

Report / Decision on a Non-notified Subdivision Consent Application and Cancellation of Consent Notices

Sections 95A / 95B and 104 and 104C, and 221(3)

Application Number:	RMA/2020/2528
Applicant:	CDL Land New Zealand Limited
Site address:	Various sites in the Prestons Park Subdivision
Site area:	Various
Legal Description:	Various (see table below)
Zoning:	Residential New Neighbourhood
Overlays and map notations:	none relevant
Activity Status - subdivision:	Restricted discretionary
Activity Status – 221(3):	Discretionary
Description of Application:	Re-subdivision of development lots; cancellation in part of existing consent notices relating to yield and density banding.

The proposal

The application as advanced proposes to reorder and further subdivide a number of existing “future development blocks” that were consented under the earlier subdivision approvals that apply to the wider site area. The land is currently under development, earlier stages having been completed and titled. Later stages of the development continue in development under other consents (including RMA/2013/1085 and RMA/2019/2745). The proposal here does not ultimately conflict with those consents.

The proposal is described in more detail in paragraphs 17-20 of the application document. In particular the application document notes the difficulties the developer has had in trying to market the existing development blocks with their associated requirements. This is promoted as the rationale for the restructuring of development over these lots by this subdivision. The proposal here is to create 58 lots with an additional 6 to be required by consent notice over Lots 4003 – 4006 and 4009 and 4010 requiring each to accommodate two dwellings.

There is some complexity in the proposal despite its apparent simplicity. The alterations to the ODP through the District Plan review mean that some areas of the wider site envisaged as high density development land under the previous ODP versions are no longer indicated for that development, while some remain. The alterations to the current consent arrangements that are proposed here see higher density lots (those over 4003-4006 and 4009-4010) proposed in a part of the ODP area that is not now (despite the consent notices that sit on the titles of this land currently) anticipated to hold them. In saying that I acknowledge that these lots are on average only at most 10m² less in area than the minimum RNN lot size. Conversely the areas that remain shown on the ODP as being high density areas are proposed to hold allotments larger than the maximum indicated under Rule 8.6.11. Both these issues notwithstanding the proposal as a whole has been demonstrated to continue to deliver the minimum overall density required in the zone being at least 13 households per hectare.

I accept the application description as being accurate description and note that it continues to be relevant notwithstanding the amendments made to the proposed scheme plans to further reduce allotment numbers from the originally proposed arrangement and make other small changes. The scheme plan amendments were made after discussion over density and additional land required to form part of the Prestons domain (as an access route to Prestons Park Drive). A recreation reserve to vest (Lot 1084) was added to the plan set on Drawing SU-PS-S1-SP-05.1 Revision C.

The changes meant the applicant was able to slightly reduce allotment numbers from the original application and still maintain the required density of between 13 and 15 households per hectare over the wider Prestons Park subdivision area.

At paragraph 33, the application also indicates that deletion of consent notices relating to yields is also requested. There is no particular assessment related to that request included in the application. I accept however that an alteration to allotment numbers (yield) over these blocks necessarily requires alteration (or

deletion in part) to the consent notices as they currently exist. Assessment of any effect of this is intimately bound with assessment generally under the proposal to subdivide. The processing of the 221(3) request is rolled here into this report. A separate decision recommendation is made below in respect of the 221(3) application. For that reason the activity status of the subdivision itself is not impacted by the fully discretionary status of the 221(3) application.

I do note in respect of the existing consent notices that they also indicate a density band under which the allotment is to be developed. This is a hangover from a previous City Plan and its descriptions of and provisions relating to density. Density was previously located within the zone by placement on the relevant Outline Development Plan (ODP). That is no longer the case for all sites here. The sites shown on DW-SU-PS-S1-SP-02 to 05 are still indicated on the ODP as Residential Density A. The consent notice should be amended here to delete yield references, but also to amend the density reference to its current descriptor in the District Plan.

The remainder of the land affected here is not shown on the ODP as being high density. Consequently, it cannot rely on the benefits of additional site coverage or height that accrue to sites covered by that overlay once re-subdivided here. For that reason the alteration to the consent notices for that land should not only remove the requirement for yield on the existing blocks but also delete any reference to a density band as none is relevant. The allotments to be created here from land not currently shown in the higher density bands in the ODP will be subject to standard zone provisions for RNN allotments. They are not indicated on the ODP as high density. This may result in an apparent drop in development potential but in reality additional site coverage is not available (under density A dispensation) and generally the sites in the Prestons Park development are limited by private developer covenant to single level dwellings so any ability to utilise the height dispensation is limited by other protections in any event.

There are no new roads proposed in this subdivision – the land subject to the application is already serviced with roads and a certain number of connections to infrastructure. Consent conditions recommended below deal with any additional requirements for servicing with stormwater, sewer and water supply infrastructure. Power and telecommunications conditions are also included as standard.

The majority of the adjoining sites in the wider subdivision are developed and most are occupied by dwellings

The various land parcels affected by the application are listed below.

Lot Number	Location	Area
Lot 3001 DP 486184	10 Prestons Park Road	
Lots 421 and 422 DP 525627	16-24 Pajet Street	2,128m ²
Lots 423 and 424 DP 525627	1-11 Ahaura Street	1,826m ²
Lots 708-710 DP 495865	44-60 Lambies Street	2,910m ²
Lots 711 and 712 DP 495865	24-36 Lambies Street	2,603m ²
Lots 52- 54 DP 486184	1-19 Ellesmere Street	2,587m ²
Lots 103-106 DP 494177 and Lot 107 DP 500854	27-59 Ellesmere Street	4,070m ²
Lots 678-681 DP 520200	1-31 McKerrow Street	3,940m ²
Lots 682-684 DP 520200	41-61 McKerrow Street	2,660m ²

Description of site and existing environment

The application site and surrounding environment are described in paragraphs 9 - 13 of the AEE submitted with the application. I adopt the applicant's description.

Relevant rules and activity status

Christchurch District Plan

The site is zoned Residential New Neighbourhood. The Residential New Neighbourhood Zone generally includes new areas of greenfield land where large-scale residential development is planned. The zone allows for a wide range of residential house types and section sizes and is intended to provide for a wide spectrum of household sizes and affordable housing. These areas are intended to achieve higher overall residential densities than traditionally achieved in suburban developments.

Subdivision rules

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
5.5.2 C1	-	Any subdivision which creates a vacant allotment within the Liquefaction Management Area is classified as a controlled activity under Chapter 5	Location, size and design of allotments, structures, roads, access, services or foundations as they relate to the liquefaction hazard; Timing, location, scale and nature of earthworks as they relate to the liquefaction hazard; and Liquefaction hazard remediation methods. Criteria in 5.5.2 C1 b.	Shall not be limited or publicly notified.
8.5.1.3 RD2	8.5.1.2 C5	Breaches of 8.6.11.a. & c. Area shown as high density on the ODP should be subdivided into allotments between 200 and 250m ² (Table 8 - D), larger allotments proposed; as subdivision not associated with comprehensive development a minimum of 4ha area required.	8.7.4 (<i>matters of control for imposing conditions</i>) 8.8.3 – 8.8.6, 8.8.8 & 8.8.9, 8.8.11 (<i>matters of discretion for granting /declining and for imposing conditions</i>)	Yes – 8.4.1.1

Note – the application indicates a non-compliance with the ODP (Development Requirements) and notes that the site will be developed for residential activities – I consider this an error – there is no non-compliance with the ODP here in terms of land use type. All land subject to this consent is identified on the ODP as residential. The development of the proposed sites for that purpose is anticipated by the Plan. The development – essentially being infill in the existing neighbourhood framework – complies with the relevant development requirements listed in 8.10.25.D. except for the fact that the development of the land shown as density A on the ODP along the interface with the domain, and along Ellesmere Street (being that land shown on DW-SU-PS-S1-SP-04.1, DW-SU-PS-S1-SP-05.1, DW-SU-PS-S1-SP-02.1 and DW-SU-PS-S1-SP-03.1) which is not being developed into allotments between 200 and 250m² in area. The 200-250m² requirement is found in 8.6.11 d. and associated table 8D.

The application at paragraph 26 notes that consent has previously been granted under RMA92025118 for earthworks associated with the subdivision. This paragraph also notes that the proposed earthworks will be able to be incorporated as part of previously consented activities. I do not agree with this statement. I consider that the earthworks authorised by the consent referred to are complete as part of the underlying development. Any required earthworks to implement this subdivision are likely to extend only to those required to make service connections. There is no specific discussion of earthworks in the application. No consent is sought for any breaches of standards. Assuming that any future earthworks required for site development are either permitted (within the building footprint and/or of complying volume and depth) no further consent is likely required. Any earthworks to create service connections is permitted as a utility under 11.8.1 and 8.9.3 vi., given that the wider network has been established through the underlying subdivision consent.

Rule 8.4.1.1 specifies that any application for a controlled or restricted discretionary subdivision consent shall not be publicly or limited notified (except in relation to restricted discretionary applications seeking access on to a State Highway).

National Environmental Standard

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) controls subdivision of land and soil disturbance where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out or is more likely than not to have been carried out.

The land here has been previously subdivided and worked. The consents authorising that work dealt with relevant NES matters relating to land contamination.

The application includes confirmation from a SQUEP that the testing carried out as part of the earlier development confirms the land meeting the residential use standard. Consequently, the subdivision here is not subject to the NES. I have confirmed this with Council's Senior Environmental Health officer MS Isobel Stout.

While this is the case – advice should still be sought regarding disposal from these sites of any surplus soils. This matter is referred to in the advice notes below.

Statutory Considerations – 221(3)

Section 221(3) of the Resource Management Act 1991 provides that, at any time after the deposit of the survey plan, the owner may apply to the Council to vary or cancel any condition specified in a consent notice. Sections 88 to 121 and 127(4) to 132 apply to such an application.

Section 127(4) requires that consideration be given to persons who may be affected by the change or cancellation of the consent notice.

I note that while the Plan at D6 under 8.5.1.4 assigns an activity status to applications to alter or cancel a consent notice protecting trees section 221(3) does not indicate an activity status for applications to alter or delete a consent notice condition generally. As the consent notice alterations proposed here are not related to trees, a full discretionary status is applied out of caution as the applications under 221(3), unless prescribed an activity status by the District Plan, are effectively innominate.

Effects on the environment and adversely affected persons [Sections 95D, 95E and 104(1)(a)]

Subdivision

As a restricted discretionary activity, the assessment of the effects of the subdivision is limited to the matters over which the Council has limited its discretion outlined in Chapter 8 of the Christchurch District Plan.

In my opinion, the effects of this proposal relate to layout, servicing, and density. I note that the wider layout and subdivision pattern is already consented and constructed under earlier consents.

Sewer

The area of the development here is serviced by a vacuum sewer system. The system has capacity for the development of this land at slightly higher densities than proposed. While no wastewater certificate was supplied it is accepted by Council that the network has capacity for the development as proposed – it was designed to provide service to these sites.

Council's Team Leader Asset Planning (Water and Waste) Ms Michele McDonald makes the following comment: *These lots fall within the Prestons Vacuum Sewer System. In most cases vacuum chambers have already been provided – however there are cases requiring new additional chambers to be established.* Ms McDonald also provides a set of conditions to ensure satisfactory servicing of the proposed allotments with a sewer connection. These have been accepted by the applicant.

Water Supply

Ms McDonald has also made comment in respect of water supply, and notes that water mains are already established (under the previous consent), however in some cases the extension of submains will be required to service the allotments here.

These conditions have been accepted by the applicant.

Stormwater

The proposal has been reviewed by Council's consultant Stormwater Engineer Mr Victor Mthamo. Mr Mthamo raises no concern with either quantity or quality of stormwater likely generated by the proposed development. Conditions have been provided to manage both stormwater and erosion and sediment control as part of development works, and accepted by the applicant.

The proposed subdivision is generally anticipated within the zone, and I consider that any adverse effects on the environment can be adequately mitigated by the recommended conditions of consent. I accept the advice provided to me by the experts referred to above. I recommend conditions below in line with those provided to me and accepted by the applicant. I note further that the application at section 8 of the infrastructure report

notes that a building act exemption BAE will be obtained for works involving drainage on private land (in the right of way alignments).

Layout/Transport

The original plan set had raised a question from Council's Transport Network Planner Mr Mike Calvert. Mr Calvert was concerned that the access to some allotments from Prestons Park Drive would generate a potential for risky turning manoeuvres around the existing solid median near the intersection with Prestons Road. Subsequent layout plans that included Lot 1084 for access to the domain have seen the access to Lots 1088 to 1091 relocated such that it is clear of the solid median. Consequently the matter is now resolved. Otherwise all allotments access from existing formed roads and subject to crossing approvals being obtained will be satisfactory.

The application contains an assessment of effects from paragraph 46 – 63 I generally accept and adopt that assessment in addition to my comments above.

The Plan provides that the subdivision application shall not be publicly or limited notified. I consider in any event that the subdivision is anticipated by the District Plan in this zone and that any effects arising are suitably managed by conditions such that they are less than minor in scale. There will be no effects on the wider environment. I do not consider that any person will be adversely affected.

Variation of Consent Notices

As the subject land here was in various stages across underlying consent areas there are a number of consent notices to be varied and or partly cancelled (there was no consent notice registered on Lot 3001 DP 486184). A basic description of the issue is given in the introduction above. For clarity I set out below the relevant notices and incorporate the changes required (additions in **bold underline**, deletions in ~~strike through~~) to the respective consent notices in light of the development proposed under this consent:

Lots 52-54 DP 486184 – Consent notice 10270055.4

- **Density Band**
This Lot is identified as Density A and is to be developed in accordance with the relevant provisions of the **Residential New Neighbourhood** ~~Living G~~ (Prestons) zone.
- **Lot Yield for High Density Development Lots:**
Lot 52
On development this Lot shall yield a minimum of 4 allotments for Density A residential use
Lot 53
On development this Lot shall yield a minimum of 4 allotments for Density A residential use
Lot 54
On development this Lot shall yield a minimum of 4 allotments for Density A residential use

Lots 103 – 106 DP 494177 – Consent notice 10315516.3

- **Density Band**
This Lot is identified as Density A and is to be developed in accordance with the relevant provisions of the ~~Living G~~ **Residential New Neighbourhood** (Prestons) zone.
- ~~**Lot Yield for High Density Development Lots**~~
~~**Lot 103**~~
~~On development this Lot shall yield a minimum of 3 allotments for Density A residential use~~
~~**Lot 104**~~
~~On development this Lot shall yield a minimum of 3 allotments for Density A residential use~~
~~**Lot 105**~~
~~On development this Lot shall yield a minimum of 4 allotments for Density A residential use~~
~~**Lot 106**~~
~~On development this Lot shall yield a minimum of 4 allotments for Density A residential use~~

Lot 107 DP 500854 – Consent notice 10563821.5

- **Density Band**
This Lot is identified as Density A **and is to be developed in accordance with the relevant provisions of the Residential New Neighbourhood (Prestons) zone.** in the Prestons ODP.

- ~~Lot Yield for High Density Development Lots~~

- ~~Lot 107~~

- ~~On development this Lot shall yield a minimum of 4 allotments for Density A residential use~~

Lots 708 – 712 DP 495865 Consent notice 10482325.2

- **Density Band**

- This Lot is identified as Density A and is to be developed in accordance with the relevant provisions of the Living-G **Residential New Neighbourhood** (Prestons) zone.

- ~~Lot Yield for High Density Development Lots:~~

- ~~Lot 708~~

- ~~On development this Lot shall yield a minimum of 4 allotments for Density A residential use~~

- ~~Lot 709~~

- ~~On development this Lot shall yield a minimum of 4 allotments for Density A residential use~~

- ~~Lot 710~~

- ~~On development this Lot shall yield a minimum of 4 allotments for Density A residential use~~

- ~~Lot 711~~

- ~~On development this Lot shall yield a minimum of 4 allotments for Density A residential use~~

- ~~Lot 712~~

- ~~On development this Lot shall yield a minimum of 6 allotments for Density A residential use~~

Lots 678 – 684 DP 520200 – Consent notice 11091701.9

- **Density Band**

- This Lot is identified as Density A and is to be developed in accordance with the relevant provisions of the Living-G (Prestons) Residential New Neighbourhood (Prestons) zone.

- ~~Lot Yield for High Density Development Lots – Density Band A:~~

- ~~Lot 678~~

- ~~On development this Lot shall yield a minimum of 4 allotments for Density A residential use~~

- ~~Lot 679~~

- ~~On development this Lot shall yield a minimum of 4 allotments for Density A residential use~~

- ~~Lot 680~~

- ~~On development this Lot shall yield a minimum of 4 allotments for Density A residential use~~

- ~~Lot 681~~

- ~~On development this Lot shall yield a minimum of 4 allotments for Density A residential use~~

- ~~Lot 682~~

- ~~On development this Lot shall yield a minimum of 4 allotments for Density A residential use~~

- ~~Lot 683~~

- ~~On development this Lot shall yield a minimum of 4 allotments for Density A residential use~~

- ~~Lot 684~~

- ~~On development this Lot shall yield a minimum of 4 allotments for Density A residential use~~

Lots 421-424 DP 525627 – Consent notice 11269487.5

- **Density Band**

- This Lot is identified as Density A and is to be developed in accordance with the relevant provisions of the Residential New Neighbourhood (Prestons) zone

- ~~Lot Yield for High Density Development Lots – Density Band A:~~

- ~~Lot 421~~

- ~~On development this Lot shall yield a minimum of 5 allotments for Density A residential use~~

- ~~Lot 422~~

- ~~On development this Lot shall yield a minimum of 4 allotments for Density A residential use~~

- ~~Lot 423~~

- ~~On development this Lot shall yield a minimum of 4 allotments for Density A residential use~~

- ~~Lot 424~~

- ~~On development this Lot shall yield a minimum of 4 allotments for Density A residential use~~

The subdivision pattern is set in the wider development, servicing is in place and can be amended under recommended conditions here to service the rearrangement of allotments and further subdivision proposed. Although the yield from these development blocks is reduced from that originally anticipated under the parent consents, the development overall will continue to satisfy the net density requirements under the ODP of 13-15 households per hectare. For clarity I consider that there are no material effects arising from the proposed changes to the consent notices and that there is neither an effect on the wider environment or on any person.

Overall

The effects on the environment and any parties are less than minor.

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 must not be publicly notified as:

- Rule 8.4.1.1 a. precludes public notification for restricted discretionary subdivision consents (section 95A(5)(a)).

Step 3. This step is not applicable as public notification of the application is prevented by Step 2.

Step 4. There are no special circumstances that warrant public notification (section 95A(9)).

Limited notification assessment

Step 1. There are no affected groups or persons as outlined in section 95B(2) and (3).

Step 2. Limited notification of this application is precluded by Rule 8.4.1.1 a. (section 95B(6)(a)).

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)).

Conclusion on notification

There is no requirement for public or limited notification of this application.

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. For restricted discretionary activities, Section 60(5) states that such plans are a matter over which discretion is restricted and that section 87A(3) of the RMA applies accordingly.

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

Other Section 104 matters

The application contains an assessment of the proposal against the objectives and policies of the Plan at paragraphs 64-66. I generally accept and adopt that assessment and consider that the application is:

- Consistent with the relevant objectives, policies and matters of control and discretion in the District Plan which essentially seek to maintain or enhance the amenities of the built environment, and ensure that the creation of new allotments does not adversely impact on physical infrastructure or the cost of its provision.
- Consistent with the relevant objectives and policies in Chapter 8 of the District Plan, as the new allotments will be appropriately designed and serviced for the anticipated purpose.

- Consistent with natural hazard objectives and policies – in that development of the sites will require attention to foundation design and this is protected by existing consent notices that will come down onto the resultant titles here.
- Able to be granted consent without public notification, pursuant to Section 104(3)(d).

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health is discussed above. It is not directly applicable here the issue of suitability for residential use having been addressed by earlier consenting and reporting under the NES.

For completeness, I note that the District Plan gives effect to the relevant 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.

Section 106

s106 Consent authority may refuse subdivision consent in certain circumstances

- (1) *A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—*
- (a) *there is a significant risk from natural hazards; or*
 - (b) *(repealed)*
 - (c) *sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*
- (1A) *For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—*
- (a) *the likelihood of natural hazards occurring (whether individually or in combination); and*
 - (b) *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*
 - (c) *any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).*

This section of the Act is particularly relevant in relation to geotechnical concerns following the Canterbury earthquakes. The land is identified as being within the Liquefaction Management Area in the Christchurch District Plan and rule 5.5.2a applies.

The applicant has previously submitted a number of geotechnical reports prepared by Aurecon for earlier stages of underlying subdivision consents. These included both pre and post development reporting. The land is considered suitable for residential use with appropriate foundation design as recommended by consent notices that are on the current land parcels and will come down onto the new parcels proposed by this subdivision.

The application here has been reviewed by Council's Subdivision Engineer Mr Peter Megarry. Mr Megarry notes the previous consenting and geotechnical reporting history of the land and recommends that the geotechnical completion reports are considered at building consent stage. As above this is protected by the existing consent notices referring to these reports as they relate to individual land parcels. The consent notice will come down on the new sites and is not proposed to be altered here.

I note as above that Lot 3001 DP 486184 is not subject to a consent notice regarding foundation design. This land parcel was subject to testing and reporting under the earlier consents, but a consent notice was never imposed upon it. Below I recommend a consent notice condition on foundation design and referring to the Stage M geotechnical completion report for RMA/2013/1562. This brings that allotment in line with the others on the same original DP number in relation to geotechnical matters and will ensure the land is developed with the knowledge of previous ground improvement works and associated recommendations.

I accept the advice provided to me regarding the risk of natural hazards, and conclude that there are no grounds to refuse consent under section 106(1)(a). In terms of section 106(1)(c) I am satisfied that adequate legal and physical access is provided to each allotment.

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

VARIATION of CONSENT NOTICES

- (A) That the application be processed on a **non-notified** basis in accordance with Sections 95A – 95E of the Resource Management Act 1991.
- (B) That, for the above reasons, the consent notices relating to the land covered by this consent be **varied** on a non-notified basis pursuant to Section 221(3) of the Resource Management Act 1991.

Approval is granted subject to the following conditions:

1. The changes to the consent notices shall be as set out on pages 5, 6 and 7 of this report.

Council will prepare the certificates at the time of 224 application for the various stages.

SUBDIVISION CONSENT

- (A) That the application be processed on a **non-notified** basis in accordance with Sections 95A – 95E of the Resource Management Act 1991.
- (B) That the application **be granted** pursuant to Sections 104, 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.

2. Staging

The subdivision may be carried out in stages. Stages may be completed in any order or combined on a single Land Transfer Plan as long as the entirety of each included stage is completed at one time.

If staged, each stage is to be in accordance with the staging shown on the application plan (SU-PS-S2-IN-00 Revision E) being the development blocks as listed below:

- Stage 1 – 7 Lots as shown on DW-SU-PS-S1-SP-02.1
- Stage 2 – 10 Lots as shown on DW-SU-PS-S1-SP-03.1
- Stage 3 – 11 Lots as shown on DW-SU-PS-S1-SP-04.1
- Stage 4 – 11 Lots (including one reserve to vest) as shown on DW-SU-PS-S2-SP-05.1
- Stage 5 – 4 Lots as shown on DW-SU-PS-S2-SP-1.1
- Stage 6 – 4 Lots as shown on DW-SU-PS-S2-SP-2.1
- Stage 7 – 7 Lots as shown on DW-SU-PS-S2-SP-3.1
- Stage 8 – 5 Lots as shown on DW-SU-PS-S2-SP-4.1

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

3. Future development on Lots 4003 – 4006, 4009 and 4010

On future development of these allotments a total of two residential units shall be created on each title. These may be later subdivided. The size and location of any initial dwelling on the allotment shall not impede delivery of the required second unit.

This condition requires ongoing compliance and will be protected by consent notice.

4. Allotment to Vest as Reserve

As agreed with the applicant Lot 1084 is to be shown on the survey plan as Recreation Reserve to Vest.

5. Engineering 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, Engineering Plans, Erosion and Sedimentation Plans, Environmental Management Plan 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.
- B. Submit a Contract Quality Plan for review by the Council and an Engineer's Review Certificate complying with clause 3.3.3.

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 and Completion Certificate complying with clause 3.3.4.

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 certification is provided 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, all infrastructure is to be designed 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.

6. Water Supply

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

6.2 New sub-mains or extensions of sub-mains shall be installed by a Council approved water supply installer at the expense of the applicant.

6.3 Any rear lot or lot within a R.O.W 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 favor 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.

6.4 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.

7. Sewer

- 7.1** The subdivision shall be serviced by a vacuum sewer system designed in accordance with Council's Infrastructure Design Standards and Construction Standard Specifications as well as in accordance with the Preston Road Development Vacuum Sewerage Reticulation System Master Plan and the general arrangement details for the vacuum chamber and breathing pit as prepared by Flovac for the Prestons vacuum sewer system. Engineering drawings 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.
- 7.2** Vacuum sewer mains, where required, shall be PE100 PN12.5/SDR13.6 pipe ranging in size from DN90mm minimum and DN125mm maximum diameter, laid to a minimum gradient of 1:500 and jointed with electro-fusion couplings. The mains shall be installed in the carriageway on an offset agreed between Council and the Consent Holder. It shall include division valves which shall be resilient seated gate valves, vacuum rated to 90kPa, located on every branch and at maximum intervals of 500m.
- 7.3** The sewer system 100mm and 150mm uPVC gravity sewer laterals shall be laid from the vacuum chambers located in the berms, to at least 600mm inside the net site area of all lots at the subdivision stage. The laterals will be installed at a sufficient depth to ensure that adequate fall is available to serve the furthestmost part of the lots.
- 7.4** All private sewer laterals (serving rear lots, if any) shall be installed under a single global Building Consent by a Registered Drain Layer and the Code of Compliance Certificate forwarded to Council's Subdivision Team as part of the Sec 224c application.
- 7.5** All valve chambers shall:
- a. Be located in the berm/footpath, each servicing a maximum of 4 lots. Peak flows shall at no time exceed the manufacturer's recommended capacity or 0.25 l/s per interface valve.
 - b. Meet the Council's requirement of combined storage within the chamber and the connection laterals. The design shall provide minimum emergency storage equal to 12 hours of the total average dry weather flow, inclusive of the operating volume of the gravity network. The volume that can be used for emergency storage shall be the volume contained in the vacuum collection chamber from the base of the collection chamber up to the lowest ground level of any point served by the chamber as well as the volume contained in the greater or equal to DN150 gravity sewers entering the collection chamber between these two levels.
 - c. Storage calculations can include the volume of the property connection and the property sewer to within 0.5m below the level at which the overflow will occur.
- 7.6** Buffer tanks or multiple interface valves may be required for large users or at gravity interfaces.
- 8. Stormwater**
- 8.1** New stormwater laterals are to be laid to at least 600mm inside the boundary of all lots at the subdivision stage. The laterals are to be laid at sufficient depth to ensure protection and adequate fall is available to serve the furthestmost part of the lot.
- 8.2** Engineering plans, specifications and calculations for the design and construction of the stormwater management systems demonstrating compliance with the above conditions shall to be submitted for acceptance by the CCC 3 Waters Planning Unit.
- 8.3** Unless otherwise approved by Council Engineers, any alterations to Council public stormwater infrastructure required as part of the site works shall be undertaken by a Council Authorised Drainlayer.
- 8.4** An Erosion and Sediment Control Plan (ESCP) shall be developed by a suitably qualified person. The performance criteria for the ESCP shall be based on Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury. The ESCP shall be implemented on site prior to site earthworks commencing.

8.5 The applicant shall provide as-built plans of the surface water management systems and confirm that they have been constructed in accordance with the approved plans and comply with the IDS, particular Part 3: Quality Assurance and Part 12: As-Builts.

9. 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.

10. Vehicle Access

Access for rear lots from the road carriageway to the road frontage is to be constructed in accordance with the Council's Construction Standard Specification Part 6, Clause 6 and Standard Details SD606, SD607, SD608, SD611, SD612, SD615 & SD616. For new formation, Clegg hammer test results complying with clause 6.5 'Metalcourse' are to be supplied with the 224c Conditions Certificate request.

Note: New or extensions to vehicle crossings require application to Council prior to construction.

<https://ccc.govt.nz/transport/legal-road/vehiclecrossing>

11. Engineering Plans

Engineering plans for the construction of the access to rear lots, street lighting, drainage, sediment control, water supply; and any earthworks, landscaping and tree planting shall be lodged with the Subdivisions Engineer and approved prior to the commencement of any physical works. All works are to be in accordance with Council's Infrastructure Design Standard.

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

12. 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.

13. Telecommunications and Energy Supply

All lots shall have telecommunications and electrical supply laid to the net site area of each lot.

As-built plans and photographic evidence of the telecommunications and energy supply ducts or cables is to be supplied showing that the ducts or cables have been laid to the net area of each lot.

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, to confirm capacity is available to adequately service the sites.

14. Right of Way Easements (Private Ways)

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

15. 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.

16. Easements over Reserves

Easements over land that is to vest in the Council as reserve are to be shown on the survey plan in a Schedule of Easements. A solicitor's undertaking shall be provided to ensure that the easement is registered on the subject reserve at the time title is created. A section 223 certificate will not issue until such time as a section 239 certificate is issued by Council.

17. Existing easements under reserve to vest

If the Council requires the retention of existing easements over land that is to vest in the Council as Reserve a certificate pursuant to Section 239(2) of the Resource Management Act 1991 will be issued.

18. Easements in Gross

The legal instruments for any easements in gross in favour of the Council are to be prepared by Council's consultant solicitor at the consent holder's cost. The consent holder's solicitor is to contact Anderson Lloyd Lawyers (Mike Kerr) requesting the preparation of the easement instruments. As built plans for the services covered by the easement are to be provided at Section 223 certification stage.

19. 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.

20. Geotechnical/Foundation Design – Lots 1086-1095

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) and shall be investigated in accordance with MBIE Guidelines "Repairing and rebuilding houses affected by the Canterbury earthquakes" (December 2012) or subsequent revision document. Any foundation design required will need to be in accordance with the technical category for the individual lots as defined by the Geotechnical Completion Report - Prestons South Stage M and N - Revision 0, prepared by Aurecon and dated 27 March 2015 and any additional restrictions noted within the report.

21. Consent Notice

Geotechnical re lots 1086 – 1095

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) and shall be investigated in accordance with MBIE Guidelines "Repairing and rebuilding houses affected by the Canterbury earthquakes" (December 2012) or subsequent revision document. Any foundation design required will need to be in accordance with the technical category for the individual lots as defined by the Geotechnical Completion Report - Prestons South Stage M and N - Revision 0, prepared by Aurecon and dated 27 March 2015 and any additional restrictions noted within the report.

Yield on Lots 4003-4006 and 4009 & 4010

On future development of these allotments a total of two residential units shall be created on each title. These may be later subdivided. The size and location of the initial dwelling on the allotment shall not impeded delivery of the required second unit.

22. 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.

23. 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 NOTES FOR CONSENT HOLDERS, TO BE READ IN CONJUNCTION WITH THE DECISION

Your Rights of Objection

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

Commencement of this consent

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

Lapsing of this consent

This resource consent for subdivision will lapse 5 years after the date of commencement of consent (i.e. the date of this letter) unless it has been given effect to by the Council issuing a certificate pursuant to Section 223 of the Resource Management Act 1991.

Application may be made under Section 125 of the Resource Management Act 1991 to extend the duration of the resource consent, and this must be submitted and approved prior to the consent lapsing.

Lapsing of s223 Certification

The s223 certification will lapse 3 years after the date of issue, the Section 223 certificate will lapse (if that certified plan has not been deposited in accordance with Section 224 of the Resource Management Act 1991). The s223 certificate can be re-certified only if the subdivision consent has not lapsed.

Geotechnical matters

The underlying subdivision consents resolved geotechnical matters for these sites. Consent notices regarding foundation design and geotechnical reports prepared by the developer and held on Council's records will come down from parent titles onto the resultant titles here.

Filling and excavation on site

Earthworks within the footprint of the building are exempt from resource consent by 8.9.3a.iv.as noted above. Please note that the exemption from consent for excavations associated with the construction of the dwelling does not extend to placement of fill material on the site in excess of permitted volumes. Care should be taken to preserve surface drainage from all points of the site during earthworking and for finished levels.

Disposal of surplus topsoil following building development

Soils on this site have been remediated during subdivision development to meet residential use criteria under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES). Soils though may still contain contaminants at above local background levels. Before removing excess excavated soils from this site clarification should be sought from Council's Environmental health team as to their suitability for deposition at a cleanfill facility.

Development Contributions *Where DC assessment is available*

This proposal has been assessed for development contributions (DCs) under the provisions of the [Christchurch City Council Development Contributions Policy](#) (DCP). The proposal has been found to create additional demand on network and community infrastructure or reserves.

To help fund community facilities, the Local Government Act 2002 (LGA) allows a council to require development contributions if the effect of a development requires the council to provide new or upgraded infrastructure.

This Notice informs you of the DCs required by the Council for the development but is not a request for payment. An invoice will be issued by the Council when it requires payment of the DC's. Payment will be required before issue of a code compliance certificate for a building consent, commencement of the resource consent activity, issue of a section 224(c) certificate for a subdivision consent or authorisation of a service connection, whichever is first. An invoice can be issued earlier at your request. Council may also issue an invoice, at its discretion, if it considers the development is already utilising Council infrastructure for which DCs are being required.

Development contribution assessment summary

DEVELOPMENT CONTRIBUTIONS SUMMARY			PIM or Consent Ref:		RMA/2020/2528			
Customer Name	CDL Land New Zealand Limited		ASSESSMENT					
Project Address	10 Prestons Park Drive, 16 - 24 Pajet Street, 1 - 11 Ahaura Street							
Assessment Date	9/11/2020							
Assessment Summary								
		HUE Credits		Assessed HUE After Discount	Change	DC Rate (incl GST)	DC Charge (incl GST)	
		Current	Assessed	Discounts				
Activity	Catchment	HUE A	HUE B	C	HUE D	HUE E	G	F = E x G
Network Infrastructure								
Water supply	District-wide	13.00	61.00	0.0%	61.00	48.00	\$2,395.45	\$114,981.60
Wastewater collection	District-wide	13.00	61.00	69.0%	18.91	5.91	\$6,349.15	\$37,523.48
Wastewater treatment and disposal	District-wide	13.00	61.00	0.0%	61.00	48.00	\$2,904.90	\$139,435.20
Stormwater & flood protection	Avon Greenfield	13.00	61.00	50.0%	30.50	17.50	\$1,236.25	\$21,634.38
Road network	Greenfield	13.00	61.00	0.0%	61.00	48.00	\$3,315.45	\$159,141.60
Active travel	District-wide	13.00	61.00	0.0%	61.00	48.00	\$425.50	\$20,424.00
Public transport	District-wide	13.00	61.00	0.0%	61.00	48.00	\$717.60	\$34,444.80
Total Community and Network Infrastructure								\$527,585.06
Reserves								
Regional parks	District-wide	25.00	61.00			36.00		\$97,041.60
Garden and heritage parks	District-wide	25.00	61.00			36.00		\$5,796.00
Sports parks	District-wide	25.00	61.00			36.00		\$91,080.00
Neighbourhood parks	Greenfield	25.00	61.00			36.00		\$343,288.80
Total Reserve Contributions								\$537,206.40
GST 15%								\$138,885.84
Total Development Contribution								\$1,064,791.46

Where both a resource consent and building consent are required as part of the same development, a development contribution (DC) assessment will be undertaken for both consents. However the applicant need only pay for one assessment. As a result, the Council will only invoice in accordance with either the assessment on the resource consent or the assessment on the building consent, whichever is the lower of the two (after any corrections or reassessments undertaken in accordance with the DCP).

The DC assessment is valid for 24 months from the date the assessment is issued (usually with the consent). If the original assessment expires before payment is made, reassessment of the DCs required will be carried out at the same time the invoice is generated.

Reassessments will incorporate any increases to the development contribution requirement in line with the Producers Price Index (PPI) as described in Parts 2.9 and A.7.3 of the DCP. PPI adjustments will incorporate all years between the original application and the time the reassessment is carried out.

Reconsiderations and objections

Under section 199A of the Local Government Act 2002 you can request that the Council reconsider the required DC on the following grounds:

- the development contribution was incorrectly calculated or assessed under the DCP; or
- the Council incorrectly applied its DCP; or
- the information used to assess your development against the DCP, or the way the Council has recorded or used it when requiring a development contribution, was incomplete or contained errors.

A Request for Reconsideration form must be lodged with Council within 10 working days of receiving this DC Notice.

Under section 199C of the Local Government Act 2002 you can object to the assessed DC requirement on the following grounds:

- the development contribution was incorrectly calculated or assessed under the DCP; or
- the territorial authority incorrectly applied its DCP; or
- the information used to assess your development against the DCP, or the way the territorial authority has recorded or used it when requiring a development contribution, was incomplete or contained errors.

An Objection to DCs form must be lodged with the Council within 15 working days of receiving this DC Notice or a reconsidered assessment. A deposit of \$1,000.00 will be required to lodge an objection.

A form to request a reconsideration or lodge an objection can be found on our website. To request an invoice please contact a Development Contributions Assessor by phone on (03) 941-8999 or email developmentcontributions@ccc.govt.nz. Once an invoice has been issued payment is required within 30 days. Please quote the project number with all correspondence.

Further information regarding development contributions can be found on our website www.ccc.govt.nz or by contacting a Development Contributions Assessor on (03) 941-8999.

Payments to Council

If any payments to Council are to be made through internet banking please email the details to resourceconsentapplications@ccc.govt.nz and a tax invoice will be raised. The internet banking details are:

Bank: *Bank of New Zealand*
Account Name: *Christchurch City Council*
Account Number: *02 0800 0044765 003*

The information you need to enter to help us identify your payment will be specified at the bottom of the invoice (i.e. Particulars, Code and Reference details).

Please note that all payments will be credited to our account on the next business day. Any payment made without the details above may take some time to be lodged against the correct account.

Please email resourceconsentapplications@ccc.govt.nz to notify us when you have made payment.

Health of Land

In the event that soils are found to have visible staining, odours and/or other conditions that indicate soil contamination, then work must cease until a Suitably Qualified and Experienced Practitioner (SQEP) engaged by the consent holder has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils. The consent holder shall immediately notify the Council Attention: Team Leader Environmental Health, by way of email to rcmon@ccc.govt.nz. Any measures to manage the risk from potential soil contamination shall also be communicated to the Council prior to work re-commencing.

Archaeological Sites

This site may be an archaeological site as declared by Heritage New Zealand Pouhere Taonga. Under Section 43 of the Heritage New Zealand Pouhere Taonga Act 2014, an archaeological site may be any place that was associated with human activity in or after 1900, and provides or may be able to provide, through investigation by archaeological methods, significant evidence relating to the historical and cultural heritage of New Zealand. **Please contact Heritage New Zealand Pouhere Taonga on infosouthern@heritage.org.nz or (03) 357 9629 before commencing work on the land.**

Earthworks

Chapter 8, Rule 8.9 of the Christchurch District Plan refers to Earthworks and specifies the maximum permitted depth of excavation and fill. There is no exemption for subdivisions, therefore any excavating or filling exceeding this depth will require a further resource consent.

Allocated Street Numbers

Street number allocation was not available at time of granting this consent. For any street number allocation enquiries please email streetnumbering@ccc.govt.nz

Lighting in Private Ways

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

Building consent requirements

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

Reported and recommended by: Sean Ward, Principal Advisor – Resource Consents **Date:** 16/04/2021

Decision

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

Delegated officer:



Paul Lowe
Principal Advisor Resource Consents
22/04/2021 10:44 AM