

Report / Decision determining whether an Application for Resource Consent should be processed as publicly notified, limited notified, or non-notified

(Sections 95A / 95B)

Application Number: RMA92023522 and RMA92023524
Applicant: Fulton Hogan Land Development Limited
Site address: 60 Whincops Road
Legal Description: Lot 912 DP464210
City Plan Zoning: Living G (Halswell West) Zone
Activity Status: Subdivision: Non-complying
 Landuse: Restricted discretionary

Description of Application: **RMA92023522 Subdivision:** Stage 6 subdivision to create 25 residential lots in Knights Stream Park.

RMA92023524 Landuse: Landuse consent is sought:

- as part of the subdivision, to undertake earthworks and road construction works within the 7m setback from an environmental asset waterway, being the stormwater basin on Lot 914 DP464210.
- to allow dwellings with a maximum height of 5.5m on any of the Density C allotments in Knights Stream Park Stage 6, to have site coverage of 40%.
- the construction and associated earthworks of buildings on proposed Lots 510 to 513 within the 7m setback of an environmental asset waterway, being the stormwater basin on Lot 914 DP464210.

Introduction

This application was amended on 19 September 2013 so that it only applied to the stage 6 area of 'Knights Stream Park'. Other areas forming part of the 'Longhurst' subdivision area have now been excluded from the application. The Longhurst and Knights Stream Park are both owned by Fulton Hogan Land Development Limited who are the main landowner in the Living G (Halswell West) Zone. The site and surrounds is described in the application report by Davie Lovell Smith dated September 2013.

The proposal is summarised below:

RMA92023522 Subdivision:

- Create 25 residential (density C) lots.
- Extend Elba Street so that it forms a crescent.
- Extend Kruger Street so that it extends to the neighbouring land to the south.
- Create part of a local purpose reserve (802m² and 5m in width) along the south boundary of the application site extending from Whincops Road to the extended Kruger Street.

RMA92023524 Landuse:

- As part of the subdivision, undertake earthworks and road construction works within the 7m setback requirement from an environmental asset waterway, being the stormwater basin on Lot 914 DP464210.
- To allow dwellings with a maximum height of 5.5m on any of the Density C allotments in Knights Stream Park Stage 6, to have site coverage of 40%.
- The construction and associated earthworks of buildings on proposed Lots 510 to 513 within the 7m setback of an environmental asset waterway, being the stormwater basin on Lot 914 DP464210. It is proposed that such buildings would be permitted provided they comply with the setback requirements in Clause 2-11.2.7 of the City Plan.

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 11.2.1 Residential site density** - For residential units located in areas marked 'Density C' residential area as shown on the Outline Development Plan (Halswell West)(Appendix 3W, Part 2), the minimum net site area shall be 450m² and the maximum net site area shall be 800m². Lot 504 would be 840m².
- **Development Standard 11.2.2(a) – Open Space:** *Density C limit is 35% or 35% 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 C allotments in Knights Stream Park Stage 6, to have site coverage of 40%.
- **Development Standard 11.2.18 Development Plan - residential and other activities:** Any development of land shall be in accordance with the ODP. The proposed road that would exit to the neighbour land to the south would be located further west than is illustrated in Appendix 3W/b - Movement Network (Halswell West).
- **Critical Standard 11.4.1 Residential site density(a):** Notwithstanding Clause 8.2.1, any residential activity located within an area marked 'Density A', 'Density B' and 'Density C' as shown on the Outline Development Plan (Halswell West) Appendix 3W, Part 2, where the minimum net site area or the maximum site area are not complied with, shall be a non-complying activity. Lot 505 exceeds the maximum site size requirements.

Part 9, General City Rules

- **Development Standard 5.5.2:** All other Living Zones: Maximum volume 150m³ per hectare: Exact volumes are not known, however only minor earthworks are needed to finish the construction of Kruger Road and smooth off the allotments as the bulk earthworks for this stage were consented and undertaken as part of the Knight Stream Park Stage 3 works. The proposed works would not exceed the permitted depth of excavation and fill.
- **Standard)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
Subdivision earthworks for the road construction and over Lots 510 to 513 would occur within the 7m setback to the stormwater basin on Lot 914 DP464210. The construction of buildings and associated earthworks on proposed Lots 510 to 513 would also occur within the 7m setback.

Subdivision

Part 14, Subdivision

- **Development standard 28.1.2 Residential allotment size and site density – residential activities.** This standard requires that Density C lots have an average net area of between 525m² to 575m² and that the maximum lot area not exceed a maximum site area of 800m². The proposed average net area would be 524m² and Lot 505 would be 840m².
- **Community Standard 28.2.2 Conformity with Outline Development Plan - All other subdivision.** Under this rule, the proposed subdivision would have a restricted discretionary activity with the Council's discretion limited to design and layout of the subdivision and the ODP.
- **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. The Senior Environmental Health has reviewed this application and agrees with this assessment (refer to the email dated 13 September 2013).

Overall the subdivision and landuse activities each have a non-complying activity status.

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 layout of the development is generally consistent with the allocation of landuses provided for in the ODP. I agree with the applicant that shifting the Kruger Road exit to the south would be minor. This road has been shifted to provide frontage to the drainage reserve and follows a stormwater pipe that has been installed through Knights Stream Park as part of the Stage 3A works.

In my view this change would only affect 60A and 60B Whincops Road where the road would provide the main point of vehicle access to that land. The owners and occupiers of these properties have provided their written approvals to the proposal and any affects on them can be disregarded.

While the road would meet the access leg/right of way to 60A to 60C Whincops Road in a different location to the ODP, the ability to connect to the net area of 60C Whincops Road would remain. Therefore I am of the view that that party is unaffected by the proposal.

Density

The proposal does not meet density rules for subdivision and landuse because:

- the average net minimum area of the lots would be 524m² and 525m² which is the minimum required; however,
- Lot 505 would be 840m² which exceeds the maximum net area permitted of 800m².

I agree with the applicant:

These non-compliances are considered to be of little significance in the context of the overall development, where the density yield is currently sitting at 14.66 households per hectare. Overall it is considered unlikely that there will be any effects on the environment from these non-compliances.

I do not consider that any neighbours would be adversely affected by this non-compliance from an amenity or character perspective given the small degree of non-compliance and the fact that all lots around the periphery of the site achieve the minimum lots size permissible for Density C lots.

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.

While not specifically addressed in the application report, I have discussed the impact of creating Lot 934 as a local purpose utility reserve with the applicant as it is currently used as a right of way serving three other properties being 60A, 60B and 60C Whincops Road.

The applicant has advised that while a small section of the existing right of way formation would be lost as a result of this proposal (i.e. adjacent to lot 505), the remnant legal and formed right of way would still comply with the City Plan standards for access. Given that the ODP requires this land for the blue/green movement network, I consider that the proposed subdivision layout would not adversely affect these neighbours.

When (or if) the neighbouring land is developed for urban purposes a new road connection to Kruger Road would need to be created (as per the ODP) and the remnant right of way area to Whincops Road would be relinquished and vested as reserve.

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.

Subdivision Earthworks

The application states that:

Only minor earthworks are needed to finish the construction of Kruger Road and smooth off the allotments as the bulk earthworks for this stage were consented and undertaken as part of the Knight Stream Park Stage 3 works. These works may exceed the permitted volume, but they will not exceed the depth.

The main aspect that requires consent is that the works to complete construction of Kruger Road and Lots 510 to 513 will be undertaken within the 7m setback from an environmental asset waterway, being the adjoining stormwater basin. This basin has been formed and landscaped, and has vested in Council. The proposed works are unlikely to have any impact on the stormwater basin. Erosion and sediment controls will be required to be put in place during construction to ensure that no sediment enters into the basin. The basin does not have any ecological value at this stage as it has only just been constructed. It is considered that there will be no adverse effects arising from these works within this setback....

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.

There is nothing extraordinary about this application 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.

Waterway Setback

In relation to the proposed setback of buildings and associated earthworks from the stormwater reserve the application states:

Lots 510 to 513 within Knights Stream Park Stage 6 immediately adjoin a stormwater reserve. The top of the bank of the basin is approximately 5m from the legal boundaries of these allotments. Any structure, excluding a fence, which is located within the 7.5m of the top of that bank requires consent.

To provide maximum flexibility for future owners consent is sought to allow dwellings, accessory buildings and decks to be constructed on Lots 511 to 513 provided they are no closer than 1.8m to their northwest boundary with the reserve, and for Lot 510 they are no closer than 1.8m to the northwest and southwest boundaries. A setback of 1.8m is consistent with those for permitted buildings, but is further away for accessory buildings. A single setback is considered appropriate as it will be easier for future owners to remember and for Council to administrate. As a fence will be established along the boundary with the stormwater reserve, it is considered that there will be no ecological or environmental effects associated with allowing structures to be established as sought.

In addition I note that erosion and sediment controls are typically used during the building consent process for dwellings to avoid the discharge of sediments to the environment. No issues have been raised by the Planning Engineer (Mr Brian Norton) with respect to the water way setback breach.

Site Coverage

In relation to the proposal for the Density C lots to have site coverage of 40% I note the comments at page 19 of the application report. In particular:

- 40% 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; 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.

Overall

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 localised and relate only to the owners/occupiers of the adjacent properties at 60A and 60B Whincops Road from whom written approval has been obtained. There are no other persons considered affected beyond these parties. There are no/negligible adverse effects on the wider environment.

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)]

60A and 60B Whincops Road.

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

Yes.

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 will 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 features found on the Listed Land Use Register or on the Council's property information to suggest and HAIL activities have taken place on the site.

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 Knights Stream Park Stage 6 and Longhurst Stage 5C Geotechnical Subdivision Report reference 200376 Rev 1 dated 6 September 2013.

... The above report covers the areas within the Knights Stream Park Stage 6 and Longhurst Stage 5C development areas.

The assessment for the Knights Stream Park Stage 6 shows that the area generally has a varying depth of clayey silts and sandy silts overlying sandy gravel with the depth of the watertable being 1.9 to 3.9m 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 15-35mm can be expected and in the ULS event (1 in 500 year event) the settlements expected are in the range 40-70mm.

In terms of the land Classification Technical Categories introduced by the MBIE, Stage 6 of the Knights Stream Park development lies within TC2 classification. Lateral spread has been discussed and in a SLS event no lateral spreading is expected. In a ULS event up to 100mm of lateral spread is expected adjacent to the stormwater retention and first flush ponds on the west side of the proposed stage 6 development.

Section 106 of the RMA has been discussed and with the mitigation measures proposed section 106(1)(a) and(b) 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.

As outlined earlier all lots created by this subdivision and 60A, 60B and 60C Whincops Road 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 RMA92023522

- 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 RMA92023522.

2. New Roads to Vest

- 2.1 The new road, being lot 978 is to be formed and vested in the Council to the satisfaction of the Subdivision Engineer with underground wiring for electricity supply and telecommunications.

3. Land to Vest as Utility Reserve

- 3.1 Lots 934 is to vest in Council as Local Purpose (Utility) reserve and is considered as part of the utility network.

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. Submit a Design Report, Plans and Design Certificate complying with clause 3.3.1 to the Engineering Services Team, Building Operations Unit. The Design Report and engineering plans are to provide sufficient detail to confirm compliance with the requirements of the IDS and this consent.
- 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.

- 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 All lots shall be served with a water supply to their boundary. Submains shall be installed to 1m past each lot boundary.
- 5.2 The point of supply for the 25 lots shall be the extended reticulation from the water mains within Kruger Road and Elba Crescent.
- 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 shall be sent to the Subdivision Engineering Team for approval.
- 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 Knights Stream Subdivision and on which the approved hydraulic models were based.
- 5.6 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 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 furthest part of the lots.
- 6.2 The approved outfall for the 25 residential allotments will be a new sewer main to be laid in Lot 934, which connects to the existing Pump Station 81 (PS81) which in turn pumps to Pump Station 115 (PS115).
- 6.3 The approved ultimate outfall for the wider PS115 catchment is the future Wastewater Pumping Station 105 (PS105), located near the Hayton/Wigram intersection, which is scheduled for completion between end of 2013 and early 2014. The proposed discharge into the new sewer main to be laid in Lot 934 will be withheld (laterals physically capped off) until PS105 is commissioned and operational or an alternative outfall is approved in writing by the Unit Manager-Asset and Network Planning (or equivalent Council Officer), Christchurch City Council.
- 6.4 Network sewers to be vested in Council shall be a minimum of 150mm diameter.
- 6.5 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 Engineering Services Team 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 furthest part of the lot.
- 7.2 Stormwater from all allotments under this application shall discharge to the stormwater mitigation facility constructed on Lot 914 (referred to as 'Knights Stream' facility). The design of stormwater mitigation facilities shall meet all applicable Christchurch City Council requirements including the Waterways, Wetlands and Drainage Guide (WWDG – 2003, including Chapters 6 and 21 updated in 2011/12), Infrastructure Design Standards (IDS - 2010), CCC Civil Engineering Construction Standard Specifications (CSS -2010), and the Southwest Area Christchurch Stormwater Management Plan.
- 7.3 The stormwater mitigation facilities shall meet all relevant conditions of the South West Area Stormwater Management Plan including the following conditions:
- The stormwater runoff resulting from the first 25mm of rainfall from impervious areas shall be captured and treated in a first flush basin prior to discharge.
 - Secondary treatment of the first flush shall be provided offsite in a stormwater wetland to be designed and constructed by (or under direction of) CCC.
 - Stormwater runoff from storms in excess of the first flush volume and up to the 2% AEP critical duration storm shall discharge to a retention basin with a controlled outlet into Knights Stream.
 - Stormwater runoff in excess of the surface water management system capacity shall be directed to Knights Stream via secondary flowpaths.
- 7.4 The surface water management and mitigation system (i.e. pipes, swales, first flush, detention basins) shall be designed to ensure complete capture and retention of all stormwater runoff from the site for all rainfall events up to and including 50 year return period critical storm. This will require internal reticulation and conveyance to meet Council's inundation standards as specified in the WWDG. Further, the conveyance and inlet system to the first flush detention areas shall be designed to ensure that even for events where the critical peak stormwater runoff flow rate occurs that all resulting runoff shall actually reach the first flush and detention areas. A combination of the primary and secondary conveyance system may be used to ensure this level of service is achieved.
- 7.5 The primary stormwater reticulation network shall be designed to convey at minimum the critical 20% AEP storm event. No nuisance flooding of property shall occur during the critical 10% AEP event and no flooding of buildings shall occur during the critical 2% AEP event.
- 7.6 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 2% AEP event). All secondary or emergency stormwater flowpaths are to be identified and protected by an easement in favour of CCC, if required.
- 7.7 Subsoil drains designed to intercept groundwater and/or lower groundwater levels shall be designed in accordance with the WWDG and the CSS.
- 7.8 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 acceptance by Network and Asset Planning – Greenspace Unit.
- 7.9 The consent holder shall operate and maintain the stormwater treatment system and infrastructure for a period of 12 months following the issue of the section 224(c) certificate, and in accordance with the appropriate clauses above.
- 7.10 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.
- 7.11 The consent holder shall provide easements in gross over all stormwater infrastructure that is located outside of legal road or utility reserve areas to be vested in Council.
- 7.12 A maintenance and operations manual for all stormwater facilities shall be provided and shall form part of the Asset and Network Planning 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).

Advice Note: To satisfy this condition any existing manual that is relevant to Knights Stream Park and has been already been approved can be updated to reflect the additional subdivision area subject to the approval of the Asset and Network Planning Unit.

7.13 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 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.
- 8.4 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 Access for rear lots from the road carriageway to the road frontage is to be constructed in accordance with the Council's Construction Standard Specification Part 6, Clause 6 and Standard Details SD606, SD607, SD608, SD611, SD612, SD615 & SD616. For new formation, Clegg hammer test results complying with clause 6.5 'Metalcourse' are to be supplied with the 224c Conditions Certificate request.
- 9.2 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 Lot 934 is to be vested as Local Purpose (Utility) Reserve not Local Purpose (Drainage Reserve). Note: Lot 934 does not need to be landscaped as a part of this subdivision consent.
- 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 Street Trees and Street Gardens

- (a) The Consent Holder shall submit a plan(s) for the proposed street trees and street gardens (if any) for the Council's Asset & Network Planning (Greenspace) Teams acceptance. The plan(s) are to provide sufficient details to confirm compliance with the requirements of the IDS (current version) and the CSS Part 7: Landscapes (current version). All landscape works required by this condition are to be carried out in accordance with the accepted report and plan(s) at the Consent Holder's expense. The Consent Holder shall maintain the works and planting for 12 months from the time section 224 certificate is issued.
- (b) The Consent Holder shall enter into a bond with Council Asset & Network Planning (Greenspace) Team to the value of 50% of the cost to replace and replant all street trees. The bond shall be held for the Establishment Period of 12 months from the time the 224 certificate is issued.

Advice Note: Refer to ISA Part 10: 10.8.11 Locations of trees in streets, and CSS Part 7: 4.0 Supply of Tree and Plant Materials.

10.6 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.

10.7 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.

10.8 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.

10.9 As – Built

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 Built).

11. Geotechnical

11.1 Prior to the commencement of physical works on site for the construction of the subdivision including infrastructure, the Consent holder shall submit to the Engineering Services 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 11.2 Liquefaction and Lateral Spread Hazard Mitigation. This report can be submitted as two individual design reports being infrastructure as one part in the IDS Design report and the remainder of the site as a second part in a Geotechnical Report.”

11.2 Liquefaction and Lateral Spread Hazard Mitigation:

That the liquefaction and lateral spread hazard mitigation described in the Geotechnical report “*Knight Stream Park Stage 6 and Longhurst Stage 5C Geotechnical Subdivision Report*”, reference 200336, dated 6 September 2013 shall be carried out on site and including that :

All Liquefaction and Lateral spread hazard mitigation shall be designed for a SLS (serviceability limit state) seismic event and an ULS (ultimate limit state) seismic design event as defined by MBIE in the Guidance Document: “*Repairing and Rebuilding Houses Affected by the Canterbury Earthquake’s*” (2012).

11.3 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 recommend the Technical Category of the land in terms of the MBIE Technical Classification Guidelines.

11.4 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 as per condition 11.5.

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 that do not meet the requirements of Section 106 of the Resource Management Act without further Mitigation measures being undertaken.

11.5 Consent Notice:

That a consent notice in terms of Section 221 of the Resource Management Act be registered on the titles for all Lots with a Geotechnical Technical Category 2 Classification, stating that:

“At the time of the completion of the subdivision works, the recommended Geotechnical Technical Category for this land was TC2. All dwellings, structures and drainage requiring a Building Consent in terms of the Building Act shall have specific foundation design by a Chartered Engineer with experience in foundation design.”

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.

13. Right of Way Easements (Private Ways)

13.1 The rights of way easements as set out on the application plan shall be duly granted or reserved.

13.2 The registered users of the right of way shall maintain the access and the liability and apportionment of the costs of maintenance shall be written into the legal document granting or reserving the right of way easement.

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

15.1 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 required under conditions 7.13 and 23.1.

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

24.5 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.

28. Restriction on Issue of Section 224(c) Conditions Certificate

- 28.1 No certificate will be issued under section 224(c) of the Resource Management Act 1991 until all lots are connected to the reticulated sewerage network via an approved outfall being:
- future Wastewater Pumping Station (PS105) located near the Hayton/Wigram intersection, which is scheduled for completion in late 2013; or
 - an alternative outfall as approved in writing by the Unit Manager-Asset and Network Planning (or equivalent Council Officer), Christchurch City Council.

29. Geodata

29.1 The surveyor is to forward a copy of the title plan and survey plan to the Subdivision Planner (that issued the consent), Resource Consents & Building Policy Unit 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.

30. Duration of Consent

30.1 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.

RECOMMENDATION LAND USE RMA92023524

- That the application be processed on a **non-notified** basis in accordance with Sections 95A - 95F of the Resource Management Act 1991.
- 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:
 - 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 RMA92023524 and includes approved consent plan 1 RMA92023524.

2. All earthworks shall only be undertaken in accordance with the conditions of the above subdivision consent except for earthworks associated with the construction of dwellings.
3. The depth of fill associated with subdivision consent RMA92023522 shall not exceed a depth of 0.5 metres.
4. That for Lots 510 to 513 shown on the stamp approved plan 1 RMA92023524, 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 reserves on Lot 914 DP 464210 (12R Aberdare Street).
5. The maximum site coverage for sites where all buildings are less than 5.5 metres high shall be 40%.

Reported and Recommended by: Paul Lowe, Senior Planner **Date:** 22 October 2013

Decision

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

Resource Management Officer Sub-Committee:



O'Connell, Nathan
25/10/2013 10:05 AM
Planning Team Leader



Burgess, Jesse
25/10/2013 1:31 PM
Planning Team Leader (Acting)