

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

(Section 127)

<b>s127 Application Number:</b>	<b>RMA/2007/1619/F</b>
<b>Original application number:</b>	RMA/92008896
<b>Applicant:</b>	Westmoreland Nominees Ltd
<b>Site address:</b>	126/210 Penruddock Rise Westmoreland
<b>Legal Description:</b>	Lot 403 DP 521122
<b>Zoning:</b>	Residential Hills & Rural Port Hills zones
<b>Overlays and map notations:</b>	Liquefaction Management Zone Remainder of Port Hills and Banks Peninsula Slope Instability Management Area Rock fall Management Area 1 Rock fall Management Area 2
<b>Activity Status:</b>	Discretionary activity
<b>Description of Application:</b>	Change of conditions pursuant to Section 127

### Introduction

The applicant is seeking to vary the conditions of an existing resource consent (RMA92008896) which was granted on a non-notified basis by the resource management subcommittee on 12 of December 2012 with a subsequent section 357 decision issued under RMA92021706 19 December 2012, with subsequent variations as listed: RMA92025698 in May 2014; RMA92027958 in December 2014; RMA92027854 in March 2015; RMA/2007/1619/A on 10<sup>th</sup> May 2017; and RMA/2007/1619/B on the 22<sup>nd</sup> of January 2020, RMA/2007/1619/C on the 7<sup>th</sup> of December 2020 and RMA/2007/1619/D on the 20<sup>th</sup> of January 2021.

The applicant initially sought to subdivide the site for residential purposes creating 212 new lots including 10 for various reserve purposes and 6 as road to vest. This was originally to be achieved in 5 stages later changed to 6 through variations. As is common with large Greenfield subdivisions this was subject to a number of variations as the development of the site proceeded.

The applicant is now seeking to alter the design of the road and the right of way serving Lots 183-188, and 198 – 203. As a result some of the allotment sizes have been altered and a separate land use consent has been issued in conjunction with this application to address future builds within those sites on a reduced density (RMA/2021/1969).

The proposed changes affect conditions, 1, and 2.

Proposed changes to conditions;

#### 1. Compliance with Application Information

The survey plan, when submitted to Council for certification, is to be substantially in accordance with the amended stamped approved application plans shown as. 134431-2-SC20-Rev4a, ~~E19599.SC01-R5~~, ~~E19599.SC01-R7~~, 134431-2-SC23-REV5, 134431-2-SC24-REV5, 134431-2-SC26-Rev4a, E19599.SC02A-R5, E19599.SC02B-R5, E19100-SC03-R3,-, ~~E19599.SC04,R3~~, ~~E19599.SC04-R5~~ 134431-2-SC31-Rev5

#### 2. Staging

##### Stage 6

Lots **183-203, 404**, 505.

Lot 505 is to vest as road.

## Description of site and existing environment

The application site and surrounding environment are described in section 3 of the AEE submitted with the application. I adopt the applicant's description.

## 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 was a discretionary activity under subdivision and a restricted discretionary activity under Land Use due to issues around earthworks, corner rounding/splays and new roads.

The original application sought to create 212 new lots including 10 for various reserve purposes and 6 as road to vest. This was to be achieved in 5 stages. The process of development around large Greenfield subdivisions does lend itself to change. As works are undertaken onsite the process can give rise to changes for many reasons.

I consider in my opinion this application can be considered as a variation to the original resource consent for the following reasons:

- The nature of the activity will not fundamentally change.
- The area of land to be developed for residential purposes will not change and no new non-compliances will be created with the District Plan.

## 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)]

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 of conditions would primarily relate to the altering of the plans to reflect the changes made to the road, right of way and associated allotments.

The proposal requires subdivision consent for a restricted discretionary activity under the following rule(s):

Activity status rule	Standard not met	Reason	Matters of control or discretion	Notification clause
8.5.1.3 RD 2	Minimum net site area and dimension 8.6.1	The minimum vacant allotment for residential hills zone is 650m <sup>2</sup>	Rule 8.8.11 Allotment net site area and dimensions	No clause for a.
14.7.1.3 RD 20	a. Within the Residential Hills Mixed Density Overlay, any activity that does not meet Rule 14.7.2.1 - Site density  Rule 14.7.2.1 Site density	Rule 14.7.2.1; The site shall have a minimum net site area of 650m <sup>2</sup> .  Lot 199 will be reduced by 9m <sup>2</sup> from 656m <sup>2</sup> to 647m <sup>2</sup> . Existing allotments Lot 200 & 201 are further reduced to 10m <sup>2</sup> & 1m <sup>2</sup> . Lot 199 – 647m <sup>2</sup> Lot 200 – 583m <sup>2</sup> Lot 201 – 571m <sup>2</sup>	a. Scale of activity - Rule 14.15.5 b. Traffic generation and access safety - Rule 14.15.6 c. Residential design principles - Rule 14.15.1.g -Hillside and small settlement areas	Any application arising from this rule shall not be limited or publicly notified.

These changes relate to condition 1.

The applicant has found during more detailed engineering design of the site, that due to the contours of the site that the right of way that serves Lots 183-187 and 202- 203 needed to be shifted eastward to ensure that the construction access could comply with the requirements of the District Plan in relation to grade. Due to the changes in the roading and right of way, changes have resulted in the net site areas of Lots 183-188 and 198 – 203 being changed. These are shown below in the table;

Lot Number	Approved Lot Size (m <sup>2</sup> )	Proposed Lot Size (m <sup>2</sup> )	Difference (m <sup>2</sup> )
184	854	853	-1
185	712	723	11
186	740	820	80
187	778	866	88
188	762	788	26
196	798	802	4
198	738	729	-9
199	656	647	-9
200	593	583	-10
201	572	571	-1
202	860	759	-101
203	822	718	-104
505	1962	2000	38

The proposed change will result in Lot 199 falling below the minimum standard of 650m<sup>2</sup>. This is a reduction of 9m<sup>2</sup> from 656m<sup>2</sup> to 647m<sup>2</sup>. 3m<sup>2</sup> below the standard. Lots 200 & 201 have also further reduced to 583m<sup>2</sup> and 571m<sup>2</sup> respectively.

The proposed changes relate to stage 6 and were unavoidable due to the topography of the site. I agree with the applicant's assessment that the proposed changes will not limit the allotments from providing for 3 lots that can provide for a complying dwelling with access.

While the proposed changes give rise to a further matter of non-compliance for lot 199, I do not consider the reduction in area below the standard to compromise or alter the overall outcome initially sought by consent for which it was granted.

I further note that Lot 404 has also been shown twice on the previous consent and will be removed from part of stage 6, as it is covered under stage 5A.

The effects on the environment are less than minor and there are no affected parties.

#### **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. Under section 95(A) (5) (b) the application must not be notified as the change of conditions is a discretionary activity and relates to the subdivision of land.
- Step 3. This step is not applicable as notification of the application is prevented by Step 2.
- 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.**

#### **Recovery Plans and Regeneration Plans**

Section 60(2) of the Greater Christchurch Regeneration Act 2016 requires that decisions and recommendation on resource consent applications are not inconsistent with Recovery Plans and Regeneration Plans.

There are no Recovery Plans or Regeneration Plans relevant to this application.

#### **Other Section 104 matters**

The application is:

- In keeping with Part II of the Act as it will not compromise amenity values within the surrounding environment.
- I have considered the key objectives and policies of the District Plan especially those in Chapters 7, 8 and 14. The changes do not materially change the nature of the subdivision or its effects. The proposal is

considered be consistent with the relevant objectives and policies. That said objectives and policies are considered to give effect to the strategic objectives in Chapter 3.

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 report<sup>1</sup>.

## 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:

### 1. **Compliance with Application Information**

The survey plan, when submitted to Council for certification, is to be substantially in accordance with the amended stamped approved application plans shown as. 134431-2-SC20-Rev4a, **E19599.SC01-R7**, 134431-2-SC23-REV5, 134431-2-SC24-REV5, 134431-2-SC26-Rev4a, E19599.SC02A-R5, E19599.SC02B-R5, E19100-SC03-R3, **-E19599.SC04-R5** 134431-2-SC31-Rev5

### 2. **Staging**

#### Stage 1A

Lots 1-37,49, 300, 303, 306 and 500  
Lots 300,303 and 306 are to vest as reserve  
Lot 500 is to vest as road

#### Stage 1B

Lots 38-48,307 and 506  
Lot 307 is to vest as reserve  
Lot 506 is to vest as road

(The Rural Hills land will be a balance lot at the completion of the development and no servicing is required for this lot.)

#### **Stage 2A**

Lots 50-55, 57-94, 216-228,308,309,401, 501,  
Lot 55, 93 & 301 is to vest as reserve. Lot 501 is to vest as road.  
Lot 401 is a balance lot.

#### **Stage 2B**

Lots 57, 58, 308, 309  
Lot 308 and 309 are to vest as reserve

Stages 3A and 3B

#### **Stage 5A**

Lots 95 – 102, 115 - 125  
Lot 502 is to vest as road.  
Lot 404 is a balance lot.  
Lot 405 is a balance lot.

#### **Stage 5B**

Lots 103 – 106, 107 – 114, 179 - 182  
Lot 506 is to vest as road.  
Lot 600 is to vest as Recreation Reserve  
Lot 406 is a balance lot.  
Lot 601 is to vest as Local Purpose (Utility) Reserve

<sup>1</sup> R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316

### Stage 3B

Lots 128-142, 213, 302, 304 and 503

Lots 302 and 304 are to vest as reserve and Lot 503 is to vest as road.

### Stage 4

Lots 143-178,-403, 504

Lot 504 is to vest as road.

Lot 403 is a balance lot

### Stage 6

Lots 183-203, 505.

Lot 505 is to vest as road.

## 3. Allotments to Vest as Reserve

If the Consent holder and the Council agree on the allotments shown on the plans being provided as Reserves, following the LTCCP development contribution assessment, the allotments shall be shown on the survey plan as Reserve to Vest in the Christchurch City Council.

The reserves if required to vest as follows:

### Stage 1

Lot 300 to vest as Local Purpose (Utility) Reserve

Lot 303 to vest as Local Purpose (Utility) Reserve

Lot 306 to vest as Local Purpose (Utility) Reserve

Lot 307 to vest as Recreation Reserve

### Stage 2A

Lots 50-55, 57-94, 216-218,308,309,401, 501,

Lot 55, 93 & 301 is to vest as reserve. Lot 501 is to vest as road.

Lot 401 is a balance lot.

### Stage 2B

Lot 308 to vest as Local Purpose (Drainage and Conservation) Reserve

Lot 309 to vest as Recreation Reserve

### Stage 3

Lot 302 to vest as Local Purpose (Drainage and Conservation) Reserve

Lot 304 to vest as Local Purpose (Accessway) Reserve

### Stage 5B

Lot 601 to vest as Local Purpose (Utility) Reserve

Lot 600 to vest as Recreation Reserve

## 4. New Road to Vest

The new roads to vest, being Lots 500, 501, 502, 503, 504, 505 and 506 are to be formed and vested in the Council to the satisfaction of the Subdivision Engineer with underground wiring for electricity supply and telecommunications.

## 5. Engineering Conditions

### General

#### 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 event and a 1 in 500 year return period ultimate limit state seismic design event as defined in NZS1170.5.2004.

- 5.3 The surveyor is to send a notification to [subdivisions@ccc.govt.nz](mailto:subdivisions@ccc.govt.nz) as soon as the plan has been lodged (or earlier if possible) for checking at Land Information New Zealand.
- 5.4 The sewer, stormwater and water supply works on private land proposed for this subdivision consent must be installed and inspected under a building consent obtained from the Environmental Policy and Approvals Unit.

Refer to form B002 at <http://www.ccc.govt.nz/building/forms/>

**Service Connections** (sewer & stormwater) to Council Services in the street are **authorised work** and must be carried out by a **Council authorised drain layer**. This includes all drainage laterals on roads, footpaths and verges that connect the property to public drains.

A list of **Council authorised drain layers** is available on request or online at website <http://www.ccc.govt.nz/WasteWater/AuthorisedDrainLayers/>

- 5.5 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.

5.6 The applicant's consultant shall provide the Council with 'As-Built' plans and data for all infrastructure (including pipework, trees, paths, reserves) and private work, complying with Part 12 As-Builts of the CCC Infrastructure Design Standards.

## 6.0 Water Supply

6.1 The 4 points of supply for this development are:

- Penruddock Rise 150mm uPVC main: Stage 1 (Lower stage)
- Westmorland 2 Replacement Reservoir to be constructed on Lot 303 by Council
- Worsleys Road 150mm uPVC main (via Lot 304): Top section of Stage 1 and stages 2, 3
- Worsleys Road 150mm uPVC main (via Lot 601): Stages 4 & 5A and 5B
- Worsleys Road 150mm uPVC main (via Lot 505): Stage 6

To provide an adequate security of supply for this development and the greater network, a 150mm "link main" is required to serve the development from the Worsleys Road main via Reserve Lots 304 & 601.

The existing 100mm connection through Lot 304 must be maintained to service Stages 1 and 2. The connection through lot 304 shall be upgraded to 150mm as part of the Stage 3 works. The connection through Lot 601 shall be completed for servicing Stage 5A & 5B.

6.2 Any existing reticulation between lots outside the relevant easements must be removed.

6.3 The water supply shall be designed and installed in general accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice to the satisfaction of the Planning Team, Asset and Network Planning Unit.

6.4 All lots shall be served with a water supply to the boundary.  
The sub-mains shall be installed to 10m past each lot boundary or to the middle of the lot, whatever is the greater.

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

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".

6.5 Where water supply mains are outside legal roads, an easement is to be created over the new water supply main up to the last hydrant in favour of the Council.

6.6 The applicant shall make provision at the design/tender phase to provide Council with tender prices for the supply and installation of the following Council funded 'tie-in works to Lot 303 (Replacement 'Westmorland 2' Reservoir):

- Stage 1: Penruddock Rise extension (150mm) from section R.L. 123m to proposed intersection of Ravensdale Rise
- Stage 2: Penruddock Rise extension (150mm) from Ravensdale Rise to (Reservoir) Utility Lot 303
- Stage 2: Ravensdale Rise extension (100mm) from existing 100mm reservoir supply pipe (opposite Lot 53/54 bdy) to the intersection of Penruddock/Ravensdale Rise.

Please contact the Council's Mr Ian Johnson of the Asset & Network Planning Unit for further details of the above requirements.

6.7 The applicant shall engage their Solicitor to draft up a legal agreement for the transfer of Lot 303 (Utility Lot for replacement 'Westmorland 2' reservoir) to Council in exchange for Council decommissioning the existing reservoir 'tanks' and surrendering the respective easements. The agreement shall include legal provision for Council to have 24/7 drive on access to Lot 303.

## 7.0 Sewage

7.1 The sanitary sewer outfalls for this development are:

- Penruddock Rise terminal manhole (System 1)



- 150mm uPVC gravity sewer which is currently being installed along the south western site boundary by Council (System 2)
- Worsleys Road 100mm gravity sewer (System 3)

(All residential allotments shall be connected to one of the 3 systems in accordance with engineering drawings accepted by the Council.)

- 7.2 Sanitary sewer laterals shall be laid to at least 600mm inside the net site area of all residential lots at the subdivision stage. The laterals are to be installed at a sufficient depth to ensure that adequate fall is available to serve the furthest part of the lot. The lots served by "System 2" shall connect to the existing laterals that have been installed as part of the new Council sewer installation.
- 7.3 Pumping laterals shall be laid to at least 600mm inside the net site area of lots 44 to 48 and a consent notice shall be memorialized on their respective titles stating: "This lot is not served with gravity sewer outfall. Connection to the gravity sewer is via a private pumping line which will require a private pumping station be constructed as part of any future building consent"
- 7.4 Where the number of lots exceeds the Building Act drainage discharge requirements for a 100mm common sewer pipe, a 150mm private common sewer pipe shall be installed.
- 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.

## **8.0 Stormwater**

- 8.1 The surface water management system constructed under this application shall rely on a combination of individual site rain tanks and stormwater sedimentation/retention basins in general accordance with the South West Area Christchurch Stormwater Management Plan. The system shall meet the requirements of the CCC Waterways, Wetlands and Drainage Guide (WWDG 2003; including Chapters 6, 21 and Appendix 10 updated 2011/12), the Infrastructure Design Standard (IDS 2010) and the Construction Standard Specifications (CSS 2010).
- 8.2 Construction and operational stage stormwater discharge authorisations for this application shall be obtained either:
- a. From Christchurch City Council under the South West Area Stormwater Consent (CRC120223)
  - b. By variation to the existing resource consent from Environment Canterbury (CRC074181.1)
  - c. By new resource consent from Environment Canterbury, or;
  - d. Some combination thereof
- 8.3 The following consent notice, pursuant to Section 221 of the Resource Management Act 1991, or notice to this effect, are to be memorialised on the title of all residential lots to ensure that the ongoing conditions are complied with:

### ***Stormwater Retention Tanks and Outfalls***

*Stormwater runoff from residential roof areas is to be detained in a minimum 9m<sup>3</sup> stormwater detention tank. The low-level tank outlet shall be equivalent to a 20mm internal diameter pipe. The tank shall be fitted with a minimum 100mm diameter high-level overflow pipe.*

*Individual residential lots discharging stormwater onto land shall utilise an energy dissipation and dispersion outfall designed to prevent scour and erosion. Any outfall device or portion thereof not located within the lot boundary or utility reserve shall be protected by easement.*

- 8.4 Stormwater collected within the Penruddock Rise road extension shall discharge to a sedimentation basin (referred to as Penruddock Basin) located within Lot 300 of the approved plan. Penruddock Basin shall discharge via a controlled outlet to the stormwater network within Penruddock Road for events up to the design storm of the reticulation system.
- 8.5 Stormwater discharging onto land within the Cashmere sub-catchment or into Cashmere 1 Gully shall be collected within a collector drain located at the base of the slope running along Cashmere Road and shall be discharged to a sedimentation basin (referred to as Cashmere Basin) located within Lot 301. Cashmere Basin shall discharge via controlled outlet to Cashmere Road Drain No. 3.

- 8.6 Stormwater discharging within the Worsley sub-catchments shall discharge via Worsley 1 Gully or Worsley 2 Gully via an energy dissipating outfall into Worsley Reserve Gully (Piwakawaka Stream) to be captured in the existing City Council Worsley Plateau Basin located within 316-330 Worsleys Road.
- 8.7 The consent holder shall provide easements in gross over all stormwater infrastructure (pipes larger than 225mm diameter) located outside of legal road or utility reserve areas to be vested with Council.
- 8.8 The surface water management system shall be designed to ensure complete conveyance of all stormwater runoff from the site for all rainfall events up to and including the critical two percent annual exceedance probability storm. This will require internal reticulation and conveyance system 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.
- 8.9 The designer of the surface water management system shall provide a report which identifies all secondary flow paths proposed and any adverse effects from storms greater than a two percent annual exceedance probability period event.
- 8.10 A planted landscape buffer of average width 5 metres is to be established between all stormwater detention/treatment basins and proposed residential allotments as mitigation for the utility works. The Council may at its discretion allow some variance to this buffer width and planting requirements. Planting of the buffer zones shall be a cost of the development. Note: these areas will be assessed as utility areas in the final assessment of reserve contribution liability.
- 8.11 Prior to engineering acceptance a landscape plan of the proposed stormwater facilities and landscape buffers are to be submitted to the Council's Asset and Network Planning (Greenspace) Unit for acceptance. Landscaping required by this condition is to be carried out in accordance with the approved plan at the consent holder's expense as a mitigation measure. The consent holder shall maintain planting for 12 months from the time of issue of the Section 224 Certificate.
- 8.12 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.
- 8.13 The primary stormwater reticulation network shall be designed to convey (at minimum) the critical ten percent annual exceedance probability storm event. No flooding of habitable areas shall occur during the critical two percent annual exceedance probability storm event.
- 8.14 Safe and reasonable access to the surface water mitigation facilities for maintenance and sediment removal shall be provided and designed in accordance with clause 6.8 & 6.9 of the Waterways & Wetlands Design Guide.
- 8.15 Engineering plans, specifications and calculations for the design and construction of all stormwater infrastructure for each stage are to be submitted for acceptance by Network and Asset Planning (Greenspace) Unit.
- 8.16 The consent holder shall operate and maintain the surface water mitigation facilities and infrastructure for each stage for at least 12 months following the issue of the section 224(c) certificate, after such time CCC may accept responsibility for operation and maintenance.
- 8.17 The applicant shall provide as-built plans of the surface water management systems and facilities for each stage 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.
- 8.18. A maintenance and operations manual for all surface water management and mitigation facilities shall be provided for each stage and shall form part of the Asset and Network Planning Unit acceptance. This manual is to include a description of the activity, the design assumptions, maintenance schedule and monitoring requirements.
- 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).

<http://ecan.govt.nz/advice/your-land/earthworks-soil-eroison/Pages/soil-erosion-sediment-guidelines.aspx>

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

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

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

8.20 Sufficient reticulated stormwater network shall be constructed to ensure all stormwater runoff from roof and hard standing areas of all Stages 5a, 5b and 6 allotments avoids discharging into Worsleys Road.

## **9.0 Filling**

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

## **10 Vehicle Access**

10.1 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 'Metal-course' are to be supplied with the 224c Conditions Certificate request.

## **11 Access Formation**

11.1 The access formation shall be designed and constructed in accordance with the CCC Infrastructure Design Standard. Physical works shall not commence until a Council engineering officer confirms that the Design Report and Design Certificate complying with clause 3.3.1 of the IDS has been received by Council.

## **12 Reserves and Landscaping**

### **12.1 Recreation Reserves**

Lots 55 (1360m<sup>2</sup>), 93(1005m<sup>2</sup>), 172(1030m<sup>2</sup>), Lot 307 (655 m<sup>2</sup>), Lot 308 (260m<sup>2</sup>), Lot 600 (2116m<sup>2</sup>) shall vest as Recreation Reserve and the agreed value of this reserve land is to be credited against the Reserve Development Contributions.

### **12.2 Land to Vest as Local Purpose (Utility) Reserve**

Lot 93 (1005m<sup>2</sup>) Lot 300 (3870 m<sup>2</sup>), 301 79820m<sup>2</sup>, 302 (29840m<sup>2</sup>), 303 (505 m<sup>2</sup>), 304(540m<sup>2</sup>), 306 (1040 m<sup>2</sup>), 309(95m<sup>2</sup>), and 601 (367m<sup>2</sup>) shall vest as Local Purpose (Utility) Reserves. The agreed value of this reserve land is to be credited against the Reserve Development Contributions.

### **12.3 Extra Landscape Assets / Enhancements**

Where the Consent Holder has applied to vest assets (as detailed on Accepted Landscape Plans) within the streetscape and reserve lots over and above the Levels of Service documented in the Long Term Community Council Plan, the Reserve Development Contributions Policy or required by conditions of this subdivision consent, then the Consent Holder may do so at their own expense.

### **12.4 Design and Development of reserves, streetscapes and open spaces**

A landscape plan for the reserves, streetscapes and open spaces is to be submitted as part of the Landscape Design Report to the Asset and Network Planning Unit (Greenspace) for acceptance.

- 12.5 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. The Consent Holder shall maintain the landscaping works for 12 months for the Establishment Period (Maintenance and Defects Period) from the time of issue of the Section 224 Certificate.

*Advice Note: Where the Consent Holder is providing landscaping as mitigation for stormwater activities, the cost of planting, maintaining and replacement (if required) of the landscaping is at the Consent Holders cost, including the 12 months for the Establishment Period.*

- 12.6 Undesirable weeds on the Recreation Reserve and Local Purpose (Utility) Reserve, such as gorse, broom and blackberry are to be sprayed with herbicide to kill the plants before 224 Certificate is issued.

*Advice Note: The undesirable weeds that have been sprayed with herbicide on Council land are not to be removed as this removal could cause destabilisation to the hill-side areas.*

- 12.7 Establishment Period (Defects Liability Period)

The Establishment Period (Defects Maintenance) will include an inspection by Greenspace Unit staff after the first 6 months. 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).

- 12.8 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 mitigation landscape works, including street 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 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.

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

- 12.9 Street Trees and Street Gardens

The Consent Holder shall submit a plan(s) for the proposed street trees and street gardens (if any) to the Council's Asset and Network Planning (Greenspace) Team for acceptance. The plan(s) are to provide sufficient details to confirm compliance with the requirements of the IDS (current version) and the CSS Part 7: Landscapes (current version). All landscape works required by this condition are to be carried out in accordance with the accepted report and plan(s) at the Consent Holder's expense. The Consent Holder shall maintain the works and planting for 12 months from the time section 224 certificate is issued. The street trees and street gardens landscape plans, development, planting and 12 month maintenance are to be carried in accordance with the approved plan at the Consent Holder's expense.

- 12.10 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.*

- 12.11 Reserve Boundary Fences

The Consent Holder shall comply with the IDS 10.6.9 Boundary Fencing. Reserve boundary fencing over 1.2 m high is to be at least 80% open in order to enable clear visibility for neighbouring properties. 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 \$26.83 per metre as per the Fencing Act.

- 12.12 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.

### **13. Amalgamations**

The following amalgamation conditions have been approved by Land Information New Zealand. The conditions are to be included in the digital Title Plan dataset

“Lots 57,58,308 and 309 to be held in same certificate of title.”

LINZ request No 1264106

Lot 216 to be amalgamated with Lot 84 DP 314227  
Lot 217 to be amalgamated with Lot 87 DP 314227  
Lot 218 to be amalgamated with Lot 34 DP 301381  
Lot 219 to be amalgamated with Lot 35 DP 301381  
Lot 220 to be amalgamated with Lot 36 DP 301381  
Lot 221 to be amalgamated with Lot 37 DP 81184  
Lot 222 to be amalgamated with Lot 38 DP 81184  
Lot 223 to be amalgamated with Lot 42 DP 81184  
Lot 224 to be amalgamated with Lot 45 DP 81184  
Lot 225 to be amalgamated with Lot 48 DP 301381  
Lot 226 to be amalgamated with Lot 49 DP 301381  
Lot 227 to be amalgamated with Lot 64 DP 72111  
Lot 228 to be amalgamated with Lot 1 DP 350138

### **14. Street Lighting**

Street Lighting is to be installed in the new roads, in compliance with Council’s “Design Guide and Installation Requirements of Road Lighting in Subdivisions.”

### **15. Engineering Plans**

Engineering plans for the construction of the new road(s), access to rear lots, street lighting, drainage, sediment control, water supply, earthworks, landscaping and tree planting shall be lodged with the Subdivisions Engineer who shall provide confirmation of Engineering Acceptance prior to the commencement of any physical works. All works are to be in accordance with the requirements of condition 5.

An Erosion and Sediment Control Management Plan is required as part of ECan consent CRC074181. The approved SCMP is to be implemented on site during the subdivision construction phase, and no works are to commence until such time as the SCMP has been approved.

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

### **16. Plans for Geodata Plot**

Two copies of the title plan and one copy of the survey plan are to be submitted to the Team Leader Subdivisions as soon as the plan has been lodged (or earlier if possible) for checking at land Information New Zealand.

### **17. As Built Plans**

As built plans of stormwater retention/detention basins and swales are to be forwarded to the Subdivision Engineer together with capacity calculations to confirm that the works have been constructed in accordance with the engineering plan.

### **18. Filled Land**

1. All filling exceeding 300mm above excavation level shall be in accordance with the Code of Practice for earth-fill for residential purposes NZS 4431:1989. A duly completed certificate in the form of Appendix A of NZS 4431 shall be submitted to Council for all lots within the subdivision that contain filled ground prior to the issue of a section 224 certificate.
2. The construction details of the retaining wall required to retain the fill are to be submitted to the Subdivisions Engineer for information. The wall construction and materials are to be certified in addition to the NZS 4431 certification.

*Note: The applicant is advised that an engineering approval does not constitute a resource consent for earthworks against adjoining properties. Council reserves the right to require the consent holder to obtain a resource consent in accordance with Chapter 9, Rule 5.5 of the Proposed District Plan.*

#### **19. Geotechnical Conditions**

- (a) That all dwellings etc requiring a building consent in terms of the Building Act will require specific foundation design by a suitably qualified Geotechnical engineer experienced in the behaviour of the Port Hills Loess. A Consent notice shall be registered on all titles requiring the above.
- (b) Engineering plan's showing all retaining are to be submitted to the Subdivisions Engineer for approval. All cuts in Loess are to be retained. Cuts within rock will be assessed on site but should be considered as retained in the first instance.

All retaining walls exceeding one metre in height or surcharged will require a separate building consent in terms of the Building Act. Walls supporting the carriageway are to be within the legal road boundary. Walls supporting cut faces above the road are to remain within private property and the road boundary is to be at the base of the wall.

Fill batters are to be within the legal road and are to be 1 in 4 i.e. 1 vertical: 4 horizontal for the ease of maintenance. Steeper batters will be considered, but specific maintenance/planting requirements will be specified.

#### **20. Power Transmission Lines**

Setback requirements are applicable to the Transpower and Orion Transmission lines. Prior to start of works under or adjacent to the lines and towers the applicant shall provide Council with confirmation from Transpower and Orion that the proposed works comply with the applicable acceptable standards and separation distances for the work as detailed in the New Zealand Electrical Code of Practice for Electrical Safe Distances, NZECP 34:2001 and the Transpower "*Development guide for development near high voltage transmission lines*".

#### **21. 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.

#### **22. Right of Way Easements (Private Ways)**

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

#### **23. 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.

#### **24. Existing Easements over areas of Road to Vest**

The portion of any existing easements that extend over any road to vest are to be surrendered.

#### **25. Easements over Reserves**

Easements over land that is to vest in Council as reserve are to be shown on the survey plan in a Schedule of Easements.

#### **26. Existing easements under reserve to vest**

If Council requires the retention of existing easements over land that is to vest as reserve a certificate pursuant to Section 239(2) of the Resource Management Act 1991 is to be endorsed on the survey plan.

#### **27. Easements in Gross**

The legal documents creating the easements in gross are to be prepared by Council at the consent holder's expense. Council's Legal Services Unit will, upon request, arrange for the documents to be prepared.

## **28. Restricted Access/Specific Foundation design**

For Lots 136,146-and 183-184, and 196-203 there shall be no vehicle access to Worsleys Road.

*The following consent notice pursuant to section 221 of the Resource Management Act 1991 is to be registered against the affected certificates of title:*

*That all dwellings, garages, outbuildings and secondary structures be provided with specifically designed foundation certified by a Chartered Engineer to be in accordance with the New Zealand Building Code.*

- Lots 136, 146 and 183-184 and 196 – 203.  
*There is no vehicular access to Worsleys Road.*

Council will prepare the Consent Notice.

### **~~28.1 Deleted~~**

**28.2** Road Frontage upgrading will be required along Worsley Rd with Kerb and Channel, Footpath and street lighting in accordance with the IDS.

*Note: The formation will be required on both sides of the road and Council will enter into a PDA with the developer on CCC's Contribution which will include work at the new intersection.*

**28.3** *A cost share agreement shall be entered into between CCC and the developer for any works relating to the upgrading of Worsleys Road in Stage 6. This agreement shall have conditions similar to the agreement used for Worsleys Road works undertaken with Stage 4 of the Westmorland Development'*

Note:

The formation will be required on both sides of the road and Council will enter into an Infrastructure Provision Agreement IPA with the developer on CCC's Contribution which will include work at this new intersection.

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

Post and nameplate fees of \$300/nameplate and \$150/post 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.*

## **30. Public Utility Sites**

Any 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 shown on the approved application plan.

## **31. 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.

## **32. Duration of this Consent**

The period within which this consent is given effect to shall be five years for Stages 1 to 3 and 10 years for Stages 4 to 6

### **Advice Note:**

The lapse date of the consent remains unchanged, i.e. 19<sup>th</sup> December 2022. The consent will lapse on this date unless it is given effect to before then.

**Reported and recommended by:** John James Planner

**Date:** 21<sup>st</sup> of June 2021

## Decision

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

**Delegated officer:**



Paul Lowe  
Team Leader Planning  
06/07/2021 02:32 PM