

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

(Section 127)

Application Number: RMA92019930.3 (section 127 application lodged under RMA92026097)
Applicant: Fulton Hogan Land Development Limited
Site address: Halswell Junction Road and Whincops Road, Halswell
Legal Description: Lots 1, 2, 3 and 4 DP 4464186
City Plan Zoning: Living G (Halswell West)

Description of Application: Change of conditions pursuant to Section 127

Introduction

This proposal relates to the stage 4 and 5 subdivision of the Longhurst residential estate owned by Fulton Hogan Land Development Limited and associated resource consent (subdivision and landuse). The consent was granted on a non-notified basis by the Resource Management Officer Subcommittee on 19 July 2012 and later amended on 12 April 2013 (RMA92019930.1) and 2 May 2014 (RMA92019930.2).

The proposal is to vary the conditions as varied by consent RMA92019930.2 to add a third substage into Longhurst Stage 5. This involves removing seven lots along Whincops Road within existing Stage 5B and creating a new sub stage for them being Stage 5C. An updated scheme plan which illustrates the revised staging has been provided with the application.

The applicant outlines that the reason for the proposal is that *the weather in recent months (March and April in particular) has meant that earthworks within Stage 5 have been held up causing less sections to be completed than originally anticipated. Given the time of year it is now not possible to complete the earthworks not yet completed. In order to allow the timely release of those sections that can be completed, it is now proposed to place the allotments that front Whincops Road into a separate stage with Lot 949, being the reserve lot.*

The application report (page 1) details the proposed changes to the wording of conditions 1.1 and 2.1 of the subdivision consent. While not stated in the application a consequential change is required to condition 1 of the landuse consent to reflect the updated scheme plan.

A full description of the existing environment and proposal is contained in the application report.

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 site is zoned Living G (Halswell West) under the Christchurch City Plan. The Living G (Halswell West) Zone provides the ability and opportunity to plan and develop a mixed density and mixed use community comprehensively. The zone allows for and maximises the need for integration of activities, infrastructure, open space and green ways both internally and with the Awatea block to the north.

Pursuant to Section 127(3) the application must be assessed as a discretionary activity.

The proposed changes will not result in any new areas of non-compliance with the City Plan as the proposal only relates to a change in the staging of the subdivision. Also of relevance, the proposed changes do not relate to any stages of the subdivision for which certification pursuant to Section 224c has been obtained.

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. 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. My reasoning is that the proposal does not change the design and layout of the subdivision only the staging of it.

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)]

As a discretionary activity 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 staging.

I agree with the applicant's assessment of effects:

....This proposal will have no adverse effects on the environment. Changing staging of a subdivision only provides for the title to be obtained of some allotments ahead of others. This means title will be able to be obtained to those allotments that have been completed, without having to wait until all other allotments and physical works are completed.

The reason for this change is that the wet weather in recent months has altered the construction timelines, and not all allotments or works required within Stage 5B will be able to be completed at the same time. As such it is considered appropriate to provide a third sub-stage to Stage 5 to allow titles to be obtained to those allotments that can be completed in a timely manner.

There are no additional non-compliances with the operative Outline Development Plan or City Plan rules arising from this change.

In summary the present proposal is generally consistent with the ODP and provisions for the Zone and as such it is considered that the present proposal gives effect to the relevant objectives and policies for the Zone.

For the purposes of clarity I conclude that there are no affected parties and that the effects on the wider environment are less than minor.

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

I have concluded above that there will be no 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.

I am also satisfied that there are no special circumstances or other aspects of the application that warrant public notification of this application under Sections 95A or 95B.

Section 104 matters

The application is:

- Consistent with the relevant objectives and policies as there will be no material changes to the approved subdivision.
- 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 as it will allow for a more efficient use the land resource in terms of section 6(b).
- Able to be granted consent without notification, pursuant to Section 104(3)(d).

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

1. Compliance with Application Information

~~1.1 The survey plan when submitted to Council for certification, is to be substantially in accordance with the application plan being the Davie Lovell-Smith plan numbered S16011, 1 of 1, Revision R5, dated July 2012 and labelled Proposed Subdivision of Lots 2, 3, 4 DP 446418 E.18021, 1 of 1, Revision R01, dated March 2013 and labelled Fulton Hogan Ltd Longhurst Stages, 4 and 5 Variation, Halswell Junction Road (stamped approved plan RMA92019930.1 page 1 of 1 2).
Amended 30 April 2014~~

~~1.1 The survey plan when submitted to Council for certification, is to be substantially in accordance with the application plan being the Davie Lovell-Smith plan numbered E.18021, 1 of 1, Revision R3, dated March 2014 and labelled Fulton Hogan Ltd Longhurst Stages, 4 and 5 Variation, Halswell Junction Road (stamped approved plan RMA92019930.2 page 1).
Amended 2 July 2014~~

1.1 The survey plan when submitted to Council for certification, is to be substantially in accordance with the application plan being the Davie Lovell-Smith plan numbered E.18021, 1 of 1, Revision R4, dated June 2014 and labelled Fulton Hogan Ltd Longhurst Stages, 4 and 5 Variation, Halswell Junction Road (stamped approved plan RMA92019930.3 page 1 of 2).

2. Staging

~~2.1 The application may be completed in 4 stages as illustrated on the application plan the being the Davie Lovell-Smith plan numbered S16011, 1 of 1, Revision R5, dated July 2012 and labelled Proposed Subdivision of Lots 2, 3, 4 DP 446418 (stamped approved plan 1 of 2).
Amended 30 April 2014~~

~~2.1 The application may be completed in 4 stages as illustrated on the application plan the being the Davie Lovell-Smith plan numbered E.18021, 1 of 1, Revision R3, dated March 2014 and labelled Fulton Hogan Ltd Longhurst Stages, 4 and 5 Variation, Halswell Junction Road (stamped approved plan RMA92019930.2 page 1).
Amended 2 July 2014~~

2.1 The application may be completed in 5 stages as illustrated on the application plan the being the Davie Lovell-Smith plan numbered E.18021, 1 of 1, Revision R4, dated June 2014 and labelled Fulton Hogan

3. New Roads to Vest

- 3.1 The new roads, being lots 951 and 952 are to be formed and vested in the Council to the satisfaction of the Subdivision Engineer with underground wiring for electricity supply and telecommunications.

4. Land to Vest as Drainage Reserve

- 4.1 Lots 945 to 948 and 954 to 956 are to vest in Council as Local Purpose (Drainage) reserve and are considered as part of the utility network.

5. General Engineering

5.1 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).

5.2 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.

- 5.3 The sewer, stormwater and water supply works proposed for this subdivision consent to be on private land must be installed and inspected under a building consent obtained from the Building Operations Unit. A Certificate of Compliance is to be provided with the 224 request.

Refer to form B002 at

<http://www.ccc.govt.nz/homeliving/buildingplanning/forms/index.aspx>

Service Connections (sewer & stormwater) to Council Services in the street are authorised work and must be carried out by a Council authorised drainlayer. This includes all drainage laterals on roads, footpaths and verges that connect the property to public drains. A list of Council authorised drainlayers is available on request or online at website

<http://www.ccc.govt.nz/business/constructiondevelopment/authoriseddrainlayers.aspx>

For further information the applicant is advised to contact either Tony Borkus (941-8376) or Gordon Taylor (941-8375.)

- 5.4 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 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.

- 5.5 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-Built of the CCC Infrastructure Design Standards.

6. Water Supply

- 6.1 The point of supply for this development is the reticulation which is being installed for Stage 3 of Resource Consent RMA 92018804.
- 6.2 An 'urban level of supply' (Main with Hydrants & submains) shall be provided in Whincops Road to service lots 345 – 349 & 376 and the existing properties currently serviced by the Rural Restricted Supply shall be changed over at Council's expense.
- 6.3 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.
- 6.4 All lots shall be served with a water supply to their boundary. Submains shall be installed to 10m past each lot boundary or to the middle of the lot, whatever is the greater. Rear lots shall be served with laterals installed by a Registered Craftsman Plumber into their net site areas under a single global Building Consent. A copy of the Code Compliance Certificate shall be forwarded through to the Council's Subdivision Team as part of the Section 224c application.
- 6.5 Rear lots (153, 181-183, 188-190, 194, 216, 219-221, 272, 281, 282, 303, 333, 343, 344 & 377) shall be served with individual private water supply laterals to their net site areas and "dummy water connections" installed at the entrance to the access strips.
- 6.6 This development will require full high pressure water reticulation to the Council's specifications and approval at the consent holder's expense. Engineering drawings and hydraulic calculations shall be sent to the Subdivision Engineering Team for approval by Ian Johnson of the Asset & Network Planning Team. The reticulation design shall include redundancy to provide the development with a security of supply i.e.: linked main(s) to Halswell Junction Road supply.

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.

- 6.7 The water reticulation shall be designed by a suitably qualified person using the parameters set out in the attached form "Parameters for the Design of Mains Reticulation for Subdivisions".

7. Sewage

- 7.1 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.

- 7.2 The approved outfall will be the future Wastewater Pumping Station (PS105) located near the Hayton/Wigram intersection, which is scheduled for completion in mid 2013 or an alternative outfall as approved in writing by the Unit Manager-Asset and Network Planning (or equivalent Council Officer), Christchurch City Council. .
- 7.3 The gravity wastewater reticulation installed for Stages 4 & 5 shall connect into the wastewater reticulation installed in the previous stages, which drain to the new PS 103 wastewater pumping station.
- 7.4 The wastewater pumping station (PS 103) constructed under RMA92015253 shall be upgraded to pump along Wigram Road to the future wastewater pumping station (PS105).

Note: A Memorandum of Understanding between the applicant and the Council is proposed to accommodate the reconfiguration work and connection to PS 105. Also refer to condition 28.1.

- 7.5 Network sewers to be vested in Council shall be a minimum of 150mm diameter and where they are outside the road reserve shall be covered by easements in gross in favour of Council.
- 7.6 All private sewer laterals (serving rear lots) shall be installed under a single global Building Consent by a Registered Drain Layer and the Code of Compliance Certificate forwarded to Council's Subdivision Team as part of the Section 224(c) Application.
- 7.7 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.

8. Stormwater

- 8.1 Stormwater laterals are to be laid to at least 600mm inside the building area 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.
- 8.2 Stormwater from all impervious areas shall discharge to the Quaifes-Murphys stormwater facility designed and constructed under previous consents. The design shall meet all applicable CCC requirements including the Waterways, Wetlands and Drainage Guide (WWDG - 2003 including 2010/11 updates for Chapters 6 and 21), Infrastructure Design Standards (IDS - 2010), CCC Civil Engineering Construction Standard Specifications (CSS -2010), and the Southwest Area Christchurch Stormwater Management Plan.
- 8.3 The stormwater mitigation facilities shall meet all relevant conditions of the South West Area Stormwater Management Plan including the following conditions:
- The runoff resulting from the first 25mm of rainfall from impervious areas shall be captured in the first flush basin prior to discharge.
 - Secondary treatment of the first flush to be provided offsite in a future stormwater wetland to be designed and constructed by, or under direction of, CCC.
 - The first flush shall be attenuated for at least 24hrs on average.
 - Runoff from storms greater than the first flush and up to the 2% AEP critical duration storm shall be attenuated in the Quaifes-Murphys facility prior to discharge into Quaifes Road Drain.
- 8.4 If South West Area Stormwater Consent (Discharge Permit CRC120223) is not be utilised for this subdivision consent, then a separate discharge permit must be obtained from Environment Canterbury.
- 8.5 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 and 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.
- 8.6 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.

- 8.7 The central stormwater swale to be located within or adjacent to Lots 947, 948 955 and 956 shall be designed to convey at minimum the critical 2% AEP event for its entire tributary catchment.
- 8.8 The designer of the surface water management system shall provide a report which identifies all secondary flow paths proposed to manage flows beyond the capacity of the stormwater reticulation network (up to the critical 2% AEP event). All secondary or emergency stormwater flowpaths are to be identified and protected by an easement in favour of CCC, if required.
- 8.9 Provision shall be made for a future culvert providing stormwater conveyance across Halswell Junction Road through the site that will take surface water from the existing Council Reserve at 274 Halswell Jct. Rd.
- 8.10 Subsoil drains designed to intercept groundwater and/or lower groundwater levels shall be designed in accordance with the WWDG and the CSS.
- 8.11 Safe and reasonable access to stormwater facilities for maintenance and sediment removal shall be provided and designed in accordance with clause 6.8 & 6.9 – WWDG.
- 8.12 Engineering plans, specifications and calculations for the design and construction of all stormwater infrastructure and mitigation areas are to be submitted with the engineering plans for approval by Network and Asset Planning – Greenspace Unit.
- 8.13 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.
- 8.14 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.
- 8.15 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.
- 8.16 A maintenance and operations manual for all stormwater facilities shall be provided and shall form part of the Asset and Network Planning – Greenspace Unit approval. This manual is to include a description of the activity, the design assumptions, maintenance schedule and monitoring requirements (council can provide a suitable template for the maintenance and operations manual). Note: This is considered to be a living document that will be updated as various subdivision stages progress.
- 8.17 A Landscape Design Report and Plan(s) for all stormwater facilities, including planted landscape buffers is to be submitted for the Council's Asset and Network Planning - Greenspace Unit acceptance. The landscape design report and plans are to provide sufficient details to confirm compliance with the requirements of the IDS, the WWDG and the CSS Part 7: Landscapes. 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 as a mitigation measure. The consent holder shall maintain the works and planting for 12 months from the time the section 224 certificate is issued.
- 8.18 An Engineer's Report for the Landscape Works is to be submitted for acceptance by Council's Asset & Network Planning – Greenspace Unit on completion of the physical works and prior to the issue of a 224(c) Conditions Certificate. The Engineers Report is to provide sufficient detail to confirm compliance with the IDS - see Part 3 Quality Assurance 3.3.4 Engineers Report and the CSS Part 7, 14.0 Establishment and the WWDG.

Advice note: This documentation will be used after the completion of the 12 month Establishment period as part of application for the final handover and acceptance of the Landscape works, assets to Council (Greenspace) Unit.

- 8.19 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 or current).

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

8.20 All works shall be carried out in accordance with the Erosion and Sediment Control Plan.

9. Reserves, Streetscapes and Open Spaces

9.1 Design and Development of Reserves, Streetscapes and Open Spaces

- a. Landscape plans for the reserves, streetscapes and open spaces are to be submitted as part of the Landscape Design Report to the A & NP (Greenspace) for acceptance. All landscaping is to be carried out in accordance with the Accepted plan.
- b. Where the Consent Holder has applied to vest assets as detailed on Accepted Landscape Plans, but the A & NP (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(c) Conditions Certificate.

9.2 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).

9.3 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.

9.4 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 A & NP (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 date of issue of the section 224(c) Conditions Certificate.
- b. The Consent Holder shall enter into a bond with Council A & NP (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 IDA Part 10: 10.8.11 Locations of trees in streets, and CSS Part 7: 4.0 Supply of Tree and Plant Materials.

9.5 Grassing of Reserves, Streetscapes and Open Spaces

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

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

9.6 Reserve Boundary Fences

The Consent Holder shall comply with the IDS 10.6.9 Boundary Fencing. Reserve boundary fencing over 1.2 m high to be at least 80% open in order to enable clear visibility for neighbouring properties. The height, style and location of the fence shall be submitted to the Council's A & NP (Greenspace) Team for acceptance, prior to work commencing. The Council will contribute towards the cost of the boundary fence up to a maximum of \$25.00 per metre as per the Fencing Act. If the Consent Holder would like to install a boundary fence of greater value than the Council's maximum contribution they may do so at their own expense, providing it complies with the IDS.

9.7 Final Completion / Handover

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

9.8 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).

10. Minimum Levels and Filling

10.1 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.

10.2 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(c) Conditions Certificate.

11. Vehicle Access

11.1 The consent holder shall construct access for rear lots from the road carriageway to the road frontage 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 224(c) Conditions Certificate request.

12. Access Formation

12.1 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.

13. Transport

- 13.1 Two safe pedestrian refuges shall be provided on Halswell Junction Road in the vicinity of the two pedestrian linkages (Lot 945 and 946). The appropriate locations will be determined at engineering design stage in conditions 5.1 and 5.2.
- 13.2 The upgrading of the Halswell Junction Road frontage to the application site is required to include a shared 2.5m wide off road cycle and pedestrian path, lighting and landscaping along the frontage
- 13.3 That a 4m threshold is created in the right of way adjacent to Lots 215 and 222 for vehicle access to Road 15.
- 13.4 The right of way serving Lots 181 to 183 shall have an easement in gross for access by foot.
- 13.5 Bollards shall be placed at the intersection of Hamill Road and the right of way to Lots 181 to 183 to prevent vehicle access to Hamill Road.
- ~~13.6 Road 16 adjacent to Lot 124 on the previous stage shall have a point strip with the ownership transferred to the Council to restrict future vehicle access from Road 16 to Future lots within Lot 124.~~

14. Road Widths

- 14.1 Road widths shall be in accordance with the Davie Lovell Smith plan being plan S 16011 E03.0 Rev O, dated July 2012 (stamp approved plan 2 of 2),

15. Geotechnical

- 15.1 That the Quality Assurance Condition under Asset Design and Construction be amended to include a statement regarding Liquefaction and Lateral Spread Hazard Mitigation. This Clause should read:

“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 15.2 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.”

- 15.2 Liquefaction and Lateral Spread Hazard Mitigation.
That the liquefaction and lateral spread hazard mitigation described in the Geotechnical report “Halswell West Residential Development Longhurst Stages 4 and 5 Geotechnical Assessment dated 4 May 2012 Project number 200376-002 prepared by Aurecon,” 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 DBH in the Guidance Document: ‘Revised Guidance on Repairing Houses affected by the Canterbury Earthquake Sequence’ (November 2011).

- 15.3 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 Geotechnical Technical Category of the land in terms of the DBH Technical Classification Guidelines 2011.

- 15.4 That a consent notice in terms of Section 221 of the Resource Management Act be registered on the titles for all lots that are recommended in the final Geotechnical Report with a Technical Category 2 Classification as per condition 15.5.

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.

15.5 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 recommended Geotechnical Technical Category 2 Classification stating that:

“At the time of the completion of the subdivision works, the recommended Geotechnical Technical Category 2 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.”

16. Telecommunications and Energy Supply

- 16.1 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.
- 16.2 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.

17. Right of Way Easements (Private Ways)

- 17.1 The rights of way easements as set out on the application plan shall be duly granted or reserved.
- 17.2 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.

18. Service Easements

- 18.1 The service easements as set out on the application plan or required to protect services crossing other lots shall be duly granted or reserved.
- 18.2 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.

19. Easements over Reserves

- 19.1 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.

20. Easements in Gross

- 20.1 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.

21. Road Names

- 21.1 The new roads are to be named.
- 21.2 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.
- 21.3 The allocated names when approved are to be shown on the survey plan submitted for certification.
- 21.4 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)*

22. Public Utility Sites

- 22.1 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.

23. Goods and Services Taxation Information

23.1 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.

24. Accidental Discovery

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

24.2 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.

25. Amenity

25.1 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.

25.2 Surplus excavated material is to be disposed of away from the site to a Council approved destination. Topsoil may be retained for landscaping.

25.3 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 8.19, 8.20 and 25.1.

25.4 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

22.5 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.

26. Density and Urban Design

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

Lots 152, 217, 261 and 371 372 to 375.

a. These lots are in the Density A Area

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

- Lot 152: 3 residential units
- Lot 217: 8 residential units
- Lot 261: 6 residential units
- Lot 371: 5 residential units
- Lot 372: 8 residential units
- Lot 373: 22 residential units
- Lot 374: 7 residential units
- Lot 375: 5 residential units

~~Lots 153-158, 160 to 165, 192, 193, 215, 216, 217, 218 to 222, 226, 227, 230, 231, 257 to 260, 262 to 265, 274, 275, 281 to 283, 285 to 289, 292, 294 to 301, 310 to 315, 326, 327, 330, 331, 333 to 335, 342, 343, 350, 361 to 370, 371, 376 and 377 to 379, 382 and 389 to 393.~~

Amended 30 April 2014

Lots 153-158, 160 to 165, 192, 193, 215, 216, 217, 218 to 222, 226, 227, 230, 231, 257 to 260, 262 to

265, 274, 275, 281 to 283, 285 to 289, 292, 294 to 301, 310 to 315, 326, 327, 330, 331, 333 to 335, 342, 343, 350, 361 to 370, 371, 376, 378 to 379, 382 and 389 to 393

- a. These lots are in the Density B Area.
- b. Each front yard to Lots 294 to 301 shall maintain a 6.5m width (measured parallel to road 1) for its entire depth that does not contain any of the following: driveway, garage, carport, vehicle parking and manoeuvring areas.

Interpretation:

- The front yard is part of the site between Road 1 and the front walls to the dwelling that face Road 1.
- For Lots 294 and 301 the width of the allotment shall be measured as if the intersecting front boundaries were straight and did not include any splay.

Note:

- The road numbers referenced in clauses (b) above shall be replaced with actual road names in the final consent notice.

26.2 Within Road 16, a landscape strip shall be provided adjacent to the rear boundary of Lot 124 which shall have a minimum depth of 0.5m and average depth of 1.5m incorporating a mix of ground cover and shrub planting. **This strip is not required where a vehicle crossover is provided to a dwelling within Lot 124.**

27. Land contamination

27.1 During removal of the above ground fuel storage tanks at the former dairy shed area, the applicant will have engaged the services of a suitably qualified and experienced [contaminated land] specialist to inspect site conditions. If evidence of contamination is present [e.g. staining, odour, visible fuels], the specialist will undertake the appropriate investigation and sampling to establish site conditions. If this assessment proves there is significant contamination on site, the specialist will be able to provide to Council for prior approval then execution an appropriate programme of remediation including validation or management. The suitably qualified and experienced specialist will present the findings of their works in relation to this matter to the Team Leader, Environmental Compliance Team in the first instance.

27.2 If during Stage 4 or 5 development works, potentially contaminated or contaminated materials are encountered [e.g. staining, odours, content, appearance [list not exhaustive]], these materials should be isolated and all works involving them ceased immediately. Council's Team Leader, Environmental Compliance Team should be contacted in the first instance. The services of a suitably qualified and experienced [contaminated land] specialist must be commissioned by the applicant to undertake the appropriate investigation and assessment of the materials and if proven contaminated, they will recommend suitable remedial actions to manage the risks posed. All works will be undertaken by the specialist in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil Protect Human Health and associated documents. If significant contamination is encountered on site, subsequent consenting could be required, the specialist will keep the applicant and the Team Leader, Environmental Compliance Team appraised.

27.3 Soils from the chicken coop area as identified and assessed in the Pattle Delamore Partners report titled Validation Sampling Report (Coop Area) dated 23 May 2012 as not meeting residential guidelines are to be removed to Lot 957 (recreation reserve).

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:

- a. future Wastewater Pumping Station (PS105) located near the Hayton/Wigram intersection, which is scheduled for completion in mid 2013; or
- b. 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.

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.

Lighting in Private Ways

Council does not require lighting within private ways. Council will not accept the ongoing maintenance or running costs associated with the 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.

Building consent requirements

This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will also need to comply with the requirements of the Building Act 2004. Please contact a Building Consent Officer (941-8999) for advice on the building consent process.

Reimbursements of costs by Council

Where infrastructure, with greater capacity than would otherwise be required to service the land subject to the application, is to be constructed, the consent holder and the Council will agree in a Memorandum of Understanding to key matters regarding the design, construction and payment for such infrastructure

Reserve Contributions

The Lot areas identified as recreation reserve land have been accepted as creditable payment towards the Reserve Development Contributions for Stage 4A, 4B, 5A, 5B. The remaining Reserve Development Contributions payable for the Stages may be credited against agreed developments, that have been signed-off by the A & NP (Greenspace) on 'Accepted' landscape plans.

If upon application for 224C Certificate for Stage 4A, 4B, 5A, 5B there are any Reserve Development Contributions not credited towards Accepted reserve land or developments then the outstanding monetary value of the credits are to be secured against future development Stages (through an Encumbrance Instrument).

Lots 958 (Stage 4A), 957 (Stage 4B), 949 (Stage 5A) have been accepted as Recreation Reserves. The agreed value of this reserve land is to be credited against the reserve development contributions.

Lots 946 & 947 (Stage 4A), 945 (Stage 4B), 954 (Stage 5B) shall vest as Local Purpose (Drainage) Reserves and shall hold no credits towards the final Reserve Development Contribution assessment.

Development Contribution Assessment

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

LANDUSE CONSENT

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

- ~~1. The development shall proceed in accordance with the information and plans submitted with the application and includes the stamped approved plans RMA92019930 pages 1 and 2 of 2 and RMA92019930.1 page 1 of 1.~~
Amended 30 April 2014

~~1. The development shall proceed in accordance with the information and plans submitted with the application and includes the stamped approved plans RMA92019930 page 2 and RMA92019930.2 page 1.
Amended 2 July 2014~~

1....The development shall proceed in accordance with the information and plans submitted with the application and includes the stamp approved plans RMA92019930.3 page 1 and RMA92019930 page 2.

Reported and Recommended by: Paul Lowe, Senior Planner

Date: 2 July 2014

Decision

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

Resource Management Officer Sub-Committee:



Baker, Wendy
07/07/2014 5:10 PM
TEAM LEADER



Askew, Kate
08/07/2014 3:10 PM
Senior Planner