

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

(Section 127)

s127 Application Number:	RMA/2022/330/A
Original application number:	RMA/2022/330 (re-issue of RMA/2020/3053 for DC purposes)
Applicant:	Sovereign Palms Ltd
Site address:	31, 47 Hawkins Road and 10 & 20 Mills Road
Legal Description:	Lot 2 DP 301363, Lots 4 and 5 DP 23089, Lot 2 DP 512441, Lot 2 DP 24826 and Lot 1 DP 512479
Zoning:	Residential New Neighbourhood
Overlays and map notations:	Liquefaction Management Area (LMA), and Flood Management Area
Activity Status:	Discretionary activity
Description of Application:	Change of subdivision conditions pursuant to Section 127

Introduction

The applicant is seeking to vary the subdivision conditions of an existing resource consent (RMA/2022/330) which was granted on a non-notified basis under delegated authority on 22 February 2022

The original application sought to carry out a greenfield subdivision to create 37 allotments plus various roading and balance land parcels. The original consent included a suite of conditions to limit effects of the activity and ensure appropriate outcomes for the development and its anticipated end uses. Included in that consent was a condition regarding urbanisation and localised widening of Prestons Road at or about the development frontage.

The applicant seeks to delete condition 2.2 which reads as follows:

Prestons Road Frontage Upgrade

The frontage of the site (of Stage 1 under RMA/2021/4250) along Prestons Road (South Side) is to be upgraded to an urban standard as part of the development. Engineering plans are to be submitted for acceptance along with plans for the intersection layout and design. A detailed design safety audit for the intersection and internal road network shall form part of the engineering design acceptance package presented to Council and shall also deal with timing of signalisation of the intersection.

The applicant also seeks the injection of a condition covering the amalgamation of an access lot with adjoining sites in undivided shares.

The proposed consent condition would read as follows:

That Lot 800 hereon (Legal Access) be held as to fourteen undivided one-fourteenth shares by the owners of Lots 85-92 and 94-99 hereon as tenants in common in the said shares and that individual records of title issue.

LINZ request ref: 1786647

Description of site and existing environment

The application site and surrounding environment are described in the original decision – it does not need to be repeated here except to note that development has continued under the consent and is now nearing completion for the stage of the wider development.

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.*

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 original application sought to carry out a greenfield subdivision to create 37 allotments plus various roading and balance land parcels. The original consent included a suite of conditions to limit effects of the activity and ensure appropriate outcomes for the development and its anticipated end uses. Included in that consent was a condition regarding urbanisation and localised widening of Prestons Road at or about the development frontage. 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 affected persons [Sections 95A, 95B, 95E(3), 95D and 104(1)(a)]

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 suitability of the timing of upgrades to the Prestons Road frontage.

The development would be in effect unaltered by the deletion of condition 2.2. That condition is proposed to be repeated instead in a consent currently in process for later stages of the wider development by the same developer (RMA/2022/927). The same outcome will result over time.

The following assessment is included with the application:

The effects of this change are related to the timing of physical works on the site, with the Prestons Road works not being directly tied to the completion of the individual lots within Stage 2. The Prestons road works are not necessarily required as part of the commissioning of Stage 2 and therefore can proceed separately. It is considered that the works will be completed within 6-months.

It is considered that there will be no affected parties either internal or external to the development as a result of the variation which simply seeks to alter the timing of the implementation of the Prestons Road frontage works.

The existing operability of the road will not be changed as a result of the proposal, and is subject to safety auditing carried out as part of Stage 1. The applicant has reached agreement with Councils Subdivision

Engineer, Mr Doru Hozias and Roading Engineer Mr Weng-Kei Chen in relation to this change, please refer correspondence attached as Appendix 3.

On the basis of the above it is considered any effects will be less than minor.

I accept and adopt the applicant's assessment. I accept also the views of Council's expert engineering staff in the matter of the timing of the upgrades of the Prestons Road frontage. These indicate among other things difficulty in programming the work with supply chain delays for materials. As noted above the roading upgrades will still be required under the consent for the next development stage by the same developer. A condition will be placed on the pending decision for that next stage application.

I note also that Mr Weng-Kei Chen – Council's Roading Asset Engineer is accepting of a delay in the widening works being carried out given limited use of the intersection at his time. He accepts the delay will not adversely affect access to the sites already created or safety. I consider that any adverse effects will be less than minor and no persons will be affected. Any effects on the wider environment will likewise be less than minor.

In terms of the introduction of an amalgamation condition – no adverse effects will arise. The mechanism protects future ownership and maintenance obligations, and therefore creates no adverse effects at all.

In conclusion the proposed changes will generate a less than minor adverse effect if any.

Notification assessment [Sections 95A and 95B]

Sections 95A and 95B set out the steps that must be followed to determine whether public notified or limited notification of an application is required.

Public notification

- Step 1. The application does not meet any of the criteria for mandatory notification in section 95A(2).
- Step 2. The application does not meet any of the criteria in section 95(A)(5)(b) precluding public notification.
- Step 3. There are no rules or NES requiring notification, and any adverse effects on the environment will be no more than minor (section 95A(8)).
- Step 4. There are no special circumstances that warrant public notification (section 95A(9)).

In accordance with the provisions of section 95A, the application must not be publicly notified.

Limited notification assessment

- Step 1. There are no affected groups or persons in relation to customary rights, customary marine titles or statutory acknowledgements as outlined in section 95B(2) and (3).
- Step 2. There are no rules or NES preventing limited notification, and the application is not for a controlled activity land use consent under the District Plan (section 95B(6)).
- Step 3. As discussed above, no persons are considered to be affected under section 95E (sections 95B(7) and (8)).
- Step 4. There are no special circumstances that warrant notification to any other persons (section 95B(10)).

In accordance with the provisions of section 95B, the application must not be limited notified.

Other Section 104 matters

The application is:

- Consistent with the relevant objectives and policies in the District Plan as there is limited change from the consent previously issued. The transport objectives and policies are not offended by the proposal as access and safety are maintained at appropriate levels and will be further improved once the deferred works are done. The injection of an amalgamation condition is consistent with objectives and policies of Chapter 8 in relation to design, servicing and access for allotments.
- Able to be granted consent without notification, pursuant to Section 104(3)(d).

For completeness, I note that the District Plan gives effect to Part 2 of the Act and the higher order planning documents referred to in s104(1)(b). The Plan was competently prepared and appropriately reflects the higher order provisions, so they do not need to be specifically addressed in this report¹.

Recommendations

That, for the reasons outlined above:

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

The subdivision conditions of consent shall now read as follows (note land use conditions from RMA/2022/330 remain unaltered):

SUBDIVISION CONSENT

- That the application be processed on a **non-notified** basis in accordance with Sections 95A – 95E of the Resource Management Act 1991.
- That the application **be granted** pursuant to Sections 104, 104C and 106 of the Resource Management Act 1991, subject to the following conditions imposed pursuant to Sections 108, 108AA and 220 of the Resource Management Act 1991:

1. Compliance with Application Information

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

1A. Amalgamation

That Lot 800 hereon (Legal Access) be held as to fourteen undivided one-fourteenth shares by the owners of Lots 85-92 and 94-99 hereon as tenants in common in the said shares and that individual records of title issue

LINZ Request ref: 1786647

2. Roading

2.1 New Road to Vest

The new road, being Lot 1004, is to be formed and vested in the Council to the satisfaction of the Subdivision Engineer with underground wiring for electricity supply and telecommunications.

~~2.2 Prestons Road Frontage Upgrade~~

~~The frontage of the site (of Stage 1 under RMA/2021/4250) along Prestons Road (South Side) is to be upgraded to an urban standard as part of the development. Engineering plans are to be submitted for acceptance along with plans for the intersection layout and design. A detailed design safety audit for the intersection and internal road network shall form part of the engineering design acceptance package presented to Council and shall also deal with timing of signalisation of the intersection.~~

3. Engineering General

3.1 Asset Design and Construction

¹ *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316

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).

3.2 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 3.3.2 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 including compliance with Condition 13.2 and Condition 13.4 Ground Improvement. This report can be submitted as two individual design reports addressing infrastructure as one part and the second part as a Geotechnical Report.
- B. Prior to the commencement of physical works on site, the Consent Holder shall submit a Contract Quality Plan for review by the Council and an Engineer's Review Certificate complying with clause 3.3.3 of the IDS, for review and acceptance by Council under Clause 2.11 of the IDS 2018.

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

- C. Prior to the issue of certification pursuant to section 224(c) of the Resource Management Act, the Consent Holder shall submit to the Planning Team - Subdivision Engineers an Engineer's Report and an Engineer's Completion Certificate complying with clause 3.3.4 of the IDS, for review and acceptance under clause 2.12 of the IDS 2018. The Engineer's Report shall provide sufficient detail to confirm compliance with the requirements of the IDS and this consent, including compliance with consent conditions requiring mitigation measures with respect to any liquefaction hazards.

An Engineer's Report is a document specific to a project, which describes how the project was managed and administered in compliance with the IDS, the Construction Standard Specifications, the Contract Quality Plan and the resource consent or project brief. It provides background information to the release of the 224(c) certificate.

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.

Any reference to 'Engineering Acceptance' under further conditions of consent refers to the process set out in conditions 3.1 and 3.2 above.

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.

3.3 Traffic Management

An approved Traffic Management Plan (TMP) shall be implemented and no works are to commence until such time as the TMP has been installed. The TMP shall be prepared by an STMS accredited person and submitted to and approved by the Christchurch Transport Operation Centre – please refer to www.tmpforchch.co.nz

3.4 Survey Plan Requirements

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.

3.5 Laterals for Rear Lots

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 Sec 224c application.

3.6 CCTV Inspections

Pipeline CCTV inspections are to be carried out on all gravity pipelines in compliance with the Council Standard Specifications (CSS):

<https://www.ccc.govt.nz/consents-and-licences/construction-requirements/construction-standard-specifications/pipeline-cctv-inspections/>

3.7 Services As-Built Requirements

As-Built plans and data shall be provided for all above and below ground infrastructure and private work in compliance with the Infrastructure Design Standards (IDS):

<https://www.ccc.govt.nz/consents-and-licences/construction-requirements/infrastructure-design-standards/as-built-survey-and-data-requirements/>

Advice Note: this includes RAMM and costing data

As-Built Plans are to be provided for any easements in gross over pipelines. The plans are to show the position of the pipelines relative to the easements and boundaries.

4. **Water Supply**

4.1 The point of water supply for the subdivision shall be the DN355 PE100 water main connection in Prestons Road. The connection to Prestons Road is to be constructed via Lot 1004 (road to vest) and southwards within the new collector road under RMA/2021/4250 (Oakbridge Stage 1).

4.2 The water supply shall be designed by a suitably qualified person 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 Water & Wastewater Asset Planning Team. Engineering drawings supported by hydraulic model outputs shall be sent to the Subdivisions Engineer for Engineering Acceptance by the Three Water & Waste Asset Planning Team prior to the commencement of any physical work.

4.3 All water mains and submains for the subdivision shall be installed in road to be vested in Council.

4.4 Water mains shall be extended along the full length of roads to vest and be terminated with temporary hydrants as per the requirements of the Infrastructure Design Standard.

4.5 All water supply reticulation within this development shall be polyethylene (PE80B and PE100).

4.6 The construction of Council vested water infrastructure shall be carried out by a Council approved water supply installer at the expense of the applicant.

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

4.8 Any rear lot or lot within a R.O.W or legal access lot shall be serviced by its own lateral within a shared access. An easement for the right to convey water shall be created over the lateral in favour of the lot serviced by the lateral.

Laterals shall be installed by a Licensed Certified Plumber and shall not cross the boundary of the net site area of other sites.

Advice Note: This will require a Building Consent unless the consent holder obtains a Building Consent exemption for the installation of the private laterals. A water connection for Lot 84 is not available through this subdivision. Water supply to Lot 84 will remain via private water supply bore until water supply infrastructure is available in Hawkins Road.

4.9 Where laterals are installed under a building consent exemption, construction shall be in accordance with the Construction Standard Specifications (CSS) and the Infrastructure Design Standard (IDS). Dummy connection boxes shall be installed at the entrance of the shared access or R.O.W. at the public road boundary or in the event that the water main is extended into the R.O.W, in an area set aside within the R.O.W and as close as possible to the terminal fire hydrant.

- 4.10 Lot 84 is served by existing water supply arrangements. Future development will require provision of reticulated water supply.

Advice Note: Condition 4.10 is an ongoing condition which will be secured by consent notice in terms of Section 221 of the Resource Management Act

5. Sewerage

- 5.1 The subdivision shall be serviced by a Local Pressure Sewer System designed in accordance with Council's Infrastructure Design Standards and Construction Standard Specifications. Engineering drawings supported by hydraulic calculations shall be sent to the Subdivisions Engineer for Engineering Acceptance by the Three Water and Waste Planning Team prior to the commencement of any physical work.
- 5.2 The approved sanitary sewer outfall shall be the DN110 PE100 pressure sewer connection in Prestons Road. The connection to Prestons Road is to be constructed via Lot 1004 (road to vest) and southwards along the new collector road under RMA/2021/4250 (Oakbridge Stage 1).
- 5.3 The consent holder shall put in place measures to enable the initial operation of the local pressure sewer system within and from the subdivision during the build phase, including (but not limited to) ensuring self-cleansing flow and limiting sewage retention time within the system when the design number of pressure sewer tanks are not yet in operation. These measures shall be reported to the Subdivisions Engineer prior to seeking section 224(c) certification.
- 5.4 Each lot shall have a Boundary Kit located within the legal road or R.O.W. outside the boundary of the lot. The pressure lateral from the Boundary Kit is to extend at least 600mm into the net site of each lot.
- 5.5 Properties in a R.O.W. shall be serviced by a single pressure main. An isolation valve shall be installed on the pressure main at the boundary of the R.O.W and the public road. Easements in gross shall be created over Pressure Sewer Systems in private R.O.Ws.
- 5.6 The following conditions shall be recorded pursuant to Section 221 of the RMA in a consent notice registered on the titles of each residential lot:
- This property shall be served by a local pressure sewer unit comprising a pump and storage chamber which can accommodate at least 24 hours average dry weather flow to be supplied by either Aquatec or EcoFlow and installed by a Council Authorised Drainlayer (Pressure Sewer Tanks) at building consent stage in accordance with the Requirements for Local Pressure Sewer Units specified under a Building Consent. The local pressure sewer unit will be supplied complete with an IOTA OneBox Control Panel.
 - Ownership and control of the local pressure pump, chamber, boundary kit and OneBox Control Panel shall be vested with Council. The property owner shall enter into a Deed with the Christchurch City Council, drafted in terms approved by the Christchurch City Council, vesting ownership in the system prior to Code Compliance Certificate being issued for a dwelling on the relevant site.
 - The Council and its agents or contractors shall have the right of access to the property for the purpose of maintenance, monitoring or renewal of any part of the local pressure sewer system vested with Council.
 - The property owner shall ensure that the local pressure sewer unit is connected at all times to an electricity supply and shall remain responsible for the cost of the electricity required to operate it.
 - The property owner shall adhere to the user requirements of the local pressure sewer unit. In the event that the local pressure sewer unit is damaged as a result of a breach of this obligation, the Council may recover the costs of repair from the property owner.

Advice Note: Condition 5.6 is an on-going condition and a consent notice will be issued under section 221 of the Act at the time of section 224(c) certificate.

- 5.7 Lot 84 is served by existing sewerage disposal arrangements. Future development will require provision of sewerage reticulation.

Advice Note: Condition 5.7 is an ongoing condition which will be secured by consent notice in terms of Section 221 of the Resource Management Act

6. Stormwater

- 6.1. The stormwater management system shall be comprised of channels, sumps, pipes and/or swales. In addition to the below conditions, the system shall meet the requirements of the CCC Waterways, Wetlands and Drainage Guide (WWDG 2003 including updated Chapters 6 & 21), the Infrastructure Design Standard (IDS 2018) and the Construction Standard Specifications (CSS 2018).
- 6.2 The consent holder shall demonstrate that authorisation for the discharge of construction and operational phase stormwater has been obtained from Christchurch City Council, otherwise separate authorisation from Environment Canterbury shall be obtained.
- 6.3 Prior to issuance of Section 224c certification, the consent holder shall submit an Engineering Design Report for acceptance by the Council 3 Waters and Waste Unit and Resource Consents Unit. The Engineering Design Report shall demonstrate how the design will meet all of the applicable standards and shall contain all of the plans, specifications and calculations for the design and construction of all stormwater and surface water management systems.
- 6.4 Unless otherwise approved by the Council Engineer, stormwater generated from all roofs, roads and hardstanding areas within all allotments shall be collected via channels, sumps, pipes or swales and discharged into the Oakbridge Stage 1 stormwater mitigation facility constructed under RMA/2021/4250.
- 6.5 The stormwater management system shall be designed to ensure complete capture and conveyance of all stormwater runoff from the site and upstream contributing catchments (assuming Maximum Probable Development) for all rainfall events up to and including the critical two percent annual exceedance probability storm. This will require internal reticulation and conveyance to meet Council's inundation standards as specified in the WWDG. A combination of primary and secondary conveyance systems may be used to ensure this level of service is achieved.
- 6.6 The primary stormwater reticulation network shall be designed to convey (at minimum) the critical twenty percent annual exceedance probability storm event from the site and contributing upstream catchments. 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.
- 6.7 The designer of the stormwater management system identify all overland flow paths proposed for storm events that exceed the capacity of the stormwater management system. All overland stormwater flow paths shall be identified and protected by an easement in favour of Christchurch City Council, if required.
- 6.8 Unless otherwise approved by Council engineers, any subsoil drainage systems designed to permanently manage groundwater shall be designed and constructed in accordance with WWDG Section 5.3. The outfall for any subsoil systems expected to generate dry-weather flow shall be confirmed with Council engineers at the detailed design phase.
- 6.9 Stormwater laterals shall be laid at least 600mm inside the boundary of all allotments at the subdivision stage. Unless otherwise approved by Council Engineers, the laterals are to be laid at sufficient depth to ensure protection and adequate fall is available to serve the furthest part of the lot.
- 6.10 Safe and adequate access to all stormwater management facilities for operation and maintenance shall be provided and designed in accordance with WWDG Sections 6.8 & 6.9.
- 6.11 The consent holder shall provide easements in gross over all stormwater infrastructure located outside of legal road or Local Purpose Reserves to be vested with Council.
- 6.12. The consent holder shall operate and maintain stormwater 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.
- 6.13. The consent holder shall provide as-built plans of the stormwater 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.

6.14 Erosion and Sedimentation Control

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: <http://escscanterbury.co.nz/>

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)

Advice 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

6.15 Lot 84 is served by existing stormwater arrangements. Future development will require provision of stormwater control, retention/detention and treatment including reticulation.

Advice Note: Condition 6.15 is an ongoing condition which will be secured by consent notice in terms of Section 221 of the Resource Management Act

7. Access Construction Standards

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.

8. Street Lighting

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

9. Engineering Plans

9.1 Engineering plans for the construction of the new road(s) and Prestons Road frontage and new intersection, access to rear lots, street lighting, drainage, sediment control, water supply, earthworks, landscaping and tree planting shall be lodged with the Subdivisions Engineer and accepted prior to the commencement of any physical works. All works are to be in accordance with Council's Infrastructure Design Standard.

9.2 Engineering works are to be installed in accordance with the accepted plans.

10. Health of Land / NES for contaminated land

10.1 All works shall adhere to the procedures set out in Davis Ogilvie RAP/SMP including the appropriate engagement of the persons/companies described in the roles and responsibilities section of this document. All site workers must be familiar with the accidental discovery protocols of the RAP/SMP. A copy of the RAP/SMP shall remain on site and must be accessible to all workers and contractors on site.

10.2 All contaminated soils removed from the site will not be suitable to be disposed of at a cleanfill facility and must be disposed of at a facility whose waste acceptance criteria permit the disposal

- 10.3 Evidence of disposal to authorised facilities such as weighbridge receipt weighbridge receipts or waste manifest and shall be included in the site validation report.
- 10.4 In the event of contamination discovery e.g. visible staining, odours and/or other conditions that indicate soil contamination, then work must cease until a Suitably Qualified and Experienced Practitioner (SQEP) has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils. Any measures to remediate the soil contamination shall be reported to and approved by the Christchurch City Council.
- 10.5 Only cleanfill materials as defined in the Christchurch District Plan shall be used as imported fill.
- 10.6 Validation soil testing shall be undertaken in accordance with the MfE Contaminated Land Guideline No. 5.
- 10.7 Prior to the issuance of section 224 certificate, a site validation report (SVR) shall be provided to the Council for Council's acceptance. The SVR shall be prepared by the project's contaminated land specialist and outlining the works undertaken. The SVR shall include at least the following:
 - a) A summary of remedial works and other soil disturbance works undertaken;
 - b) Analytical results and interpretation of validation sampling of the excavation;
 - c) Phot logs of soil disturbance activities undertaken;
 - d) Evidence of disposal to an offsite facility;
 - e) Location/s of areas where soil will be reused within the application site;
 - f) Confirmation of imported clean fill and volumes; and
 - g) A statement of the volumes of soil disturbed by the works

The site validation shall be emailed to envresourcemonitoring@ccc.govt.nz .

11. Plans for Geodata Plot

As soon as practical after the Section 223 certificate has been issued the consent holder is to advise the handling officer that the digital dataset for the subdivision is available in Land online and can be used for creation of the parcels in Council's digital database.

12. Earthworks / Filled Land

- 12.1 Earthworking shall be in accordance with the stamped approved cut and fill plan.
- 12.2 The earthworks and construction work shall be under the control of a nominated and suitably qualified engineer.
- 12.3 All loading and unloading of trucks with excavation or fill material shall be carried out within the subject site.
- 12.4 All works on site shall be subject to a Traffic Management Plan (TMP) which must be prepared by a suitably qualified person and submitted for acceptance prior to the commencement of earthworks. No works are to commence until the TMP has been accepted and installed.

The TMP shall identify the nature and extent of temporary traffic management and how all road users will be managed by the use of temporary traffic management measures. It shall also identify the provision of on-site parking for construction staff. Activities on any public road should be planned so as to cause as little disruption, peak traffic safety delay or inconvenience to road users as possible without compromising safety. The TMP must comply with the Waka Kotahi NZTA Code of Practice for Temporary Traffic Management (CoPTTM) and the relevant Road Controlling Authority's Local Operating Procedures.

The TMP shall be submitted to the relevant Road Controlling Authority through the web portal www.myworksites.co.nz. To submit a TMP a Corridor Access Request (CAR) must also be submitted. A copy of the accepted TMP and CAR shall be supplied to the Council's resource consent monitoring team (via email to rcmon@ccc.govt.nz) at least 3 working days prior to the commencement of works under this consent.

Advice Note: Please refer to <https://ccc.govt.nz/transport/legal-road/traffic-management-news-and-information> for more information.

- 12.5 The Erosion and Sediment Control Plan shall show the positions of all stockpiles on site. Temporary mounds shall be grassed or covered to prevent erosion until such time as they are

removed. Topsoil should be reworked as little as possible to protect the integrity of the soil microbes.

- 12.6 All filling and excavation work shall be carried out in accordance with an Environmental Management Plan (EMP) which shall include an Erosion and Sediment Control Plan (ESCP) and the Remedial Action Plan/Site Management Plan presented with the application. Unless approved as part of the ECan resource consent for stormwater discharge or ECan resource consent for excavation/filling the EMP will require formal acceptance by Christchurch City Council's Subdivision Engineer (email to rcmon@ccc.govt.nz) prior to any work starting on site. The accepted EMP shall be implemented on site over the construction phase and no works are to commence until such time as the EMP has been installed. The EMP shall be designed by a suitably qualified person and a design certificate (template available on request) supplied with the EMP for acceptance at least 5 days prior to the works commencing. The performance criteria for erosion and sediment control will be based on ECan's Erosion and Sediment Control Toolbox for Canterbury <http://esc.canterbury.co.nz/>. The EMP shall include (but is not limited to):
- The identification of environmental risks including erosion, sediment and dust control, spills, wastewater overflows, dewatering, and excavation and disposal of material from contaminated sites;
 - A site description, i.e. topography, vegetation, soils, etc;
 - Details of proposed activities;
 - A locality map;
 - Drawings showing the site, type and location of sediment control measures, on-site catchment boundaries and off-site sources of runoff;
 - Drawings and specifications showing the positions of all proposed mitigation areas with supporting calculations if appropriate;
 - Drawings showing the protection of natural assets and habitats;
 - Emergency response and contingency management;
 - Procedures for compliance with resource consents and permitted activities;
 - Environmental monitoring and auditing, including frequency;
 - Corrective action, reporting on solutions and update of the EMP;
 - Procedures for training and supervising staff in relation to environmental issues;
 - Contact details of key personnel responsible for environmental management and compliance.

Advice Note: IDS clause 3.8.2 contains further detail on Environmental Management Plans.

- 12.7 The accepted ESCP shall be implemented on site over the construction phase. No earthworks shall commence on site until:
- The contractor has received a copy of all resource consents and relevant permitted activity rules controlling this work
 - The works required by the ESCP have been installed.
 - An Engineering Completion Certificate (IDS – Part 3, Appendix VII), signed by an appropriately qualified and experienced engineer, is completed and presented to Council. This is to certify that the erosion and sediment control measures have been properly installed in accordance with the accepted ESCP.
- 12.8 Dust emissions shall be appropriately managed within the boundary of the property in compliance with the *Regional Air Plan*. Dust mitigation measures such as water carts or sprinklers shall be used on any exposed areas. The roads to and from the site are to remain tidy at all times.
- 12.9 All loading and unloading of trucks with excavation or fill material shall be carried out within the subject site.
- 12.10 The Consent Holder shall notify Christchurch City Council no less than three working days prior to works commencing, (email to rcmon@ccc.govt.nz) of the earthworks start date and the name and contact details of the site supervisor.
- 12.11 Any change in ground levels shall
- not cause a ponding or drainage nuisance to neighbouring properties.
 - not affect the stability of the ground or fences on neighbouring properties.
 - maintain existing drainage paths for neighbouring properties.
- 12.12 The fill sites shall be stripped of vegetation and any topsoil prior to filling. The content of fill shall be clean fill.

12.13 All filling exceeding 300mm above excavation level shall be in accordance with the Code of Practice for Earthfill for Residential Purposes NZS 4431:1989. At the completion of the work an Engineers Earthfill Report, including a duly completed certificate in the form of Appendix A of NZS 4431, shall be submitted to Council at rcmon@ccc.govt.nz for all lots, including utility reserves, within the subdivision that contain filled ground. This report shall detail depths, materials, compaction test results and include as-built plans showing the location and depth of fill and a finished level contour plan.

12.14 The consent holder shall submit a report and calculations detailing any filling proposed against existing boundaries and the means by which to comply with condition 12.11 in respect to adjoining properties. Any retaining wall construction shall be included and certified as part of the Earthfill Report in condition 12.13.

Advice Note: Any retaining wall that exceeds 6m² is regarded as a building and requires a separate resource consent if not specifically addressed within the application supporting this consent.

Advice Note: This report may be presented as part of the Design Report for the subdivision works under condition 1.

12.15 At the completion of the earthworks operations, the berm areas outside the line of the roadway construction shall be sown down with grass seed.

12.16 All bared surfaces shall be adequately topsoiled and vegetated as soon as possible to limit sediment mobilisation.

12.17 Any public road, shared access, footpath, landscaped area or service structure that has been damaged, by the persons involved with the development or vehicles and machinery used in relation to the works under this consent, shall be reinstated as specified in the Construction Standard Specifications (CSS) at the expense of the consent holder and to the satisfaction of Council.

12.18 Should the Consent Holder cease or abandon work on site for a period longer than 6 weeks, or be required to temporarily halt construction during earthworks, they shall first install preventative measures to control sediment discharge / run-off and dust emission, and shall thereafter maintain these measures for as long as necessary to prevent sediment discharge or dust emission from the site.

Advice Notes:

It is the consent holder's responsibility to ensure that the activity, including where carried out by contractors on their behalf, complies with the below district plan standard - failure to do so may result in enforcement action and the need for additional land-use consent:

- *Rule 6.1.6.1.1 P2 - All earthworks related construction activities shall meet relevant noise limits in Tables 2 and 3 of NZS 6803:1999 Acoustics - Construction Noise, when measured and assessed in accordance with that standard.*
- *Rule 8.9.2.1 P1 Activity Standard e. - Earthworks involving mechanical or illuminating equipment shall not be undertaken outside the hours of 07:00 – 19:00 in a Residential Zone. Between the hours of 07:00 and 19:00, the noise standards in Chapter 6 Rule 6.1.5.2 and the light spill standards at Chapter 6 Rule 6.3.6 both apply.*

13. Geotechnical

13.1 All liquefaction hazard mitigation on site shall be designed in accordance with the recommendations in the Davis Ogilvie and Partners Geotechnical Report for Subdivision, 203 Prestons Rd, Oakbridge Subdivision, Job 34300 dated 22 August 2017.

13.2 All infrastructural assets to be vested in the Council shall be designed and constructed in accordance with the Infrastructure Design Standard (IDS) 2018 and the Construction Standard Specifications (CSS).

Asset structures shall include but not be limited to gravity and pressure pipelines, manholes, chambers, valves, hydrants, stormwater treatment devices, culverts or any other physical asset to be vested in Council including road pavements. Bridges and pump stations shall be designed to importance level 3 (IL3) as defined in NZS 1170.

In addition to the above, to be considered suitable in terms of section 106(1A)(a) and (b) of the Resource Management Act, all proposed infrastructure shall be designed to resist the effects associated with earthquake induced liquefiable soils and lateral spread from a seismic event as defined in condition 13.3.

- 13.3 To mitigate liquefaction (vertical settlement) hazards and lateral spread (horizontal displacement), any proposed asset structures shall be designed for a seismic event with a 25 year return period under the serviceability limit state (SLS) event and with a 500 year return period for the ultimate limit state (ULS) event as defined by NZS 1170.5:2004.

Beyond a SLS seismic event, it is recognised asset structures may become progressively less serviceable.

13.4 Ground Improvement

Site earthworks and remediation shall be carried out to improve the ground performance in terms of the MBIE guidelines 'Repairing and rebuilding houses affected by the Canterbury earthquakes' (3rd Edition 15 March 2017) or subsequent revisions. Ground performance shall achieve a minimum technical categorisation on all residential lots equivalent to TC2. The technical category will be confirmed in the Engineers Report prepared for the section 224(c) certificate under condition 4.

13.5 Foundation Design

Any structure requiring a Building Consent, in terms of Building Act provisions, shall have specific foundation design by a suitably experienced chartered engineer or by an appropriately qualified geotechnical engineer. The design shall take into consideration the potential for liquefaction and associated effects (vertical settlement and lateral spread) appropriate for Technical Category 2 land and shall be investigated and designed in accordance with MBIE Guidelines 'Repairing and rebuilding houses affected by the Canterbury earthquakes' (3rd Edition 15 March 2017) or subsequent revisions."

Note: These requirements are contingent upon TC1 and TC2 land equivalence being achieved by the proposed earthworks and remediation works.

Advice Note: Condition 13.5 is an ongoing condition which will be secured by consent notice in terms of Section 221 of the Resource Management Act be registered on the titles for all lots that are categorised in the Final Geotechnical Report as TC2 equivalent land.

13.6 Geotechnical Completion Report

Prior to the request for the section 224 certificate the Consent Holder shall supply a Final Geotechnical Report on the mitigation measures put in place during the construction phase to minimise both the liquefaction and lateral spread potential of the land during the SLS and a ULS seismic event in condition 3.2. The report shall recommend the Technical Category of the land in terms of the MBIE guidance document 'Repairing and Rebuilding Houses Affected by the Canterbury Earthquakes' and include a Statement of Professional Opinion on the Suitability of Land for Building Construction, using the template in IDS Part 4 Appendix II.

14. Telecommunications and Energy Supply

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.

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.

15. Right of Way Easements (Private Ways)

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

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.

16. Service Easements

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

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.

17. Existing Easements over areas of Road to Vest

Any existing easements that extend over any area proposed as road to vest are to be surrendered.

18. Easements in Gross

The legal instruments to create the required easements in gross in favour of the Council must be prepared & registered by the Council's solicitor at the consent holder's cost and will be based on the Council's standard easement instrument templates (as appropriate) as determined by the Council's solicitor. The consent holder's solicitor is to contact the Council's solicitor (Anderson Lloyd Lawyers) requesting the preparation and registration of the required easement instruments. Areas which are to be the subject of easements in gross in favour of the Council must not be the subject of any other easements for the same purpose.

As built plans for the services covered by the easement(s) are to be provided to the Council at Section 223 certification stage.

19. Road and/or Lane Names

The new roads are to be named.

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. 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.

Advice Note: Road names are required to be approved by the Community Board. Community Board meetings are only held approximately once a fortnight, however Council Reports need to be completed two weeks prior to the meeting date. It would be in your interest to start the naming process early so that this process does not hold up this development as it can take up to six weeks. To request a road name, find the form and more information at <https://ccc.govt.nz/consents-and-licences/resource-consents/subdivision-consents/road-and-right-of-way-naming/>

The consent holder shall order and install the road's nameplates. The nameplates shall be designed and installed in accordance with the IDS and CSS.

The location of the nameplates shall be submitted to Council's Subdivision Engineer for approval prior to their installation.

Advice Note: Nameplates usually take six weeks to manufacture. The location of the nameplates can be submitted in a plan which identifies the road's landscaping and location of street lighting as required by this application. The consent holder is responsible for the cost of providing and installing the nameplates.

20. Public Utility Sites

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 the Council.

22. Consent Notice

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

All residential lots:
Foundation design

Any structure requiring a Building Consent, in terms of Building Act provisions, shall have specific foundation design by a suitably experienced chartered engineer or by an appropriately qualified geotechnical engineer. The design shall take into consideration the potential for liquefaction and associated effects (vertical settlement and lateral spread) appropriate for Technical Category 2 land and shall be investigated and designed in accordance with MBIE Guidelines 'Repairing and rebuilding houses affected by the Canterbury earthquakes' (3rd Edition 15 March 2017) or subsequent revisions."

This consent notice, as detailed in condition 13.5, in terms of Section 221 of the Resource Management Act, be registered on the titles for all Stage two residential lots that are categorised in the Final Geotechnical Report as TC2 land.

Sewer

This property shall be served by a local pressure sewer unit comprising a pump and storage chamber which can accommodate at least 24 hours average dry weather flow to be supplied by either Aquatec or EcoFlow and installed by a Council Authorised Drainlayer (Pressure Sewer Tanks) at building consent stage in accordance with the Requirements for Local Pressure Sewer Units specified under a Building Consent. The local pressure sewer unit will be supplied complete with an IOTA OneBox Control Panel.

Ownership and control of the local pressure pump, chamber, boundary kit and OneBox Control Panel shall be vested with Council. The property owner shall enter into a Deed with the Christchurch City Council, drafted in terms approved by the Christchurch City Council, vesting ownership in the system prior to Code Compliance Certificate being issued for a dwelling on the relevant site.

The Council and its agents or contractors shall have the right of access to the property for the purpose of maintenance, monitoring or renewal of any part of the local pressure sewer system vested with Council.

The property owner shall ensure that the local pressure sewer unit is connected at all times to an electricity supply and shall remain responsible for the cost of the electricity required to operate it.

The property owner shall adhere to the user requirements of the local pressure sewer unit. In the event that the local pressure sewer unit is damaged as a result of a breach of this obligation, the Council may recover the costs of repair from the property owner.

Lot 84:

Services

Any development of this property will require reticulated services (water supply, sewer and stormwater) to be installed in accordance with the IDS (Infrastructure Design Standard) and CSS (Construction Standard Specification). Upgrading of roading and access may be required.

The 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. Lapsing 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 Note:

The lapse date of the consent remains unchanged, i.e. 22/02/2027 insert lapse date of original consent. The consent will lapse on this date unless it is given effect to before then.

Reported and recommended by: Sean Ward, Principal Advisor – Resource Consents **Date:** 27/05/2022

Decision

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

Delegated officer:

A handwritten signature in blue ink, appearing to be 'PL', written in a cursive style.

Paul Lowe
Manager Resource Consents
27/05/2022