

## Report / Decision on Change or Cancellation of Condition(s)

(Section 127)

**s.127 application number:** RMA92031745  
**Original application number:** RMA92029290 and RMA921031173  
**Applicant:** Fulton Hogan Land Development Ltd  
**Site address:** 385 and 387 Halswell Junction Road  
**Legal description:** Lots 992 and 1009 RMA92027261  
**Zoning:** **Christchurch City Plan:** Living G (Halswell West) and Rural 2  
**Proposed Replacement District Plan:** New Neighbourhood, Residential Medium Density, Residential New Neighbourhood  
**Operative Replacement District Plan:** NA

**Description of Application:** Change of conditions pursuant to Section 127

### Section 133A Correction

This report has been updated to reflect some minor corrections to the resource consent. The consent holder has advised that condition 7 does not allow lots 829 and 830 to be set back 1.8m from common boundary with the adjoining waterway as was proposed in the application and illustrated on the approved plan.

I agree that a minor correction is required to clarify that a 1.8m setback applies to these lots as measured from the common boundary of the waterway. It is already allowed/anticipated by the approved plan under condition 1 of the consent and because condition 7 does not preclude a 1.8m setback on this site.

### Introduction

#### Background

The applicant is seeking to vary the conditions of existing subdivision consent RMA92029290 and landuse consent RMA92031173 which were granted on a non-notified basis by a Commissioner on 17 October 2015.

The consents would allow:

#### Subdivision

- 60 residential allotments, being 45 Density B sites and 15 Density C sites;
- 2 drainage reserves to vest in Council;
- roads to be vested in Council; and
- three balance allotments.

#### Landuse

- establish a dwelling in accordance with the Density B standards for the Living G (Halswell West) Zone on Lots 857-872 and 875-877, as these allotments would be located on land zoned Rural 2.
- establish a structure within the 10m setback from an Upstream River, formerly being part of Knights Stream for Lots 807, 814-825 and 830.
- to undertake earthworks within the application site to complete the shaping of the allotments and road formation work. This work is likely to exceed the permitted limits for both the Living G (Halswell West) Zone and the Rural 2 Zone, and may also be within the 10m setback from Knights Stream.

#### Proposal

As described by the applicant the proposal is to vary subdivision consent RMA92029290 and RMA92031173 to provide for the staging of the subdivision. It is proposed to establish two stages – 8A and 8B. The staging is being established *to enable the construction access point from Halswell Junction Road to be maintained, whilst title is obtained to the majority of Stage 8 Knights Stream Park. This will ensure that a safe construction access is available for the final stages of the Knights Stream Park development.*

To give effect to the change sought, the following amendments are required to RMA92029290 and RMA92031173:

- Replace the approved consent plan of RMA92029290 and RMA92031173 with that contained

in Appendix A of the application report.

Amend the conditions of these consents to reflect the alterations on the replacement plan as follows:

### **RMA92029290 Subdivision**

#### **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 ~~RMA92029290/4~~ **RMA92029290/1A.**

#### **1.2 The subdivision may be carried out in stages as set out in stamp approved application plan 1A.**

**At each stage any balance land is to be left as a fully serviced allotment that retains the underlying credits, if any, for financial contributions.**

#### **3. New Road to Vest**

3.1 The new road being ~~Lot 404~~ **Lots 1001 and 1052** is to be formed and vested in the Council to the satisfaction of the Subdivision

### **RMA92031173 Landuse**

1. The development shall proceed in accordance with the stamp approved application plans ~~RMA92031173/4~~ **RMA92031173/1A.**

#### Description of the Site and Surrounds

The subject site is located to the south of Halswell Junction Road and to the west of the previous stages of Knights Stream Park. The site is predominantly flat and has legal frontage to Halswell Junction Road and Richmond Avenue.

The Knights Stream Park development sits to the southwest of the existing Halswell residential area. To the west-northwest of the site is land zoned for business and residential purposes. To the east south-east are the completed stages of the Knights Stream Park and Longhurst residential developments.

### **Statutory Considerations**

Section 127 of the Resource Management Act 1991 states:

#### **“127. Change or cancellation of consent condition on application by consent holder**

- (1) *The holder of a resource consent may apply to the consent authority for a change or cancellation of a condition of a consent, subject to the following:*
  - (a) *the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*
  - (b) *No holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*
- (2) *Repealed*
- (3) *Sections 88 to 121 apply, with all necessary modifications, as if -*
  - (a) *the application were an application for a resource consent for a discretionary activity; and*
  - (b) *the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*
- (4) *For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who -*
  - (a) *made a submission on the original application; and*
  - (b) *may be affected by the change or cancellation.*

### **Planning Framework**

The operative Christchurch district plans are under review. Stages 1, 2 and 3 of the Proposed Christchurch Replacement District Plan have been notified, and the Independent Hearings Panel has made a number of decisions on specific parts of the plan, including ‘Strategic Directions and Strategic Outcomes’. Some of the rules have legal effect pursuant to section 86B of the Resource Management Act, while others are fully operative. The

rules applicable to this proposal have been assessed and the breaches are identified below. Relevant objectives and policies are discussed in a later section of this report.

### **Christchurch City Plan**

The site is zoned Living G Halswell West) zone. The proposed change will not result in any additional breach of rules in the City Plan

### **Proposed and Operative Christchurch Replacement District Plans**

There are no rules in either the Proposed or the Operative Replacement District Plan which are applicable to this proposal (i.e. rules with legal effect pursuant to section 86B and those with fully operative status).

#### **Type of Application**

The first consideration that is required is whether the application can be treated as one for a change of conditions or whether it will result in a fundamentally different activity or one having materially different adverse effects, such that it should be treated as a new application. The proposal simply relates to the staging of the development and will not change the design of the subdivision. In my opinion this application can be considered as a variation to the original resource consent as the nature of the activity will not fundamentally change and the adverse effects will not be materially different from those associated with the original consent.

#### **Written approvals [Sections 95D(e), 95E(3)(a) and 104(3)(a)(ii)]**

No written approvals have been provided with the application.

#### **Effects on the environment, and adversely affected persons [Sections 95A, 95B, 95E, 104(1)(a) and 127(4)]**

Pursuant to Section 127(3) the application must be assessed as a discretionary activity. As such, the Council's assessment is unrestricted and all actual and potential effects of this proposal must be considered. In my opinion the effects on the environment associated with the proposed change/cancellation of conditions relate to the change in the staging. The proposal simply relates to the staging of the development and would not change the design of the subdivision or the physical works required to be carried out to implement the design. The existing conditions of the consent suitably control the engineering design of staged works. I conclude that the overall effect on the environment is negligible and that there are no affected parties.

#### **Notification provisions [Sections 95A, 95B and 95E]**

I have concluded above that there will be negligible adverse effects as a result of the proposed change/cancellation of conditions. Pursuant to section 95E(1) written approval is not required from any persons.

#### **Section 104 matters**

As the application would not materially change the subdivision I conclude that it is:

- Consistent with the relevant objectives and policies of the Operative City Plan, and those in the Proposed and Operative Replacement District Plans, as the change would not materially change the subdivision.
- Consistent with the objectives in Chapter 3 Strategic Directions of the Operative Replacement District Plan.
- Consistent with the Recovery Strategy for Greater Christchurch as it does not conflict with any of the identified goals or priorities for recovery.
- In keeping with Part II of the Act.
- Able to be granted consent without notification, pursuant to Section 104(3)(d).

In addition I would recommend that the applicant's proposal to include a reference to financial contributions in condition 1.2 be removed. No financial contributions are required under the resource consent and any development contributions due on this application are managed through the Local Government Act and outside of the resource consent application process.

## Recommendations

That, for the reasons outlined above:

- A. The application be processed on a **non-notified** basis in accordance with Sections 95A and 95B of the Resource Management Act 1991.
- B. The application **be granted** pursuant to Section 127 of the Resource Management Act 1991.

The conditions of consent shall now read as follows:

### **SUBDIVISION CONSENT RMA92029290**

- (A) That the application be processed on a **non-notified** basis in accordance with Sections 95A – 95E of the Resource Management Act 1991.
- (B) That the application **be granted** pursuant to Sections 104, 104B, 104B and 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 ~~RMA92029290/1~~ **RMA92029290/1A**.
- 1.2 **The subdivision may be carried out in stages as set out in stamp approved application plan 1A.**

**At each stage any balance land is to be left as a fully serviced allotment.**

#### **2. Allotment to Vest as Local Purpose (Utility) Reserve**

- 2.1 Lots 1050 and 1051 are to be shown on the survey plan as local purpose (utility) reserve

#### **3. New Road to Vest**

- 3.1 The new roads being ~~Lot 104~~ **Lots 1001 and 1052** is are to be formed and vested in the Council to the satisfaction of the Subdivision

#### **4. Engineering General**

##### **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 Subdivision Engineers (Planning Team 1). 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 Unless an exemption is obtained, all private sewer and stormwater laterals (serving rear lots) 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 section 224c application.
- 4.4 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, summary sheet 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.

- 4.5 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 points of supply for the proposed allotments shall be the:
- Existing DN250mm pipe installed in Stage 7 which will be extended into Stage 8A.
  - DN560 trunk main along Halswell Junction Road.
- A DN300 pipe shall be laid from the point of supply into Stage 8A.
- 5.2 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 Assets & Networks Planning Team.
- 5.3 This development will require full high pressure water reticulation to the Council's specifications and acceptance at the consent holder's expense. Engineering drawings shall be sent to the the Subdivision Engineers (Planning Team 1) for acceptance.
- 5.4 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.
- 5.5 All lots shall be served with a water supply to their boundary. Submains shall be installed to 1m past each lot boundary. Rear lots shall be served with laterals installed by a Licensed Certified Plumber into their net site areas under a Building Consent for each stage.
- 5.6 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.
- 5.7 Where applicable, dummy connection boxes shall be installed at the entrance of the R.O.Ws. in accordance with Section 7.11 of the IDS.

- 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. Wastewater**
- 6.1 The approved outfall for the residential allotments will be the existing trunk mains installed as part of the earlier stages of the Knights Stream subdivision.
- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.7 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.
- 7. Stormwater**
- 7.1 Stormwater from all allotments, reserves and roading areas created under this application shall be collected via channels, sumps, pipes or swales and discharge into the Knights Stream Park stormwater facility (constructed under another application). The surface water management system shall generally meet the requirements of the CCC Waterways, Wetlands and Drainage Guide (WWDG 2003 including Chapters 6, 21 and Appendix 10 updated 2011/12), the Infrastructure Design Standard (IDS 2013) and the Construction Standard Specifications (CSS 2014).
- 7.3 Authorisation for operational and construction phase stormwater discharge shall be obtained either through Christchurch City Council or through separate resource consent obtained from Environment Canterbury
- 7.4 A new/re-established open waterway extension of Knights Stream headwaters shall be constructed within proposed Lot 1051 and within any unformed portion of proposed Lot 1050. Unless otherwise approved by Council engineers, the waterway shall be designed to convey the peak discharge from the 750mm diameter stormwater pipeline conveying stormwater from offsite sources, plus 400mm of freeboard to adjacent building lots. Lots 1051 and 1050 shall vest to Christchurch City Council as Local Purpose (Utility) Reserve.
- 7.5 A 750mm diameter stormwater pipeline shall be constructed within proposed Lot 1001 (road to vest) which will receive stormwater from offsite sources. The pipeline should be separated from all other parts of the primary stormwater network constructed under this application and shall discharge into the Knights Stream extension. The design of this pipeline including hydraulics, inlet and outfall configuration and location shall be confirmed with Council engineers prior to construction.
- 7.6 The road to be constructed within proposed Lot 1001 shall be designed to convey the balance of stormwater over and above the hydraulic capacity of the 750mm diameter pipeline to be implemented

under the previous condition up to 0.82 cubic metres per second plus any secondary flow generated from within the development area (including future stages).

- 7.7 The surface water management and mitigation system (excluding the Knights Stream extension) shall be designed to ensure complete capture and conveyance of all stormwater runoff from the site for all rainfall events up to and including the two percent annual exceedance probability storm of 60-hour storm. Further, the conveyance 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 Knights Stream stormwater facility. A combination of primary and secondary conveyance systems may be used to ensure this level of service is achieved.
- 7.8 Safe and practical access to stormwater facilities for maintenance shall be provided and designed in accordance with clause 6.8 & 6.9 – WWDG.
- 7.9 Stormwater laterals are to be laid to at least 600mm inside the boundary of all 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 furthestmost part of the lot.
- 7.10 The primary stormwater reticulation network (excluding the Knights Stream extension) shall be designed to convey (at minimum) the critical twenty percent annual exceedance probability storm event. No flooding of private 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.
- 7.11 The designer of the surface water management system shall provide a report which identifies all secondary flow paths proposed. All secondary or emergency stormwater flowpaths are to be identified and protected by an easement in favour of Christchurch City Council, if required.
- 7.12 The consent holder shall provide easements in gross over all stormwater infrastructure located outside of legal road or utility reserve areas to be vested with Council.
- 7.13 Engineering plans, specifications and calculations for the design and construction of all surface water management infrastructure are to be submitted to the Assets and Networks and Resource Consents Units for acceptance.
- 7.14 The consent holder shall operate and maintain surface water management infrastructure to vest into Council for at least 12 months following the issue of the section 224(c) certificate, after such time Council may accept responsibility for operation and maintenance.
- 7.15 The applicant shall provide as-built plans of the surface water management systems 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.
- 7.16 A maintenance and operations manual for all surface water management systems shall be provided and shall form part of the engineering acceptance. This manual is to include a description of the activity, the design assumptions, maintenance schedule and monitoring requirements.
- 7.17 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 Environmental Canterbury'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. Geotechnical**

8.1 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 8.2 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.”

8.2 Liquefaction and Lateral Spread Hazard Mitigation:

That the liquefaction and lateral spread hazard mitigation described in the Geotechnical report “Knight Stream Park Stages 7 and 8 Geotechnical Subdivision Report”, Revision 3, reference 200376, dated 18 November 2014 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).*

8.3 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.

8.4 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 8.5.

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.

8.5 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.”*

## **9. Greenspace**

9.1 Design and Development of Reserves and Streetscapes:

A. Landscape plans for the reserve Lots 1050 and 1051 and streetscapes are to be submitted as part of the Landscape Design Report to the Asset and Network Unit (Parks) for acceptance. All landscaping is to be carried out in accordance with the Accepted plan.

B. 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.

9.2 Establishment Period (Defects Liability Period)

The Establishment Period (Defects Maintenance) for Lots 1050 and 1051 will include an inspection by Parks Operations 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 and tree conditions during the Establishment Period of the 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).

9.3 Street Trees:

- A. The Consent Holder shall submit a plan(s) for proposed street trees to the Council's Asset & Network Unit (Parks) Team for 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 street tree works 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 street trees for 12 months Establishment Period (Defects Maintenance) from the time section 224 certificate is issued and an inspection by the Parks Operations staff after the first 6 month is to be undertaken. The Establishment Period and the term on the bond shall be extended by a further 12 months for the replacement planting(s), if required.
- B. The Consent Holder is to keep an accurate and up-to-date monthly report on tree conditions 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).

*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.*

- C. The Consent Holder shall enter into a separate bond with Council Asset & Network Unit (Parks) 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 a minimum of 12 months and shall be extended by a further 12 months for the replacement planting(s), if required.

9.4 Reserve Boundary Fences

The Consent Holder shall comply with the IDS 10.6.9 Boundary Fencing. Reserve boundary fencing over 1.2 m high is to be at least 80% open in order to enable clear visibility for neighbouring properties. Local Purpose (Utility) Reserves with a stormwater function are not eligible for a Council contribution.

9.5 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.

9.6 As – Builts

The Consent Holder shall submit As-Built plans showing street trees and confirm that they have been planted in accordance with the accepted plans and comply with the IDS, in particular Part 12 (As Builts).

**10. Minimum Levels and Filling**

- 10.1 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.
- 10.2 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.
- 10.3 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.

10.4 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.

**11. Access Formation**

11.1 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.

**12. Street Lighting**

12.1 Street lighting is to be installed in the new road(s) to vest in compliance with Part 11 (Lighting) of the Infrastructure Design Standard.

**13. Telecommunications and Energy Supply**

13.1 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. "Ability to connect" means that ducts or cables must be laid to the boundary of the net area.

13.2 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. Right of Way Easements (Private Ways)**

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

14.2 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.

**15. Service Easements**

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

15.2 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.

**16. Easements in Gross**

16.1 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.

**17. Road and/or Lane Names**

17.1 The new roads are to be named.

As there is a shortage of property numbers available at this location the private way/access lot should be named. Any existing properties utilising the access will be required to consent to the proposed name submitted for approval.

A selection of names in order of preference is to be submitted for each new road lot. For historical purposes a brief explanation of the background for each submitted name is preferred. The names are to be in accordance with the Council's Policy on Naming of Roads and Rights of Way dated 2 November 1993.

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

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 (\$185/post and \$394/nameplate as at 1<sup>st</sup> July 2013).*

**18. Public Utility Sites**

18.1 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.

## 19. Accidental Discovery

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

19.2 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.

## 20. Amenity

20.1 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.

20.2 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 the erosion and sediment control.

20.3 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 <sub>eq</sub>	L <sub>max</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>eq</sub>	L <sub>max</sub>
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

20.4 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.

## 21. Density

20.1 That a consent notice in terms of Section 221 of the Resource Management Act be registered on the titles, stating that:

Lots 800 to 804, 807 to 825, 857 to 863, 867 to 872 and 875 to 882  
*These lots are in the Density B area.*

## 22. Consent Notices

22.1 The following consent notice pursuant to Section 221 of the Resource Management Act 1991 will be issued by Council:

All (see exception below)

*“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.”*

Note: the above consent notice will only applies to residential lots with a Geotechnical Technical Category 2 Classification as per condition 14.5

Lots 800 to 804, 807 to 825, 857 to 863, 867 to 872 and 875 to 882  
*These lots are in the Density B area.*

Council will prepare the Consent Notice.

### **23. Goods and Services Taxation Information**

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.

### **24. Duration of Consent**

The period within which this consent may be given effect to shall be 5 years from the date on which consent was granted. The consent will be given effect to when the survey plan has been certified pursuant to Section 223 of the Resource Management Act 1991.

## **ADVICE NOTES FOR CONSENT HOLDERS TO BE READ IN CONJUNCTION WITH THE DECISION**

### **Your Rights of Objection**

If you do not agree with the Council's decision on this resource consent application, the conditions, or any additional fees that have been charged, you may lodge an objection with the Council under Section 357 or 357B of the Resource Management Act 1991. You have 15 working days from the date you receive this letter within which to lodge your objection **to the decision**. Objections **to additional fees** must be received within 15 working days of the date on which you receive the invoice. Your objection must be in writing and should clearly explain the reasons for your objection.

### **Commencement of this consent**

The commencement date for your resource consent is the date of this letter advising you of the Council's decision, unless you lodge an objection against the decision. The commencement date will then be the date on which the decision on the objection is determined.

### **Lapsing of this consent**

The lapse date of the consent remains unchanged, i.e. five years from 17 October 2015. The consent will lapse on this date unless it is given effect to before then.

### **Greenspace:**

- Lots 1050 and 1051 are to be vested as Local Purpose (Utility) Reserve and hold no credits towards the final Reserve Development Contributions assessment.
- The agreed developments on the 'Accepted' landscape plans for Lot 1050 and 1051 are to hold no credits against the Reserve Development Contributions.
- An application will need to be made to the Council's Reserves Officer Subcommittee for approval for the proposed easement(s) across the Local Purpose (Utility) reserve, prior to the issue of 224C.

### **Development Contributions**

Development Contributions have been assessed in accordance with the Development Contributions Policy 2013, which has been established under the Local Government Act 2002, and is included in the Council's Christchurch City Three Year Plan 2013-16 (TYP). Full details of the policy are available at <http://www.ccc.govt.nz/consents-and-licences/development-contributions/>.

Payment of Development Contributions can be made at any time following the issue of this consent. Payment in full must be made before either commencement of the Resource Consent activity, issue of Code Compliance Certificate for a building consent, issue of section 224 Certificate for a subdivision consent, or authorisation of a service connection.

Development Contribution Summary as at 5 January 2016:

DEVELOPMENT CONTRIBUTIONS SUMMARY				PIM or Building Consent Ref:		RMA92029290 STAGE 8A		
Customer Name		Fulton Hogan Land Dev Ltd				ASSESSMENT		
Project Address		34 Whincops Road						
Assessment Date		5/01/2016						
<b>Assessment Summary</b>								
		HUE Credits						
Location:		Current	Assessed	Change	DC Rate (incl GST)	Gross DC Charge (incl GST)	Transition Year Discount	Net DC Charge (incl GST)
<b>Halswell West</b>		HUE A	HUE C	HUE D	E	F= D x E	G	
<u>Activity</u>	<u>Catchment</u>							
<b>Network Infrastructure</b>								
Water supply	District-wide	2.00	63.00	61.00	\$2,841.12	\$173,308.38	0%	\$173,308.38
Wastewater collection	District-wide	2.00	63.00	61.00	\$5,407.70	\$329,869.85	0%	\$329,869.85
Wastewater treatment and disposal	District-wide	2.00	63.00	61.00	\$2,848.70	\$173,770.67	0%	\$173,770.67
Stormwater & flood protection	Halswell	2.00	63.00	61.00	\$1,370.90	\$83,625.11	42%	\$48,920.69
Road network	District-wide	2.00	63.00	61.00	\$2,275.90	\$138,829.66	0%	\$138,829.66
Active travel	District-wide	2.00	63.00	61.00	\$94.75	\$5,779.66	0%	\$5,779.66
Public transport	District-wide	2.00	63.00	61.00	\$104.17	\$6,354.19	0%	\$6,354.19
<b>Total Community and Network Infrastructure</b>					<b>\$14,943.24</b>	<b>\$911,537.52</b>		<b>\$876,833.10</b>
<b>Reserves</b>								
Regional parks	District-wide					\$129,348.82		\$120,273.66
Garden and heritage parks	District-wide					\$7,338.77		\$7,338.77
Sports parks	District-wide					\$126,013.17		\$126,013.17
Neighbourhood parks	Suburban					\$603,461.06		\$603,461.06
					15.00%	\$231,873.83		\$226,163.45
<b>Total Development Contribution</b>						<b>\$1,777,699.34</b>		<b>\$1,733,919.76</b>

#### Notes:

1. This assessment is valid for a period of 12 months from assessment date. If it is not paid in full within the 12 month period, a reassessment may be carried out under the current policy at the time of reassessment, or prior to the invoice being raised.
2. The invoice for the contribution can be requested after issue of this consent and/or will be raised at the time of application for a Code Compliance Certificate or 224 Certificate.
3. If you have any queries regarding the Development Contribution please contact our Development Contributions Assessors on ph. 941-8999.

#### Lighting in Private Ways

The Council does not require lighting within private ways, nor will it accept the ongoing maintenance or running costs associated with lighting within the private way. Any proposal to light the private way shall include a method of payment of the ongoing costs by the benefiting owners.

#### LAND USE CONSENT RMA92031173

- (A) That the application be processed on a **non-notified** basis in accordance with Sections 95A – 95E of the Resource Management Act 1991.
- (B) That the application **be granted** pursuant to Sections 104, 104B, 104D, and 108 of the Resource Management Act 1991, subject to the following condition:
  1. The development shall proceed in accordance with the stamp approved application plans RMA92031173/1.
  2. Lots 857 to 872 and 875 to 877 shall be developed in accordance with the Density B rules of the Living G (Halswell West) zone unless the land is rezoned for residential purposes.
  3. All earthworks associated with the subdivision shall only be undertaken in accordance with the conditions of subdivision consent RMA92029290.
  4. The maximum site coverage for a Density B site in stage 8A Knights Stream Park where all buildings are less than 5.5 metres high shall be 45%.

5. The maximum site coverage for a Density C site in stage 8A Knights Stream Park where all buildings are less than 5.5m high shall be 40%.
6. All buildings and earthworks associated with future dwellings on Lots 807, 814 to 825 and 830 shall be undertaken in accordance with the *Erosion and Sediment Control Guide for Small Sites*, by Environment Canterbury.
7. Buildings shall be located with the following minimum setback distances from the legal boundary of Lots 1050 and 1051 (re-established Knights Stream Realignment):
  - a. Lots 807, 814, 817, 818, 823 to 825, 829 and 830: 1.8m
  - b. Lots 815, 816 819 to 822: 3m

**Reported and recommended by:** Paul Lowe, Senior Planner

**Date:** 17/2/2016

**Decision**

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

**Reviewed By:** Sean Ward, Principal Advisor Resource Consents

**Date:** 19/4/2016

**Section 133A Correction**

**Delegated Officer;**



Baker, Wendy  
15/06/2016 9:48 AM  
Planning Team Leader