the proposal is consistent with the relevant objectives and policies as it would not compromise residential amenity values and is consistent with the ODP.

Are there any relevant provisions of a National Environmental Standard, National Policy Statement, Regional Plan, Regional Policy Statement or Coastal Policy Statement? [Section 104(1)(b)]

No.

Is the application consistent with Part II of the Act, and are there any other matters which are relevant and reasonably necessary to determine the application? [Section 104]

Part 2

I consider the proposal to be consistent with Part II matters in that the proposal will maintain the amenity of the surrounding environment, in accordance with Section 7(c) of the Resource Management Act 1991.

Recovery Strategy for Greater Christchurch

The Recovery Strategy for Greater Christchurch (the Recovery Strategy) prepared by CERA under the Canterbury Earthquake Recovery Act became operative on 1 June 2012. It is a statutory document that must be "read together with, and forms part of" other relevant legislation within the greater Christchurch area. The City and District Plans (and other statutory documents) must not be interpreted or applied in a way that is inconsistent with the Recovery Strategy. Only Sections 3 – 8 of the Strategy have statutory effect.

The Recovery Strategy sets out the vision, supporting goals, and priorities for the recovery of Greater Christchurch. Among the priorities identified in Section 5 is the following:

*"**Regulation, standards and other information** to support the rebuild and repair of housing to a quality that meets the technical requirements for the land categories and building standards. One of these requirements is that:*

- *When making a resource consent application … for the subdivision of land, the person proposing the subdivision must address the risk of liquefaction. As a minimum, that person must provide the local authority with a geotechnical assessment in accordance with the Guidelines for the geotechnical investigation and assessment of subdivisions in the Canterbury region (Department of Building and Housing, 14 November 2011). [This requirement does not apply where a building will not be permitted as a result of the subdivision of land]."*

Granting consent to this application is not considered to be inconsistent with the Recovery Strategy as the proposal does not conflict with any of the identified goals or priorities for recovery.

Precedent

Given the non-complying status of this application it is appropriate to have regard to the issue of precedent, as well as the effect of granting consent upon the integrity of the City Plan and public confidence in its consistent administration. Case Law has established however, through the High Court in *Rodney District Council v Gould,* that concerns relating to plan integrity and precedent effect are not mandatory considerations. The Court held that they are matters that decision makers *may have regard to*, depending on the facts of a particular case including:

1. Whether a proposal is contrary to the objectives and policies of the plan; and if so
2. Whether in the circumstances of a particular case a proposal can be seen as having some unusual quality.

In this case the proposal is not contrary to the objectives and policies, therefore I am satisfied that issues of precedent or plan integrity do not arise.

Are there any matters that have arisen in the assessment of this application that would indicate the application should have been publicly notified [Section 104(3)(d)]

No.

If the application is for a non complying activity, does it meet at least one of the provisions of Section 104D (1)?

Yes, the proposal meets both gateway tests.

Does the application satisfy the requirements of Section 106 of the Act?

Aurecon, on behalf of the applicant, have provided a Geotechnical Report to address this subdivision. Aurecon have also provided a Statement of Professional Opinion confirming the appropriateness of the site for development (Appendix B).

The Senior Subdivision Engineer, Mr Brice Craig has reviewed this report and has commented as follows:

I have viewed the Halswell West Residential Development , Longhurst Stage 10 Geotechnical Assessment dated 26 August 2013 project number 200376 Rev 1 prepared by Aurecon.

An initial report was prepared for Plan change 60 and covers the total area of the Fulton Hogan Land Development land holdings (117 Ha). The above report covers the area within the Longhurst Stage 10 development area.

The assessment shows that the area generally has a varying depth of clayey silts and sandy silts overlying sandy gravel with the depth to the water table being about 1.0 - 1.3 m from present ground level.
The report indicates that in both the ULS and SLS event Liquefaction will occur to varying degrees with resulting settlements.
In the SLS event based on a 1 in 150 year event settlements of 20 - 60 mm can be expected and in the ULS event (1 in 500 year event) the settlements expected are in the range 25 - 80 mm.
In terms of the land Classification Technical Categories introduced by the DBH 2011,
Stage 10 of the Longhurst development lie within the TC2 classification.

Lateral spread has been assessed as the storm water ponds are adjacent and the water table is relatively close to the surface (1.5 m after subsoil drainage is installed).
The site has been split into two zones due to the soil types, with the portion containing Lots 719 to 730 being classified as having the characteristics of a TC2 classification and the portion Lots 703 -718 having the characteristics of a TC3 classification.
The report gives a number of options for ground strengthing (Piles, cement stabilisation) to bring the second portion (Lots 703-718) to a TC 2 classification.

Specific Foundation design for all structures is recommended.

Section 106 of the RMA has been discussed and with the mitigation measures proposed section 106 1a and 1b have or will be satisfied.

Geotechnical conditions have been recommended by Mr Craig which have been accepted by the applicant and adopted in the recommendations of this report.

A statement of professional opinion has been provided in accordance with subdivision bulletin 23.2.

As outlined earlier all lots created by this subdivision would be provided with adequate legal and physical access in terms of section 106(1)(C).

I do not consider that section 106 forms a statutory barrier to the approval of this application.

RECOMMENDATION SUBDIVISION RMA92024087

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 for the above reasons the application **be granted** pursuant to Sections 104, 104B, 104D, 106 of the Resource Management Act 1991 subject to the following conditions imposed pursuant to Sections 108 and 220 of the Resource Management Act 1991:

1. Compliance with Application Information

1.1 The survey plan, when submitted to Council for certification, is to be substantially in accordance with the stamped approved application plan 1 RMA92024087.

2. Staging

2.1 Subdivision stages can be undertaken in any order provided that Lots 984 and 985 are not individually held as a fee simple lot. When created these lots must be vested as local purpose (utility) reserve.

3. Land to Vest as Utility Reserve

3.1 Lots 980, 981, 984, & 985 shall be vested in Council as Local Purpose (Utility) Reserve and are considered as part of the utility network.
Advice Note: Lots 980, 984 & 985 have been shown on the application as Local Purpose (Drainage) Reserves, these are to be classified on vesting as Local Purpose (Utility) Reserves rather than (Drainage).

4. General Engineering

4.1 Asset Design and Construction
All infrastructure assets to be vested in the Council are to be designed and constructed in accordance with the Christchurch City Council's Infrastructure Design Standard (the IDS) and the Construction Standard Specifications (the CSS).

4.2 Quality Assurance
The design and construction of all assets is to be subject to a project quality system in accordance with Part 3: Quality Assurance of the IDS.

A. Prior to the commencement of physical works on site for the construction of the subdivision including infrastructure, the Consent holder shall submit to the Subdivisions Engineer of the Resource Consents Team a Design Report, Plans and Design Certificate complying with clause 3.3.1 of the IDS. The Design Report and engineering plans are to provide sufficient detail to confirm compliance with the requirements of the IDS and this Consent, including compliance with Condition 11.1 Liquefaction and Lateral Spread hazard Mitigation. This report can be submitted as two individual design reports being infrastructure as one part and the remainder of the site as a second part.

B. Submit a Contract Quality Plan for review by the Council and an Engineer's Review Certificate complying with clause 3.3.2.

Physical works shall not commence until a Council Engineering Officer confirms that the above documentation has been received and accepted.

C. Submit an Engineer's Report complying with clause 3.3.3 and an Engineer's Completion Certificate complying with clause 3.3.3.

The Engineer's Report is to provide sufficient detail to confirm compliance with the requirements of the IDS and this consent. This report and certificate is to be submitted prior to certification pursuant to section 224c of the Act.

Note: Part 3 of the IDS sets out the Council's requirements for Quality Assurance. It provides a quality framework within which all assets must be designed and constructed. It also sets out the process for reporting to Council how the works are to be controlled, tested and inspected in order to prove compliance with the relevant standards. It is a requirement of this part of the IDS that the applicant provides certification for design and construction as a pre-requisite for the release of the 224c certificate. The extent of the documentation required should reflect the complexity and/or size of the project.

In addition to the above, the applicant is to design all infrastructure to resist the effects associated with earthquake induced liquefied soils. All Liquefaction hazard mitigation shall be designed for a 1 in 150 year return period serviceability limit seismic design event and a 1 in 500 year return period ultimate limit state seismic design event as defined in NZS1170.5.2004.

4.3 A CCTV (Video) inspection using a pan and tilt camera for all gravity pipelines of 150mm diameter and above as per the Christchurch City Council Standard Specifications CSS: Part 3 Section 14.2.6. This shall only apply to pipes being vested in Council ownership which cover more than one manhole length. This is to be done after all construction works have been completed. The DVDs/tapes shall be labelled with the RMA consent number and address of the development and accompanied by CCTV log sheets which show a schematic layout of the pipeline videoed.

All pipelines shall be free of debris and cleaned with an HP cleaner within 24 hours prior to inspection. Any gravel and stones shall be taken out of the pipeline; it is not acceptable to flush stones and gravel further down the line.

The CCTV/video footage of the pipeline being vested shall be forwarded to the Subdivision Engineer in DVD format with log sheets, engineering plan and a copy of the consent conditions at least 10 working days prior to the CCC Final Drainage Inspection. Asset and Network Planning Unit staff will review a maximum of 1,000 metres of footage within 10 working days and respond accordingly.
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4.4 The applicant's consultant shall provide the Council with 'As-Built' plans and data for all infrastructure and private work, complying with Part 12 As-Builts of the CCC Infrastructure Design Standards.

5. Water Supply

5.1 The point of supply for Lots 703 and 710 to 715 shall be the existing water mains reticulation in front of Lot 10 within Caulfield Avenue.

5.2 The point of supply for the remaining lots shall be the main in Murphys Road. The main in Murphys Road shall be extended and a submain shall be installed to service Lots 713 to 730.

5.3 The water supply shall be designed in accordance with the Infrastructure Design Standard and in general accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice NZS 4509:2008 to the satisfaction of the Asset & Network Planning Team, City Environment Group.

5.4 This development will require full high pressure water reticulation to the Council's specifications and approval at the consent holder's expense. Engineering drawings are to be sent to the Subdivision Engineers (Planning Team 1) for approval by Ian Johnson of the Asset and Network Planning Unit.

5.5 The water reticulation shall be designed by a suitably qualified person using the parameters already approved by Council for the earlier stages of Longhurst Subdivision and on which the approved hydraulic models were based.

5.6 All lots shall be served with a water supply to their boundary. Submains shall be installed to 1m past each lot boundary.

5.7 Where water supply mains are outside legal roads, a right to convey water in gross easement shall be created over the new water supply main up to the last hydrant in favour of the Council.

5.8 A copy of the Code Compliance Certificate shall be forwarded through to the Council's Engineering Team as part of the Section 224c application.

5.9 This work shall be carried out by a Council approved water supply installer at the expense of the applicant. Refer to:
http://www.ccc.govt.nz/Water/AuthorisedInstallers/WaterSupplyAuthorisedInstallerRegister.pdf
for a list of contractors.

6. Sewage

6.1 The approved outfall for the 22 residential allotments will be the existing main located within the proposed Lot 980. The existing main will be extended into the adjoining drainage reserve on Lot 929 DP 453318 and proposed Lot 985.

6.2 Network sewers to be vested in Council shall be a minimum of 150mm diameter and where they are outside the road reserve they shall be covered by easements in gross in favour of Council.

6.3 Sanitary sewer laterals shall be laid to at least 600mm inside the net site area of all residential lots at the subdivision stage. The laterals shall be installed at a sufficient depth to ensure that adequate fall is available to serve the furthermost part of the lots.

6.4 Where the number of lots exceeds the Building Act drainage discharge requirements for a 100mm common sewer pipe, a 150mm private common sewer pipe shall be installed.

6.5 All private sewer laterals (serving rear lots, if any) shall be installed under a single global Building Consent by a Licensed Certifying Drain Layer and the Code Compliance Certificate forwarded to Council's Subdivision Team as part of the Sec 224c application.

6.6 The sewer system shall be designed based on Council's Infrastructure Design Standard and Council's Construction Standard Specifications. Engineering drawings supported by hydraulic calculations shall be sent to the Subdivision Engineers (Planning Team 1) for acceptance.

7. Stormwater

7.1 Stormwater laterals are to be laid to at least 600mm inside the building area of all residential lots at the subdivision stage. The laterals are to be laid at sufficient depth to ensure protection and adequate fall is available to serve the furthermost part of the lot.

7.2 Stormwater from Lots 703 and 710-715 shall discharge to the Quaifes-Murphys stormwater facility designed and constructed under previous consents.

7.3 Stormwater from Lots 716 - 730 shall discharge into the Quaifes–Murphys stormwater facility designed and constructed under previous consents or into a vegetated swale along Murphys Road with an outfall to Quaifes Road Drain.

7.4 The vegetated swale shall be generally designed in accordance with Auckland Council TP10 guidelines.

7.5 Stormwater discharge authorisation for this application shall be obtained either from CCC under the South West Area Stormwater Consent (CRC120223) or by separate resource consent obtained from Environment Canterbury.

7.6 The surface water management and mitigation system (i.e. pipes, swales, first flush, detention basins) shall be designed to ensure complete capture and conveyance of all stormwater runoff from the site for all rainfall events up to and including two percent annual exceedance probability critical storm. This will require internal reticulation and conveyance to meet Council's inundation standards as specified in the

WWDG. A combination of the primary and secondary conveyance system may be used to ensure this level of service is achieved.

7.7 The primary stormwater reticulation network shall be designed to convey at minimum the critical twenty percent annual exceedance probability storm event. No nuisance flooding of property shall occur during the critical ten percent annual exceedance probability storm event and no flooding of buildings shall occur during the critical two percent annual exceedance probability storm event.

7.8 The designer of the surface water management system shall provide a report which identifies all secondary flow paths proposed to manage flows beyond the capacity of the stormwater reticulation network (up to the critical two percent annual exceedance probability event). All secondary or emergency stormwater flowpaths are to be identified and protected by an easement in favour of CCC, if required.

7.9 Subsoil drains designed to intercept groundwater and/or lower groundwater levels shall be designed in accordance with the WWDG and the CSS.

7.10 Safe and practical access to stormwater facilities for maintenance and sediment removal shall be provided and designed in accordance with clause 6.8 & 6.9 – WWDG.

7.11 Engineering plans, specifications and calculations for the design and construction of all stormwater infrastructure and mitigation areas are to be submitted with the engineering plans for approval by Network and Asset Planning – Greenspace Unit.

7.12 The consent holder shall operate and maintain the stormwater infrastructure for a period of 12 months following the issue of the section 224(c) certificate, and in accordance with the appropriate clauses above.

7.13 The applicant shall provide as-built plans of the stormwater reticulation and mitigation systems including planting and confirm that they have been constructed in accordance with the approved plans and comply with the IDS, particular Part 3: Quality Assurance and Part 12: As-Builts.

7.14 The consent holder shall provide easements in gross over all stormwater infrastructure located outside of legal road or utility reserve areas to be vested in Council.

7.15 A maintenance and operations manual for all stormwater facilities shall be provided and shall form part of the Asset and Network Planning – Greenspace Unit approval. This manual is to include a description of the activity, the design assumptions, maintenance schedule and monitoring requirements (council can provide a suitable template for the maintenance and operations manual).

7.16 An Erosion and Sediment Control Plan (ESCP) is to be submitted for review as part of the design report. The ESCP is to include (but is not limited to):

- Site description, i.e. topography, vegetation, soils etc
- Details of proposed activities.
- A report including the method and time of monitoring to be undertaken.
- A locality map.
- Drawings showing the site, type and location of sediment control measures, onsite catchment boundaries and offsite sources of runoff.
- Drawings and specifications showing the positions of all proposed mitigation areas with supporting calculations if appropriate.

The performance criteria for the ESCP, unless directed by Council through the engineering acceptance process, will be based on ECAN's Erosion and Sediment Control Guidelines (2007).
http://www.ecan.govt.nz/Our+Environment/Land/ErosionAndSediment/ErosionSedimentControlGuidelines.htm

The ESCP is to be implemented on site during the subdivision construction phase and no works are to commence until such time as the ESCP has been accepted.

The ESCP is to be designed by a suitably qualified person and a design certificate supplied with the plan. (Use the certificate from Appendix IV of the CCC Infrastructure Design Standard Part 3)

Note Pursuant to Section 128 of the Resource Management Act 1991 Council reserves the right, during the construction phase, to review this condition to impose further controls in respect to Sedimentation Control and Management

8 Minimum Levels and Filling

8.1 To be considered satisfactory for sewer and stormwater drainage minimum ground levels shall be based on a level of 100mm above the kerb at the street frontage, plus a grade of 1:500 to the rear boundary.

8.2 All filling exceeding 300mm above excavation level shall be in accordance with the Code of Practice for earthfill for residential purposes NZS 4431: 1989. A duly completed certificate in the form of Appendix A of NZS 4431 shall be submitted to the Council for all lots within the subdivision that contain filled ground, prior to the issue of a Section 224 Conditions Certificate.

8.3 Where the ground level is to be altered, the top of any drainage structure is to be adjusted to match the new ground level. All work is to be carried out to the satisfaction of the Asset and Network Planning Unit.

8.4 The consent holder is to submit a report and calculations detailing any filling proposed against existing boundaries and the mitigation proposed to avoid adverse effects on adjoining properties.

8.5 The construction details of any retaining wall required to retain the fill are to be submitted to the Subdivisions Engineer for acceptance. The wall construction and materials are to be certified in addition to the NZS 4431 certification.

9. Access & Road Formation

9.1 The access formation shall be designed and constructed in accordance with the CCC Infrastructure Design Standard. Physical works shall not commence until a Council engineering officer confirms that the Design Report, Plans and Design Certificate complying with clause 3.3.1 of the IDS and the Contract Quality Plan and Engineer's Review Certificate complying with clause 3.3.2 has been received by Council

10. Reserves, Streetscapes and Open Spaces

10.1 Lots 980, 981, 984, & 985 are to be vested as Local Purpose (Utility) Reserve not Local Purpose (Drainage Reserve). Lot 980 is to be a minimum of 6 metres wide as per City Plan requirement.

10.2 Design and Development of reserves, streetscapes and open spaces:

(a) Landscape plans for the reserves and streetscapes are to be submitted as part of the Landscape Design Report to the Asset & Network Planning (Greenspace) for acceptance. All landscaping is to be carried out in accordance with the Accepted landscape plan.

(b) Where the Consent Holder has applied to vest assets as detailed on Accepted Landscape Plans, but the Asset & Network Planning (Greenspace) have not agreed to the value of the assets being credited against the Reserve Development Contributions or to reimburse the value of the assets to the Consent Holder, then the Consent Holder may vest the assets at their own expense.

(c) The Landscape Design Report and plans are to provide sufficient detail to confirm compliance with the requirements of the IDS, the CSS: and the WWDG: 2003. All landscaping required by this condition is to be carried out in accordance with the accepted report and plan(s) at the Consent Holder's expense, unless otherwise agreed. The Consent Holder shall maintain the works for 12 months for the Establishment Period (Maintenance and Defects Period) from the time of issue of the Section 224 Certificate.

10.3 Establishment Period (Defects Liability Period)
The Establishment Period (Defects Maintenance) will include an inspection by Greenspace Unit staff after the first 6 months. Any diseased, dead or replacement plantings are to be replaced at the Consent Holder's expense. The Establishment Period and the term on the bond shall be extended by a further 12 months for the replacement planting(s). Refer: CSS, Section Establishment. The Consent Holder is to keep an accurate and up-to-date monthly report on plant condition and establishment works undertaken. The report shall be submitted, if requested, by the Engineer within five days of the end of each month during the Establishment Period (Refer sample report: *Landscape Construction Monthly Establishment Report,* CSS, Part 7 Appendix 1).

10.4 Establishment Bond
The IDS Part 2, Section 2.13, Bonds, and IDS Part 10, Section 10.1 Establishment. The Consent Holder shall enter into a bond with the Council (Greenspace Unit) to the value of 50% of the total cost of plant material for the planted areas as detailed on the Accepted planting plans as landscape works, including reserve trees, gardens, shrubs, swale and grassed areas. The bond shall be held for the Establishment Period of 12 months (maintenance-defects period) from the issue of Section 224 Condition Certificate.

The Establishment Period and the term on the bond shall be extended by a further 12 months for the replacement planting(s), if required.

10.5 Grassing of Reserves, Streetscapes and Open spaces
All grass areas are to be in accordance with a minimum of the CSS; roadside berms as per Part 1: 31.2, Berm Mix; Detention basin Part 1, 31.5 Low Fertility and Drought Mix.

Advice Note: *Please make grass seed certificates available for inspection if requested.*

10.6 Reserve Boundary Fences
The Consent Holder shall comply with the IDS 10.6.9 Boundary Fencing. Reserve boundary fencing over 1.2 m high to be at least 80% open in order to enable clear visibility for neighbouring properties. The height, style and location of the fence shall be submitted to the Council's Asset & Network Planning (Greenspace) Team for acceptance, prior to work commencing.

10.7 Final Completion / Handover
The Consent Holder shall submit, if requested, the required completion documentation in accordance with IDS Part 2:2.12 Completion of Land Development Works and the Quality Assurance System to provide evidence that the work is completed in accordance with the agreed standards and conditions of this consent. This is to be submitted, if requested, on completion of the 12 month Establishment Period, prior to formal handover to Council and release of the Establishment Bond.

10.8 As – Builts
The Consent Holder shall submit As-Built plans showing all landscape works including street trees, and paths through drainage reserves and confirm that they have been constructed in accordance with the accepted plans and comply with the IDS particular Part 12 (As Builts).

11. Geotechnical

11.1 Liquefaction and Lateral Spread Hazard Mitigation:
That the liquefaction and lateral spread hazard mitigation described in the Geotechnical report "Halswell West Residential Development Longhurst Stage 10 Geotechnical Assessment" dated 26 August 2013 Project number 200376 Rev 1 prepared by Aurecon, shall be carried out on site and including that:

All liquefaction and lateral spread mitigation for residential properties shall be designed for the serviceability and ultimate limit state design earthquakes as defined in the Ministry of Business, Innovation and Employment guidance document on *Repairing and rebuilding houses affected by the Canterbury earthquakes* December 2012, namely SLS - M_w 7.5 with a PGA of 0.13g, ULS - M_w 7.5 with a PGA of 0.35g. Liquefaction mitigation of Council vested infrastructure shall be designed for a 1 in 150 year return period SLS event and a 1 in 500 year return period ULS events defined in NZS1170:2004.

Except that:

For all infrastructure and services to be vested in Council, the Aurecon Report shall be reviewed and updated by the Consent holder prior to the submission of the Design Report , Plans and Design Certificate for infrastructure in accordance with Condition ---- (A)

For the purpose of this condition, the reference to infrastructure to be vested shall include but not limited to, gravity and pressure pipelines; manholes, chambers, valves, hydrants, pump station(s) and associated works and storm water treatment devices; but shall exclude road pavements.

The objective of the review and updating shall be to confirm the appropriate serviceability limit state seismic design event for infrastructure to be vested in Council, recognising that in a seismic event with a return period greater than 1 in 150 years the system may become progressively less serviceable.

The design of liquefaction and lateral spread mitigation relevant to infrastructure and services to be vested will be undertaken in accordance with the recommendations of that updated reviewed report.

Note: It is recognised that a design may require the application of practical techniques and methods, not necessarily analytical techniques, in order to withstand the effects of a seismic event.

11.2 Prior to the request for the section 224 certificate the Consent Holder shall supply an updated Final Geotechnical report taking into account the mitigation measures put in place during the Construction phase to minimise both the Liquefaction potential and Lateral spread potential of the land during a SLS seismic event and a USL seismic event.

The report shall also classify the Technical category of the land in terms of the DHB Technical Classification Guidelines 2011, as well as giving guidelines on the foundation requirements for future dwellings within the completed development.

11.3 That a consent notice in terms of Section 221 of the Resource Management Act be registered on the titles for all lots that are identified in the final Geotechnical report with a Geotechnical Technical Category 2 Classification (equivalent) as per condition 11.4.

If for any reason that some of the lots are given a Geotechnical Technical Category 3 Classification, then these lots should be withdrawn from the development and shown as balance lots unless further mitigation measures being undertaken.

11.4 Foundation Design - Consent Notice:
That a consent notice in terms of Section 221 of the Resource Management Act be registered on the titles for all Lots, stating that:

Any structure requiring a Building Consent in terms of the Building Act provisions, shall have specific foundation design by a Chartered Engineer or by an appropriately qualified Geotechnical Engineer. The Design shall take into consideration of the potential for liquefaction and associated effects (vertical settlement and lateral spread) and shall be at least in accordance with the MBIE Guidelines – Foundation Design for a TC2 area.

12. Telecommunications and Energy Supply

12.1 All lots shall be provided with the ability to connect to a telecommunications and electrical supply network at the boundary of the net area of each lot.

12.2 As evidence of the ability to connect, the consent holder is to provide a copy of the reticulation agreement letter from the telecommunications network operator and a letter from the electrical energy network operator, or their approved agent.

14. Service Easements

14.1 The service easements as set out on the application plan or required to protect services crossing other lots shall be duly granted or reserved.

14.2 Easements over adjoining land or in favour of adjoining land are to be shown in a schedule on the Land Transfer Plan. A solicitor's undertaking will be required to ensure that the easements are created on deposit of the plan.

15. Easements over Reserves

17.1 Easements over land that is to vest in Council as reserve are to be shown on the survey plan in a Schedule of Easements. Evidence of approval by the Reserves Officer Subcommittee of Council to create the easements is required.

18. Easements in Gross

18.1 The legal instruments for easements in gross in favour of Council are to be prepared by Council's consultant solicitor at the consent holder's cost. The consent holder's solicitor is to contact Anderson Lloyd Lawyers (Mike Kerr) requesting the preparation of the easement instruments.

19. Road Names

19.1 The new roads are to be named.

19.2 A selection of names in order of preference is to be submitted for each new road. For historical purposes a brief explanation of the background for each submitted name is preferred.

19.3 The allocated names when approved are to be shown on the survey plan submitted for certification.

19.4 Post and nameplate fees are to be paid.
Note: Nameplates are not ordered from the manufacturer until the fee has been paid and usually take six weeks to manufacture.

The fees payable will be those that are current at the time of payment.($172/post and $370/nameplate as at 1st July 2011)

20. Public Utility Sites

20.1 Any public utility site and associated rights of way easements and/or service easements required by a network operator are approved provided that they are not within any reserves to vest in Council.

21. Goods and Services Taxation Information

21.1 The subdivision will result in non-monetary contributions to Council in the form of land and/or other infrastructure that will vest in Council. Council's GST assessment form is to be completed to enable Council to issue a Buyer Created Tax Invoice.

22. Accidental Discovery

22.1 The consent holder shall follow the Historic Places Trust Accidental Discovery Protocol.

22.2 Should any archaeological material or sites be discovered during the course of work on the site, work in that area of the site shall stop immediately and the appropriate agencies including the New Zealand Historic Places Trust and the Manawhenua shall be contacted immediately.

23. Amenity

23.1 The applicant shall employ dust mitigation measures such as watering, removal of debris, stabilisation of stockpiles and exposed surfaces etc, to prevent dust, sand and materials causing a nuisance beyond the subject site throughout the construction period.

23.2 The hours of operation of work shall be restricted to 7.00am to 6.00pm, Monday to Friday and 8.00am to 6.00pm Saturday except that no works shall take place on public holidays. This restriction on the hours of operation excludes any work required for compliance with the erosion and sediment control measures.

23.3 All construction work on the site shall be designed and conducted to ensure that construction noise from the site does not exceed the noise limits in the following table. Sound levels shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise.

Time Period	Weekdays (dBA)		Saturdays (dBA)		Sundays and Public Holidays (dBA)	
	L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{max}
0630 – 0730	60	75	45	75	45	75
0730 – 1800	75	90	75	90	55	85
1800 – 2000	70	85	45	75	45	75
2000 - 0630	45	75	45	75	45	75

23.4 The consent holder shall be required to maintain a complaints register and this record shall be made available to the Council to view within five working days of any request.

24. Density and Urban Design

24.1 A consent notice will be required to be registered on the following titles to record the following:

Lot 703

a. This lot is in the Density A Area

b. The following minimum densities shall be achieved within each of these lots

Lot 703: 7 residential units

Lots 710 to 730

a. These lots are in the Density B Area.

24. Geodata

24.1 The surveyor is to forward a copy of the title plan and survey plan to the Subdivision Planner (that issued the consent), Resource Consents as soon as the plan has been lodged (or earlier if possible) for checking at Land Information New Zealand for entering into the Council GIS system.

25. Duration of Consent

25.1 The period within which this consent may be given effect to shall be 5 years.

Advice Notes:

- Engineering General: The consent holder is required to mitigate any adverse affects on adjoining properties. Failure to undertake such works may mean that the consent holder has some responsibility to adjacent owners at law.

- Engineering Fees: This consent has conditions requiring engineering input. The time incurred by the Engineers is to be invoiced and paid prior to the release of the Section 224 Resource Management Act 1991 certificate.

- Development Contributions: A developments contribution assessment will be provided when available and must be paid prior to the issue of a section 224(c) certificate.

- Lots 980, 981, 984, & 985 shall hold no credits towards the final Reserve Development Contribution assessment.

RECOMMENDATION LAND USE RMA92024088

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 for the above reasons the application **be granted** pursuant to Sections 104, 104B and 104D of the Resource Management Act 1991 subject to the following conditions imposed pursuant to Section 108 of the Resource Management Act 1991:

1. The development shall proceed in accordance with the information and plans submitted with the application. The Approved Consent Documentation has been entered into Council records as RMA92024088 and includes approved consent plan 1 RMA92024088.

2. All earthworks shall only be undertaken in accordance with the conditions of subdivision consent RMA92024087 except for earthworks associated with the construction of dwellings.

3. That for Lots 703, 710 to 713 and 716 to 730 shown on the stamp approved plan 1 RMA92024088, buildings and associated earthworks may occur within the 7m setback from an environmental asset waterway, provided the buildings comply with Volume 3, Clause 2-11.2.7 of the City Plan. The environmental asset waterways are the swales and stormwater basin located within the Council reserve on Lot 929.

4. For Density B sites the maximum site coverage for sites where all buildings are less than 5.5 metres high shall be 45%.

5. In addition for Density B Lots where the permitted site coverage of 40% is exceeded:

    a. The side boundary closest to the garage shall be landscaped from the road boundary for a width of 600mm and for a depth of at least 4.5m.
    b. The front yard to each site shall maintain a 6.5m width (measured parallel to the road or right of way (where there is no road as the case may be) for its entire depth that does not contain any of the following: driveway, garage, carport, vehicle parking and manoeuvring areas.

    Interpretation: For the purpose of 5(b) above, the front yard is that part of the site between the legal road boundary or right of way and the front wall(s) to the dwelling that face the road or right-of-way.

Reported and Recommended by: Paul Lowe, Senior Planner **Date:** 3 March 2014

Decision

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

Resource Management Officer Sub-Committee:

Sharp, Alistair
07/03/2014 9:35 AM

Ward, Sean M
07/03/2014 12:55 PM