

CPS 2

 <p>The proposed Christchurch Replacement District Plan</p>	<p>Submission Form</p> <p>For more information go to: proposeddistrictplan.ccc.govt.nz</p>
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Submissions must be received no later than Tuesday 22 March 2016.

1

Make your submission:

Post: District Plan Submissions
Christchurch City Council
PO Box 73001 Christchurch 8154

Email: dpreview@ccc.govt.nz

Deliver: Christchurch City Council
53 Hereford Street, Christchurch

Online: proposeddistrictplan.ccc.govt.nz



2

Submitter details (All details marked with an * must be provided)

Full name(s)* **Clampett Developments Ltd**

I authorise the person below to represent my submission: ☒ (tick)

Submitter agent's name **Aurecon New Zealand Ltd**

Address for service (Indicate your preference)*

Email* ☒ (tick) **mark.allan@aurecongroup.com**

Post* (tick) **PO Box 1061, Christchurch 8140, Christchurch**

Attention: Mark Allan

Phone number* (03)372 7601

Mobile number* 021 936 468

Privacy Act 1993

Submissions are public information. Information on this form including your name and contact details will be accessible to the public on the Independent Hearings Panel (IHP) or the Council websites and at Council service centres and libraries. The Council is required to make this information available under the provisions of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014. Your contact details will only be used by the Council and IHP for the purpose of the district plan review process. The information will be held by the Council or IHP. You have the right to access the information and request any correction.

3

Trade Competition (All details marked with an * must be provided)

If you are a person who could gain an advantage in trade competition through making a submission, your right to make a submission may be limited by Clause 6(2) Schedule 1 of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014.

I could gain an advantage in trade competition through this submission.* ☐ Y ☒ N

If you answered Yes to the above statement please complete the following.

I am directly affected by an effect of the proposal that -

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition ☐ Y ☐ N

4

Hearing (All details marked with an * must be provided)

I wish to be heard in support of my submission.* ☒ Y ☐ N

If you answered Yes to the above statement please complete the following:

If others make a similar submission, I will consider presenting a joint case with them at a hearing. ☐ Y ☒ N

Signature of submitter*

Date* 22 March 2016

Please use the guidelines to assist you to complete this form.

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The specific part of the proposal that your submission relates to is:

11kV Electricity distribution line and related corridor protection setback rules affecting 64 Port Hills Road and 68 Port Hills Road.

Please refer attached for additional details.

My submission is:*

☐ I support ☒ I oppose ☒ I seek an amendment

The decision I seek is that the proposal:*

☐ be retained ☒ be deleted ☒ be amended as follows (you must specify your amended wording):

In the event that the provisions are not deleted, alternative relief through amendment is provided.

Please refer attached for additional details.

Reasons for my submission:

Please refer attached.

FREEPOST Authority No.178

Christchurch
City Council



Free



District Plan Submissions
Christchurch City Council
PO Box 73001
Christchurch 8154

Clampett Developments Ltd submission additional information

Decision sought:

1. Delete the proposal
2. In the event that the proposal is not deleted, alternative relief would be provided by amendment of the proposal as follows, either:
 - a. Delete reference to the 11kV Heathcote to Lyttelton electricity distribution line in relation to 64 Port Hills Road and 68 Port Hills Road; or
 - b. Amend the rules for corridor protection for electricity distribution lines to exempt underground sections of the 11kV Heathcote to Lyttelton electricity distribution line; or
 - c. Amend the definition of electricity distribution line to exclude underground electricity distribution lines; or
 - d. Amend the rules for corridor protection to reduce the width of the buffer for the 11kV Heathcote to Lyttelton electricity distribution line where it is underground to between 1 m to 2 m.

Specific wording for each option follows:

- 2a. Remove notation on Planning Maps 47 and 52 for the 11kV Heathcote to Lyttelton electricity distribution line across 64 and 68 Port Hills Road.

Amend (in ***bold italics***) NC7 of Rule 14.2.2.5 Non-complying activities

- a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):
 - i. within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure; or
 - ii. within 5 metres of the centre line of a 33kV electricity distribution line or within 5 metres of a foundation of an associated support structure.; or
 - iii. ***within 5 metres of the centre line of the 11kV Heathcote to Lyttelton electricity distribution line (except if it is an underground section along Port Hills Road, through 64 Port Hills Road, and through 68 Port Hills Road), or within 5 metres of a foundation of an associated support structure.***
- b. Fences within 5 metres of a 11kV Heathcote to Lyttelton electricity distribution line support structure foundation.

- 2b. Amend (in ***bold italics***) NC7 of Rule 14.2.2.5 Non-complying activities

- a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):
 - i. within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure; or
 - ii. within 5 metres of the centre line of a 33kV electricity distribution line or within 5 metres of a foundation of an associated support structure.; or
 - iii. ***within 5 metres of the centre line of the 11kV Heathcote to Lyttelton electricity distribution line (except that this shall not apply to any underground sections), or within 5 metres of a foundation of an associated support structure.***
- b. Fences within 5 metres of a 11kV Heathcote to Lyttelton electricity distribution line support structure foundation.

2c. Amend (in ***bold italics***) the definition of electricity distribution line:

Electricity distribution line means the ***overhead*** lines and associated support structures utilised by a network utility operator to distribute electricity. For the avoidance of doubt, this includes, but is not limited to, Orion New Zealand Limited assets shown on the planning maps ***and excludes underground sections of these lines***.

2d. Amend (in ***bold italics***) NC7 of Rule 14.2.2.5 Non-complying activities

a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):

- i. within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure; or
- ii. within 5 metres of the centre line of a 33kV electricity distribution line or within 5 metres of a foundation of an associated support structure.; or
- iii. ***within 5 metres of the centre line of the overhead 11kV Heathcote to Lyttelton electricity distribution line, or within 5 metres of a foundation of an associated support structure.***
- iv. within 1 metre of the centre line of the underground 11kV Heathcote to Lyttelton electricity distribution line.***

b. Fences within 5 metres of a 11kV Heathcote to Lyttelton electricity distribution line support structure foundation.

Reasons for my submission:

Background:

Clampett Developments Ltd obtained land use consent and subdivision consents to develop 64 Port Hills Road and 68 Port Hills Road (Pt Res 4946, Lot 1 DP 416688, and Lot 2 DP 416688) for a retirement village including aged residential care, lifestyle village and commercial buildings) on 24 December 2014.

Most recently, Clampett Developments Ltd have sought to satisfy conditions of these resource consents to underground the Orion 11kV electricity lines that currently pass through the site. The overhead lines are to be undergrounded within road reserve along Port Hills Road and under the internal private access for the proposed development to Martindales Road. Beyond the site, undergrounding of the lines will continue to Truscotts Road.

Discussions between Clampett Developments Ltd, Independent Line Services (the designer for the undergrounding of services) and Orion have been ongoing for the past 12 months. Orion instructed Independent Line Services to commence pricing the works in November 2015. Independent Line Services' pricing of the work has been presented to Orion. Site works for the proposed development are scheduled to commence in 2016. Development of the site has approval, and is well-advanced prior to commencing works. This provides some reasonable degree of certainty that the undergrounding of the 11kV electricity distribution lines will take place.

Section 32 Report:

The Section 32 report for the proposal to provide corridor protection for this 11kV line states the following:

*"Corridor protection is a term that relates to providing a buffer or separation between development and ***overhead*** electricity distribution and transmission lines." p.1 ***[emphasis added]****

The same report adds:

"This Proposal includes the addition of:

- *5m corridor protection setback for the 11kV Heathcote to Lyttelton electricity distribution line (including foundations of any associated support structure); and*
- *Non-complying activity status for sensitive activities, buildings and fences within the specified corridor setback.*

The proposed corridor protection will (in relation to new activities and development) avoid operational interference with the 11kV Heathcote to Lyttelton line, facilitate access for maintenance and repair, and protect the line from reverse sensitivity effects." p. 1

The report also recognises that development of 64 Port Hills Road and 68 Port Hills Road has been granted for the retirement village and commercial buildings described above and that agreement has been reached to underground the 11kV line that currently passes through the site as overhead lines. In doing so it makes the following comment:

"If the line is undergrounded, there will be little impact in terms of future development potential on the site. However, it is noted that some form of corridor protection may still be required to enable maintenance of the below ground infrastructure." p. 11

This seems to imply that an undergrounding of the lines might not be subject to the rules proposed, or have 'little impact'. It does not state 'no impact', and nor would such a view necessarily be supported by the content of the rules as drafted for the proposal. This leaves some uncertainty for Clampett Developments Ltd in developing the site, particularly when it is proposed that the planning maps contain a 10 metre wide corridor with associated rules restricting development and possible consequences for any future development of the site beyond the scope of their existing resource consents. Questions that remain:

1. Would undergrounding of the 11kV line mean that the rules for corridor protection would no longer apply to 64 Port Hills Road or 68 Port Hills Road?
2. What lasting impact would the notation on the planning maps through the site have on future development or departures from the existing resource consents even if there are no longer overhead lines through this corridor?
3. Would the rules for corridor protection apply to both the corridor of the former overhead lines as well as the underground lines, or solely the underground lines?

It seems much of the concern triggering the corridor protection is with the safety of the lines, providing separation from structures, fencing, and vegetation, with some on-going concern for access relating to maintenance. Not recognising for, or adapting to, future development of the site involving undergrounding of the 11kV lines, by retaining a 10 metre wide protection corridor through the site, when those rules may also apply to the underground lines on a new alignment, in our view, is excessive and unwarranted.

In agreeing the design for the underground services, sufficient opportunity has been provided to keep the alignment to parts of the site unoccupied by buildings and using conduits and pits to ensure that ongoing access for maintenance purposes is provided.

Summary:

Based on the advanced stage of future development of the site, and for the reasons listed above, it is requested that there be no notation and full exemption from rules relating to the electricity distribution lines as it affects 64 Port Hills Road and 68 Port Hills Road.



In the alternative that this relief is not accepted, there should be recognition that the circumstances for underground 11kV lines are different than for overhead 11kV lines and a different approach is taken for undergrounded lines.

Supporting information:

1. Resource consent decision RMA92021957, RMA92021958, RMA92027854, and RM9207866
2. OHUG Conversion/Reconfiguration Truscotts Rd to Port Hills Rd JN14628 Sheet 1/20, Sheet 6/20, Sheet 7/20, Sheet 8/20, and Sheet 9/20

Report / Decision on a Non-notified Resource Consent Application

(Sections 95A, 95B and 104 / 104B / 104D)

Application Number:	RMA92021957, RMA92021958, RMA92027854 and RMA92027866
Applicant:	Clampett Developments Ltd
Site address:	64 and 68 Port Hills Road
Legal Description:	Pt Res 4946, Lot 1 DP 416688 and Lot 2 DP 416688
City Plan Zoning:	Business 4
District Plan Review Zoning:	Suburban Residential
Activity Status:	Non-complying

Description of Application: Landuse RMA92021958: Retirement village including aged residential care, lifestyle village and commercial building.

Subdivision RMA92021957: Four fee simple allotments

Subdivision RMA92027854: Unit title subdivision of Lot 1 (lifestyle village)

Subdivision RMA92027866: Unit title subdivision of Lot 4 (apartments in lifestyle village)

Introduction

Background

Landuse consent application (RMA92021958) and subdivision consent applications (RMA92021957, RMA92027854 and RMA92027866) have been lodged for the development of the land for a retirement village and associated activity.

This application follows on from landuse consent RMA92021193 for earthworks which was issued in March 2014. The consent incorporated two key elements being the realignment of a waterway (extending into Heathcote Domain) and the creation of a more favourable landform for future development intended by this application. The consent was amended on 28 November 2014 under reference RMA92027562 to allow a retaining wall to be incorporated into the waterway structure. It is worth noting that this consent also controls the design and provision of landscaping within the new waterway corridor and the Heathcote Domain.

The application has been on hold since 27 March 2014 pending a response from the applicant in relation to: a further information request (issued 27 March 2014); a response to the issues raised in an email from Council (dated 31 May 2014) and the suitability of draft conditions. During this time the applicant has also sought approval from Kiwirail. These matters are now all suitably resolved for the purposes of determining this application.

I note that the application was originally lodged with a request for public notification. The request was made by the applicant after receiving preliminary advice of planning officers from the Strategy and Planning Unit (which at that time did not include the Resource Consent unit). However after receiving the application it became apparent that public notification may not be required and the request for public notification was withdrawn by the applicant and a decision on notification is therefore required under this report.

In preparing this application I have also relied upon the following assessments by Council Officers:

- Mr Mark Gregory, Transport Planner – refer to the Memo dated 23 May 2014 and supported by the email dated 23 May 2014.
- Ms Isobel Stout, Senior Environmental Health Officer – refer the email dated 14 March 2014.
- Mr Bruce Craig, Subdivisions Engineer – refer to the memo dated 13/06/2014.
- Mr Nigel Baker, Subdivisions Engineering Officer – refer to the memo dated 15/3/2013.
- Mr Brian Norton, Planning Engineer – refer to the email dated 19/9/2014.

I note that Ms Josie Schroder, Principle Advisor, Urban Design has provided informal urban design feedback but has not provided a comprehensive assessment this application.

During the processing of the application I also received a report from Mr Allen Sheppard a neighbouring land owner. He would like his views to be taken into account for the subject decisions and I attach correspondence from him for the review of the Commissioner.

Application Site and Surrounds

The proposal is located within the former Maltworks site at 64 and 68 Port Hills Road (4.12ha) within the applicant's ownership.

A description of the application site and surrounds is contained with the application report by Aurecon which also includes the following supporting documents.

Based on the application report, Council's GIS system and my own observations, the key elements of the application site and surrounds are as follows:

- The application site sits within Heathcote Valley and is bounded by a railway corridor to east (extending to Port of Lyttelton), the area of Heathcote Domain to the south, Port Hills Road and residential land to the west and Martindale Road to the north.
- All industrial buildings on the Maltworks site have been demolished and the land is currently vacant of any business activity. The former Maltworks site is the only land zoned for Business 4 purposes in the locality with the remainder of the surrounding land being used primarily for residential purposes. Other non-residential uses in the locality include a small local neighbourhood centre and the Heathcote Primary School on the opposite side of the Railway Tracks. It would appear that the majority of the earthworks proposed in this application have already been undertaken on the application site.
- The Heathcote Domain is used for a number of purposes including tennis courts and club, playing fields and cricket club, informal recreation areas and an existing section of the daylighted Bridle Path Stream.
- The Bridle Path Stream alignment extends centrally through the former Maltworks site largely within a pipe except for its lower reaches where the waterway is contained within an open channel ('daylighted') for a distance of approximately 40m before exiting under Martindale Road through a culvert. The waterway is contained in an easement in gross in favour of the City Council.
- Over a distance of approximately 420m the application site falls approximately 15m from south to north.

Proposal

The proposal for subdivision and landuse consent is broken up into three key parts relating to the aged care facility, lifestyle village and commercial building. The key elements of the proposal are outlined/illustrated below.

Aged Residential Care Facility (Lot 3)

An aged residential care facility (101 bedrooms) would be located in the northern region of the site with vehicle access provided from both Martindales and Port Hills Roads. It would provide a "continuum of care" for residents in the over 55's age bracket, and comprises a large building complex within which a Dementia Care Unit (DCU) (43 bedrooms), hospital (37 beds) and 21 partly serviced apartments are located.

The applicant has clarified that the hospital unit is not an emergency facility in that it would not receive patients in an emergency situation from ambulances nor is it for the benefit of the general public. It is an extension of the overall aged care facility that would help provide a full continuum of care offered for aged persons.

A total of 48 car park spaces are provided for this activity which are accessed from two points being Port Hills Road and Martindales Road. The Port Hills access is shared with the retail building.

This facility would be contained within proposed fee simple Lot 3 (1ha). Refer to drawing SK-01.

Lifestyle Village (Lots 1 and 4):

A lifestyle village complex is proposed for over 50's. In addition to internal roading, visitor car parking, landscaping and pedestrian linkages it would comprise the following buildings:

- 52 detached and paired single storey villas;
- 6 split level three bedroom units
- 7 two storey terraced two bedroom units
- A Manager's residence containing three bedrooms

- Every other residential unit in proposed Lot 3 would be provided with either double or single garage. Many units also include a space between the main access and driveway to the garage (on common land) as well as approximately 10 visitor spaces to the side of the main access for visitor parking (also on common land)

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Amendment of Consent Notice

The existing consent notice attached to the application site includes the formation of legal access within Lot 2 that relates to the former development layout. Given that a new development layout is proposed for the application site this condition becomes redundant and the applicant also seeks to delete this condition under section 221(3) of the Resource Management Act.

Lapse Date

A lapse date of 10 years is proposed.

Planning Framework

City Plan

The application site is zoned Business 4 under the City Plan and the proposal is to be assessed as a non-complying activity under the City Plan. The City Plan outlines that:

The Business 4 (Suburban Industrial) Zone includes a number of light industrial and servicing areas in the city generally located within or adjoining suburban living areas. It also includes light industrial areas intended to serve as buffer zones between living zones and the Business 5 (General Industrial) Zone, and servicing areas adjoining some large suburban centres. It is characterised by significant variation in geographic location; nature of established activities and range in bulk of built form.... This variation has resulted in a range of building types and form with very mixed environmental outcomes across the zone. The zone's purpose is to provide for light industry, warehousing and service industries, and some commercial activities such as offices. Some retailing is provided for in these areas, with an emphasis on retail activities of a nature and scale that do not lead to significant adverse effects on the function and amenity of the central city and district centres....

The walkway is also located within the Special Purpose (Road) Zone.

I generally agree with the non-compliances with rules in the City Plan identified by the applicant as outlined below:

Business 4 Zone, Part 3, Volume 3

- **Development Standard 5.2.3 (a) – Street Scene:** The minimum building setback from road boundaries shall be 6m. The proposed retail building will be built up to the road boundary of Port Hills Road. Furthermore, four of the two-storied units would be set back 4.5m from Port Hills Road (plus deck encroachments) as shown on the site plan.
- **Development Standard 5.2.5 – Sunlight and Outlook for Neighbours:** *a) Buildings shall not project beyond a building envelope constructed by recession planes from points 2.3 metres above the boundary with a living, cultural, conservation or open space zone... (b) (i) Where a site in the Business 4 zone adjoins a site in the Open Space zone, Diagram C in Appendix 1 to Part 2, Volume 3 of the Plan applies.* In respect to the apartment building, the southern and western most corners of the two 'cubes' would encroach the recession plane by up to a height of 3.9m in relation to the domain. The eastern and southern corner of the southern most cube would breach the recession plane from railway land. Each of the gable ends (2.5m high by 8.78m wide) to the two storey units PU63 and PU64 breach the recession plane from the south boundary.
- **Development Standard 5.2.6 – Visual Amenity:** *a) Location of offices and showrooms - Offices and showrooms (except on rear sites) shall be located at the front of buildings facing the street.* Compliance cannot be achieved with (a) as the DCU/Hospital complex contains a number of offices, none of which are located at the front of the site.
- **Development Standard 5.2.7 – Landscaped Areas(a):** The proposal complies with the requirement for 10% of the site to be landscaped however all of this landscaping is required along the frontage of the site within a minimum average width of 1.5m and a minimum width of 0.6m. In addition:
 - under (iv) sites on the opposite of a road to a living zone shall have a landscape strip with a minimum average width of 4.5m (and a minimum width of 1.5m) – this is not provided
 - under (V) sites adjoining a living zone or open space zone shall provide half the required landscaping along this boundary and provision should be made for landscaping fences, walls or a combination to at least 1.8m in height along the length of the zone boundary. – this is not provided.
- **Development Standard 5.2.7 – Landscaped Areas(b):** 25 specimen trees are required along the frontage of the site spaced between 5m to 15m however only 17 would be provided with three of these being provided in a cluster.

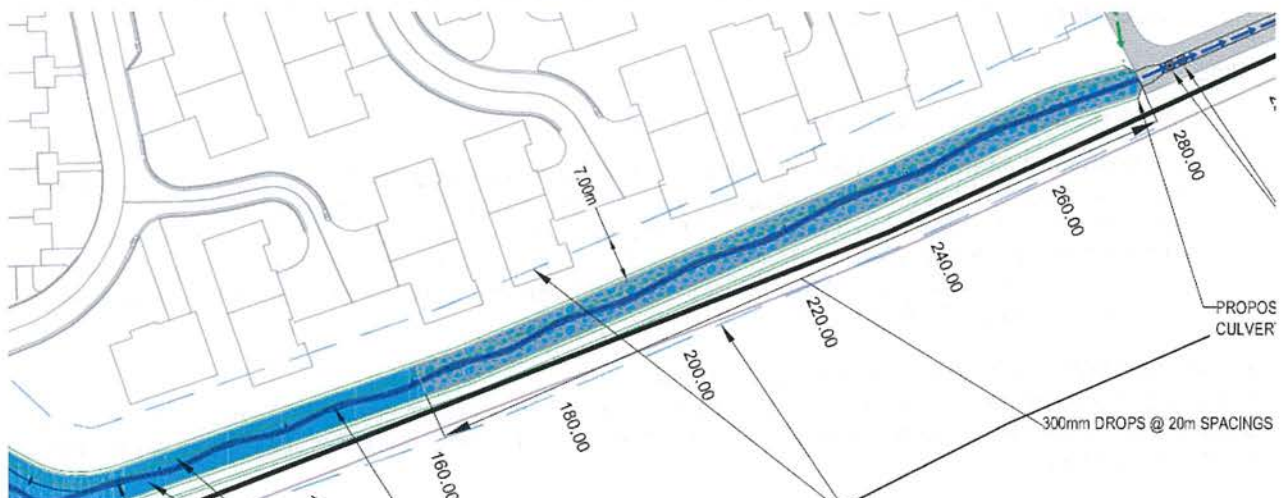
- **Community Standard 5.3.2 – Residential Units:** *There shall be no more than one residential unit in association with any established business activity and that it is associated with on-site security or management. No custodial units are proposed in association with established business activity.*

Special Purpose (Rail) Zone

- **Development Standard 6.2.3 – Public Accessways – effect on living zones:** *No public access for a walkway or cycleway shall be located in the Special Purpose (Rail) Zone where the path for the walkway or cycleway is within 30m of any living zone site that adjoins the Special Purpose (Rail) Zone. This rule shall not apply where written consents are supplied to the Council for all owners and occupiers of the living zone sites adjoining the Special Purpose (Rail) Zone that are located within 30m of the path. The written consent shall include a scaled site plan indicating the location of the path relative to the adjoining living zone sites, which is signed by the owners and occupiers, and indicates the property owned by each. Approximately the first 10m of the shared pathway on the railway land from Martindales Road would be within 30m of Living 1 Zoned properties (57, 58 and 59 Martindales Road). The remainder of the path is compliant with this rule.*

General Requirements, Part 9, Volume 3

- **Development Standard 5.2.4 - Filling, excavation and building adjacent to waterways and the coastline:** *(a) Any filling or excavation, or the erection of buildings shall be a discretionary activity within the setbacks specified below: - Environmental Asset Waterways: 7m. As shown in the illustration below, eight of the villas would be located within the required 7m setback from an environmental asset waterway but no closer than 5m.*



- **Critical Standard 5.7.1 Content of Fill and Excavation Material:** *In addition to compliance with the standards relating to the volume and depth of filling and excavation in Clauses 5.2 and 5.3 of these rules, any filling or excavation of land, is a non-complying activity where:*
(a) inflammable or hazardous components...

Because of pre-existing contamination on the site the applicant has conservatively reapplied for resource consent under this standard noting that resource consent RMA92021193 has already addressed earthworks and associated contamination.

Transport, Part 3, Volume

- **Development Standard 2.2.1- Car Parking:** A sufficient number of spaces are provided however the dimensions do not accord with this standard.
- **Development Standard 2.2.6 (a) – Cycle Parking:** *For any activity the owner, occupier or developer shall make provision for on-site covered cycle parking in accordance with column 4 of Tables 1a and 1b. The required cycle spaces are to be provided however they would not be covered.*
- **Development Standard 2.2.14 Queuing Space:** *Queuing space shall be provided on site for all vehicles entering or exiting a parking or loading area. The length of such queuing spaces shall be in accordance with Table 3 below. Where the parking area has more than one access the number of parking spaces may be apportioned between the accesses in accordance with their potential usage. Queuing space length shall be measured from the road boundary to the nearest vehicle control point or point where conflict with vehicles already on the site may arise. Based on an on-site parking space provision of 62 spaces in the northern area of the site (Lot 1 and 2), a queue space length of 15.5m is required, however this number can be apportioned across the three site accesses. The queue space provisions on the*

northern Port Hills Road, central Port Hills Road and Martindales Road accesses are 2.5m, 3.3m and 3.3m respectively.

- **Development Standard 2.3.8 – High Traffic Generators:** *(a) Any activity on a site which is not in the Central City Zone which generates more than 250 vehicle trips per day and/or provides more than 25 parking spaces ... shall be a **discretionary activity** with the Council's discretion limited as follows:... matters associated with vehicular access.* Consent is required under this provision.

Subdivision, Part 14, Volume 3

- **Critical Standard 4.3.3 – Minimum Standards Business Zones:** *(a) every allotment to be created by a subdivision shall comply with the minimum standards specified for each zone below, **except** as provided for in Clauses 4.3.8, 4.3.12 and 4.3.13. Business 4 - Minimum Net Area: 500m². Proposed Lots 1, 2 and 3 all exceed the minimum net area requirement, however, as proposed Lot 1 and four would be unit titled with the majority of the site being held as common property, each of the units would not be comprised within its own net area of 500m².*
- **Development Standard 5.2.1 – Access (Private ways, access legs, and vehicular access on cross or company leases or unit titles):**
 - (a) No access shall serve sites with a potential to accommodate more than 15 potential residential units.*
 - (b) All access to fee simple title allotments, cross or company leases, unit titles, or leased premises, shall be in accordance with the standards set out in the table below.*
 - (c) All access shall be constructed in accordance with the standards in Appendix 4.*

Each of the units within the 'Lifestyle Village' would be provided with legal access to Port Hills Road. Although roads are required to be provided where serving more than 15 residential units, it is not intended to do so in this situation due to the low traffic volumes anticipated and the maintenance responsibilities of the Body Corporate.

Note:

The applicant has identified non-compliances with these rules:

- **Development Standard 5.5.2 – Filling and excavation on other land:** The applicant has applied for consent under this rule for earthworks required for land remediation, engineered building foundation and general filling in excess of the volume, fill and excavation thresholds. I have since clarified with the applicant that proposal does not trigger this rule because the works would either be exempt under clause 5.6.3, Part 9 (i.e. building foundation and land remediation under the subdivision) and/or already covered by landuse consent RMA92021193.

Proposed Christchurch Replacement District Plan

Stage 1 of the Proposed Christchurch Replacement District Plan was notified on 27 August 2014. Pursuant to section 86B of the Resource Management Act the rules do not have legal effect until decisions on the plan have been notified.

National Environmental Standard

The NES controls soil disturbance on land where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or is more likely than not to have been carried out. The application site has been identified as HAIL land therefore the provisions of the NES apply.

It was determined in the Stage 1 Preliminary Site Investigation that the 'source-pathway-receptor' linkages indicate that existing or potential soil contamination on the site is reasonably likely to pose a threat to human health based on the final proposed land use. As a consequence, regulation 8(4) of the NES cannot be met.

A Stage 2 DSI report was subsequently prepared and included site sampling, laboratory analysis and qualitative risk assessment. The results of the investigation revealed that a Site Contamination Management Plan needed to be prepared and where managed on-site, contaminated soils are to be isolated beneath crushed concrete fill, parking areas or building foundations in accordance with Environment Canterbury policies for on-site treatment of contaminated soil.

As the DSI has identified that soil contamination concentrations exceed the applicable standard in regulation 7, the proposed subdivision and change of use is to be assessed as a **Restricted Discretionary Activity** under the NES.

Soil disturbance has already been addressed in resource consent RMA92021193.

Consent Notice

Under section 221 the process to amend the consent notice is similar to an amendment application under section 127 noting that Sections 88 to 121 and 127(4) to 132 apply, with all necessary modifications, in relation to an application made or review conducted under subsection (3). This framework does not provide an activity status for the application however based on my understanding of case law the proposal would be a discretionary activity.

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

The applicant has obtained written approval from Kiwirail.

Effects on the environment and adversely affected persons [Sections 95A, 95B, 95E(3) and 104(1)(a)]

As a non-complying activity the Council's assessment is unrestricted and all actual and potential effects of this proposal must be considered. Some relevant guidance is contained in the reasons for the rules breached and the relevant assessment matters as to the effects although due consideration also needs to be given to the fact that this is a change from the anticipated land use under the business 4 zoning and many assessment matters relating to business activities would be of limited relevance. Having regard to this planning framework, the main issues to consider when assessing adverse effects of the proposal on the environment relate to: amenity and character, economic and business distribution, transport, internal amenity and reverse sensitivity, flooding, geotechnical, land contamination and servicing.

To help set the scene it would be useful to first consider the existing environment, the applicant's application of the Living 1 Zone rules and the permitted baseline.

Existing Environment

I have disregarded the applicant's assessment of the existing environment in section 6.1 of the application report which references the former Maltworks buildings and activity. While some right to redevelop would probably exist either under existing use rights apply under section 10 of the Act or by way of existing resource consents the applicant has not put forward sufficient evidence to demonstrate what former activities could be lawful re-established on site.

The Application of the Living 1 Zone Standards

The applicant's assessment of the Living 1 zone standards is useful to consider when contemplating the appropriateness of the effects on the environment. It is important to outline that there is no statutory requirement to apply these rules and it does not form part of the permitted baseline. In some respects it is an overly conservative way of contemplating effects on the environment (especially amenity and character effects) given that the business 4 zone provides for large scale industrial development and a much lower levels of external amenity could be expected for neighbouring properties.

Permitted Baseline/Anticipated Development

Prior to undertaking an assessment of the effects of this proposal, it is appropriate to consider what could be established on the site as a permitted activity. In this respect, I agree with much of the content of section 6.1 of the application report. In summary:

- The business 4 zone provides for light industry, warehousing and service industries and commercial activities including some retailing including food and beverage outlets. Only one residential unit is permitted per site for custodial or management purposes only. I have disregarded the fact that the aged care facility is a permitted activity under the City Plan as the Business 4 zone does not anticipate widespread residential occupation of the land.
- A substantial built form of an industrial character is permitted with a maximum plot ratio of 1.0 and a maximum building height of 15m.
- The amenity and character effects of business development would be mitigated through a number of zone and amenity standards (Part 3 and 10, Volume 3 of the City Plan) that make provision for: offices and showrooms to face the street, recession planes to apply from common boundaries with open space and living zones, street scene setbacks of 10m (the applicant incorrectly identifies a setback of 6m), minimum building setbacks of 3m to common boundaries with living and open space zones; focused landscaping along street boundaries, the Domain and Living zones; and maximum standards for the emission of noise and glare.
- There are no restrictions on the hours of operations.
- Under the transportation standards (Part 13) there is a high traffic generator rule that would restrict the number of vehicle trips within a site to no more than 250 per day and a maximum of 25 car park spaces per site to 25 spaces. It should be noted that it would be permitted to divide the application site into a number of notional sites (refer to the definition of site in the City Plan) thus potentially allowing a greater

number of vehicle movements and parking areas from the overall area. I do not consider that this is an unreasonable approach as the environmental results anticipated for the zone (refer to 3-1.8) includes: *Relatively high levels of traffic generation with standards for access and manoeuvring to mitigate adverse effects.*

Notwithstanding I have taken a conservative approach and have not deemed the above the permitted baseline for two key reasons. Firstly the site could not be developed in a comprehensive manner without triggering the contaminated site rule under the City Plan which is why resource consent application RMA92021193 was applied for and issued. Secondly it could be argued that my approach to the permitted baseline with respect to the high traffic generator rule is incorrect. Notwithstanding it would be reasonable under the zoning to expect that relatively high levels of traffic could be generated from the site. I therefore consider that the above bullet points reflect what could be reasonably anticipated on the site under the existing zoning and wider City Plan provisions.

In comparison to what would be reasonably anticipated within the business 4 zone:

- the proposal would be characterised by residential occupation (but with a commercial component i.e. aged care facility, shops and club house), lower scale buildings (the apartment is an exception), more intricate and modulated buildings and a greater spread and proportion of open space and green landscaping throughout the application site.
- There are non-compliances with a number of amenity and character based rules for the business 4 zoned including those relating to streetscene, landscaping, recession planes, internal setbacks. There would also be reduced potential for night-time activities because of the residential occupation but not a complete absence.
- The proposal does not meet a number of transportation based standards including that relating to high traffic generation although the levels of traffic would be similar to that anticipated in a business 4 zone (much less than 600 per day onto Port Hills Road and less than 250 vehicle movements onto Martindales Road).

Amenity and Character Effects on the Wider Environment

The application site is an isolated business 4 site within a much larger residential area. When compared to an industrial development, the proposal is characterised by residential occupation (but with a commercial component), lower scale buildings, more intricate and modulated buildings, a greater spread and proportion of open space and green landscaping throughout the application site. In an overall sense I consider that the proposed development would be a better fit with the character and amenity of the wider residential area than an industrial development. This position is reflected in much of the assessment by the applicant particularly in sections 6.4 to 6.6 of the application report which address bulk and scale, character and amenity and urban design.

It is acknowledged that the scale and height of the apartment building would be greater than most other buildings in the locality. However its scale and height is characteristic of what is permitted under the Business 4 zone. There are a number of specific non-compliances with the bulk, height and location of several buildings (including the apartment building) in relation to neighbouring land however these non-compliances would have a more localised effect on neighbouring land.

I conclude that the amenity and character effects on the wider environment are less than minor.

Economic/Business Distribution

The economic and business distribution effects of developing the land for residential rather than industrial business purposes would also be limited. While the site is relatively large in a residential context, the area of land to be lost to business activity would be relatively small. The introduction of residential activity would not compromise other business activity given that the nature of surrounding land uses. I also note that the application site has not been used for any meaningful business activity for a number of years.

This conclusion is supported by the Proposed District Plan review, which proposes to rezone the land for residential purposes (Residential Suburban).

Transport Safety and Efficiency

The application includes a Traffic Impact Assessment from Urbis which identifies the transport related non-compliances with the City Plan standards, traffic related effects on the road network. Much of this assessment is accepted by Mr Mark Gregory, Transport Network Planner.

During the processing of this application Mr Gregory formed a preliminary view that a footpath should be provided along the length Port Hills Road frontage.

Further discussions regarding the footpath were undertaken with Mr Richard Holland, Team Leader Network Planning. While it would be normal for a proposal like this to be provided with a footpath along the entire length of the Port Hills Road frontage, it was agreed that the applicant would only provide a footpath in front of the portion of road occupied by the retail shops (3m wide) with crossing facilities to the other side of Port Hills Road.

In my view the agreed arrangement is adequate for the site to connect to the pedestrian network but not ideal in terms of what the City Plan anticipates¹ and what is typically provided for residential developments of this scale and nature. This position is somewhat tempered by the fact that no independent units would have a main pedestrian door/gate that is directly accessed from Port Hills Road and an internal route would be available for all residents to access the new footpath and crossing point in front of the shop.

Mr Holland expects to seek funding for the remainder of the footpath along Port Hills Road in the future. This would benefit the wider community as well as future residents especially given the proximity of the site to the domain. I note that there are also a lot of other pedestrian accessibility issues beyond the site boundaries in the wider area (i.e. the footpath along the east side of Port Hills Road is very narrow and not really usable for persons of limited mobility). In light of Mr Gregory's conclusions below, I do not consider that it would be reasonable to expect the applicant to remedy an existing problem for the wider road network.

Mr Gregory concludes the effects of the development will be less than minor, provided that a footpath is constructed in front of the proposed retail units and an associated pedestrian crossing point via kerb build-out be provided. The applicant has adopted these provisions as a part of the proposal. In coming to this conclusion a number of relevant points have been raised by Mr Gregory including:

Car Parking

- The number of car parks proposed is acceptable. The retail units have five proposed spaces which equates to a turnover time of approximately 20 minutes. Furthermore, non-car access modes have been understated in the design and as such, parking activity is unlikely to have a negative impact on surrounding on street community parking resources.
- The proposed dimensions of the car parking spaces and access aisles are deemed to be functional and acceptable, however, different to conventional design standards.
- Total Trip Generation: Trip generation affiliated with the proposal has been understated. The Applicant argues a range of 530 – 660 trips per day (assuming a food/drink outlet is included in the 'retail' units). It is my opinion, as explained below that the number of trips per day may be as high as 683. However, this is not a significant difference, and the context of this is explained in more detail below.
- Lifestyle Village/ Independent Dwellings Trip Generation: The Applicant estimates that 225 trips per day would be generated by the 90 independent dwellings, based on empirical evidence included on page 14 of the Urbis report. From this evidence, an 'average' of 2.5 trips per dwelling per day has been assumed. I disagree with this figure and it is my opinion that a rate of 3 should be applied. The figure for 'Shona McFarlane 1' would be 4.5 trips per day, but this has been discounted from the 'average' applied by Urbis. The exclusion of this higher trip generation has not been suitably justified. Therefore, an average which includes the complete data set should be applied, which is a trip generation figure of 3 trips per day per unit.

It shall be noted that all units have access to designated parking, of which 23 have double car ports. As the independent units are not care home facilities, it could be more appropriate to apply average trip generation rates associated with residential zones.

Review of the TRIPS data base (for New Zealand) does not provide an evidence base to support the application but conversely offers limited evidence to dispute it. The closest available figure in TRIPS was in Tauranga and amounted to 2.58 trips per unit per day (0.32 per unit, AM peak; 0.29 per unit, PM peak). The number of car parking spaces available per unit in Tauranga was not specified.

It is accepted that trip generation rates for Independent Living Units, occupied by retired people are not likely to be as high as those affiliated with family homes or younger occupiers. However, the minimum age accepted in the units would be 50, which in my opinion, is not an age conducive to mobility impairment or any other rational argument which could justify an ultra low trip generation figure (such 1-2 trips per day, cited in the RTA guide).

As such, a more conservative analysis has been undertaken and an estimated 3 trip ends per day has been applied to the Independent Living Units. (This is approximate to the average of the trips generation

¹ If the new street standards for a local residential road were applied under Part 14 one footpath would be required for both sides of the street. A business street under the same standards only requires one footpath on one side of the road.

estimates included in the Urbis reports on page 15). The number of trips applied in assessment is $90 \times 3 = 270$

Therefore, the 'independent living units' are expected to generate approximately 270 trip ends per day.

- Aged Care Facility/Sheltered Accommodation Trip Generation: In the Urbis report, p15, a range of 1.8 – 2.4 vehicle trips per bed per day has been applied to the 101 bed rest home, therefore arguing a range of between 182 – 242 trips per day. These figures are based upon Parkland Hospital data in Papanui Road. In order to understand the highest likely trip generation to and from the site, the figure of 242 should be assumed.
- Commercial Building/ Retail and Café Trip generation: In terms of traffic generation resulting from the proposed retail units, the Urbis report applies a figure of 100 trips per day (based on a floor area assessment extracted from the RTA guide and application of a 40% 'discount rate'). However, whilst it is my opinion that the RTA guide may not exactly represent the type of retail on offer by the development (as argued in the Urbis report, p15), the proposed '40% discount rate' does not have a basis in the RTA which I am familiar with. Therefore, for the benefit of constructing likely maximum traffic estimation, 171 vehicle trips (which is the unabridged RTA estimate) per day would be assumed. However, it is assumed by Urbis that if two of the three retail units were used as retail (and not a food/ beverage outlet) then the likely trip generation figure for the two retail outlets would be in the order of 67 trips. I disagree with this assumption, as it is based on regression from the above figure of 171, minus a 'discounted 40%' which I am not familiar with.

The café has been estimated at generating around 60 – 126 trips per day, a range which reflects the uncertainty which Urbis discuss on p16. There are too many factors affecting a café (more so than many other activities) that would impact upon trip attractiveness.

Based on the uncertainty of the café trip generation estimate and the use of the '40% discount factor' it is my opinion that the most certain method for estimating the retail demand is to apply the RTA figure of 171 trips. The Application argues that this figure is representative of 'speciality shops in malls', which is correct. However, 'speciality stores' include food and beverage outlets, and as such it is my opinion that it is the more appropriate method of estimating the retail trip generation. Therefore, the figure of 171 trips would be applied in this assessment.

- Peak Traffic: In terms of estimating peak hourly flows, Urbis report assumes that 5% of total daily traffic demand would occur during the peak hour, based on observations from other care homes. However, based on TRIPS data for the Tauranga Retirement home, peak hour traffic demand is observed as being 12% of the daily total for the AM peak and 11.2% for the PM peak. This is clearly different from the Urbis estimate.

However, 12% of 683 = approximately 70 trips per hour, which in my opinion represents the highest likely generation. Further, the effects of 70 trips per hour would likely be accommodated into the 'spare capacity' of the surrounding road network.

The traffic Impact assessment has possibly understated the proximity of the site to public transport access. The number 28 bus (Papanui – CBD – Lyttleton) is accessible within 130m of the site. Mode split studies have not been undertaken, however, it is likely that public transport would account for a significant proportion of trips.

- Traffic Impact: Site accesses are suitably provided and disperse traffic into the network at four locations, which is appropriate. The distribution of traffic of traffic onto the network is considered appropriate and the accesses of appropriate width.

Known and estimated traffic volumes on the surrounding road network are well within design capacity limits, and the proposed additional traffic would be accommodated comfortably within available traffic capacity. The difference in trip generation between this assessment (683 vpd) and the Urbis estimate (660 vpd) would be negligible.

The assessment matters of the high traffic generation rule have been discussed in the Urbis report (p30-31) and it is argued that the proposal would be reasonable within the context of the criteria. It is Mr Gregory's opinion that the arguments by Urbis are reasonable, with the exception of issues associated with the pedestrian footpath and crossing point which was not originally proposed but now forms part of the proposal.

The impact of the 3m wide footpath upon the access to on street parking would be negligible, as a carriageway width of 10m would remain, which is wide enough to accommodate two traffic lanes and two parking lanes.

However the impacts of the crossing would result in some minor losses in on street parking, to the equivalent of two spaces on either side of the road. However, in my opinion, given the current level of demand for on street parking (which is low), and the proposal to include a suitable amount of parking within site, the effects of on street parking losses caused by the implementation of the crossing will most likely be negligible.

- Sustainable Travel: To encourage trips to the site by sustainable modes of travel, we would recommend the following:
 - The inclusion of footpaths outside of the commercial premises at least. It is advised that footpaths should be included along the entire length of the site frontage.
 - that cycle parking is covered and secure;
 - additional cycle parking spaces are provided;
 - the development should provide a staff area for showers, lockers etc and a drying area for cyclists, pedestrians and bus users

The inclusion of footpaths within internal circulation is supported. Internal footpath access should be constructed to standards according with the Building Act.

It is acknowledged that visibility splays provided at the property boundary exceed AS/NZ 2890.1 standards, which is supported.

- Future Infrastructure Changes: Council is planning to construct a shared path parallel to the railway line. Developer has agreed to provide a fence parallel to the footpath. Developer shall continue to liaise with Council to ensure that fence is designed according to the satisfaction of Responsible Authorities. Chen WengKei shall be a liaison officer for these works.
- CAS analysis: The traffic Impact Assessment has drawn attention to the low height clearance (3.9m) of the Martindales Road rail bridge and the corresponding 3 crashes reported at this location, involving vehicles taller than 3.9m attempting to pass under the bridge. Service vehicles accessing the site should either access the site via Port Hills Road, or be of suitable design dimensions to pass under the Martindales Road bridge.
- Access/Queuing Space: Given the nature of the proposed land use, and the below assessment of traffic generation it is determined that there is unlikely to be peak demands for site access which would exceed the design capacity of the proposed internal access and site accesses. (AS/NZ 2890.1 has been used in this assessment).

Site accesses shall be constructed as heavy duty vehicle crossings, to the satisfaction of Responsible Authority (according to SD 607). This shall be applied to all of the site entrances.

Any longitudinal grade changes, particularly at the abovementioned vehicle crossings and basement parking ramp should be demonstrated on a longitudinal section. Crest and sag changes shall not exceed 12.5% and 15% respectively, as per AS/NZ 2890.1.²

- Disabled Parking: Disabled parking spaces shall be included within the public parking areas at the north end of the site. It is determined that, in order for the disabled parking to comply with New Zealand Standards, a couple of proposed parking spaces may require deletion (in order to facilitate shared zone(s)). Given that the proposed rate of parking more than satisfies requirement, the deletion of spaces in order to facilitate complying disabled parking access is supported.

I generally adopt Mr Gregory's assessment for my assessment of effects although make the following additional comments:

- Despite the complying number of car park spaces provided I would expect that there would be some on-street parking associated with the commercial building especially from visitors although some on-street car parking would also be expected if the land was developed for industrial purposes. I consider that the effect on neighbouring residents would be less than minor.

² The grade changes comply.

- The detailed design of the footpath and crossing point formation would be subject to a separate approval process outside of this resource consent application although the parameters set out by Mr Gregory have been adopted for this assessment.
- The proposed disabled parking spaces are conveniently located to the main entry points of the aged care facility (the apartments, hospital and dementia ward).

Overall I consider that the effects on the transport environment and the transport related effects on neighbours would be less than minor. Mr Gregory's comments on sustainable travel that do not form part of the proposal should be adopted as advice notes.

Amenity and Character Effects on Heathcote Domain

The Heathcote Domain is located to the south of the application site along an irregular shaped boundary. The relationship of the proposal to the domain is illustrated in the landscape abstract below.



My assessment amenity and character effects are set out below.

Landscape

The level of landscaping directly along the boundary would be significantly reduced from what is anticipated under the Business 4 zoning which requires a thick vegetation screen and potentially a high solid fence along the common boundary. The landscaping required by the Business 4 zone is more appropriate to industrial developments which typically have a significantly lower level of visual amenity and thus require more landscaping for screening purposes.

In contrast the outlook from the Domain towards the proposal and when compared to industrial activity, would be characterised by residential occupation, lower scale buildings (except for the apartment), more intricate and modulated buildings, a greater spread and proportion of open space and green landscaping throughout the application site³. Low, see through pool fencing would be proposed along the common boundary with the domain. The presence of dwellings would provide improved opportunities for natural surveillance. The new waterway corridor would also form a visual/landscape buffer to the extensive driveway area of Units 54 to 59 to the more useable areas of the domain.

Apartment Building

The apartment block is relatively large and high⁴ and would form a strong visual element for the domain. The building form contains two, three level cube blocks that are linked together plus basement parking. The walls of each cube sits at an acute angle to the reserve boundaries. The overall width of the apartment building when viewed from the south is 29m and from the west the length would be 66m. The height of the upper three levels is approximately 10m above the level of the domain adjacent to the site.

The basement level for car park would encroach the 3m internal boundary setback to the west boundary however because it would generally be located below the existing ground level of the Domain it would not be very visible and its visual impact would be mitigated by landscape planting around its periphery.

³ Compared to a permitted industrial activity that would be required to have a 1.8m high vegetation screen along the common boundary potentially with a closed board fence.

In terms of recession planes, the southern most corner of the 'cube' encroaches the recession plane from the south boundary of the application site by up to a height of 3.8m. This recession plane actually relates to a small strip of railway land (at least 5m wide) between the application site and the domain and thus the recession plane breach is not considered to encroach on the Domain.

In addition from the west boundary, the corner of both 'cubes' breach the recession plane by a height of approximately 3.9m. These breaches relate to the immediate tennis court area. I agree with the applicant that any potential effect of the recession plan encroachments would be less than minor. The overall height of the building would be permitted under the existing zone rules and a more regular shaped industrial building could have been provided in the general area with a similar impact in terms of visual bulk and overshadowing⁵ noting that it is only the corners of the building that breach the recession plane. The shape and detailing of the proposed apartment of the building would create additional visual interest and overlooking opportunities to the domain. As already outlined this is considered desirable in terms of crime prevention through environmental design. The setback of the windows and balconies from the domain (i.e. generally well in excess of 4m) along with the provision of landscaping along the boundary would help ensure that a minimum level of privacy would be maintained for users of the Domain in the immediate vicinity of the apartment building.

Units PU63 and 64

Each of the gable ends (2.5m high by 8.78m wide) to the two storey units PU63 and PU64 breach the recession plane from the south boundary. I agree with the application report at section 6.4 that that the effects of these breaches would be less than minor. These are architectural features that enhance the visual appearance of the buildings. There would be no permanent residential occupation of the adjoining land in the domain due to the waterway and I do not consider that any additional overshadowing would be significant.

Conclusion

In conclusion, the effects on the Heathcote Domain and its users in terms of amenity and character are less than minor.

Effects on Port Hills Road and Residents on the Opposite Side of Port Hills Road

Port Hills Road sits to the west of the application site. It is approximately 20m wide and is boarded by residential development (Living 1 or Living H) except where fronted by the application site and the Domain. The effects of the proposal on Port Hills Road and associated residents to the west of Port Hills Road is considered below.

The majority of the residential development (including the club house) on proposed lot 1 either fronting this road or in close proximity to the road would be more akin to Living 1 type development especially in terms of streetscene setbacks (a minimum of 4.5m is achieved excluding deck areas) and building height (less than 8m). Residential landscaping including trees and see through iron rail fencing would be provided along the frontage to enhance the streetscene. The southern most dwellings (two storey) would sit one level above the street level and would provide a high level of surveillance to the street given the positioning of outdoor living courts and windows. Given the above I am of the view that the non-compliance with the streetscene and landscaping rules by the residential units in the Business 4 Zone are of little consequence.

In the context of the existing zoning, I don't anticipate that the clubhouse within proposed Lot 1 would create any inappropriate amenity problems. This facility would be typical to a retirement village and would be used primarily for the benefit of its residents and their guests and thus would not generate much additional activity on the site. Noise standards would apply to its use.

Visually the apartments and aged care facility buildings would be atypical to what would generally expected for the Living 1 Zone given the building form. However I do not have any significant amenity and/or character concerns given that these buildings are well setback from the Port Hills Road properties, have a character and visual appearance that incorporates residential occupation and are not visually intrusive when compared to an industrial building.

The location of the shops along the frontage of Port Hills Road would not be envisaged by the Business 4 zoning because it is not setback 10m from the street with associated landscaping as is required under the City Plan. Access and parking would located to the side and rear although this would not be usual for a business site. The application outlines that providing active shop frontage to the road would be in general accordance with good urban design practise (refer to section 6.6) and I concur with that statement. Notwithstanding the positioning of this building has the potential for adverse amenity and character effects on neighbours. In this respect I note the following.

⁵ some sections of the west and south facing walls could be moved closer to the domain while the non-complying corners would have to be removed

- A development that complies with the business 4 zone rules would see the shops forming part of a larger industrial development and being setback 10m from Port Hills Road with a parking area and access in front and a wide landscaping strip along the street boundary.
- In comparison the majority of the frontage (175m long) to Port Hills Road would be fronted by residential development in keeping with the amenity and character of a Living 1 zone (175m), a further 45m of frontage would be landscaping, car parking and landscaping and consistent with what is permitted under the Business 4 zone (with reduced landscaping) and 30m of commercial building fronting Port Hills Road (which is not permitted).
- The parties who would have the strongest sense of being impacted on by the commercial building would be the neighbouring properties on the opposite side of Port Hills Road being 73, 71 and 67 Port Hills Road. The proposed commercial building would rise approximately 5m above street level and would interfere with eastward views from these properties. This impact is tempered by the fact that the dwellings on those properties generally sit well above the street level and are setback some 20m (excluding the street vehiculahs) from the building due to the position of Port Hills Road. On balance, I do not consider that the proposed commercial building would result in a worse visual OUTCOME when compared to development permitted under the Business 4 Zone.
- Elevated levels of traffic, parking and people activity could also be expected in association with the proposed retail building as would be the case with an anticipated industrial development. Overall the level of traffic movements (and associated light and noise) is considered reasonable.
- The applicant has further amended the application to adopt limitations on the hours of operation for the commercial building to 7am to 10pm to better protect residential amenity.
- All uses would need to comply with the noise and glare standards in the City Plan – Ms Stout is satisfied that this can be achieved.

In terms of overall activity on the site and associated noise and glare it is noted that

- The majority of traffic movements (and general on-site activity) associated with the proposal would be expected during day time hours (7am to 10pm) when the effects of light and noise are less likely to create an amenity problem.
- Some night time vehicles could still be expected from the lifestyle village (residents and visitors) and the aged care facility (for example from employees (13 employees per shift at night and emergency visits). Note that the hospital would not actually operate as an emergency or treatment facility for the general public so if emergency vehicles (e.g. an ambulance) were to arrive during night time hours it would be to treat or pick up a resident in an emergency situation.
- An industrial use permitted under the Business 4 zoning could see 24 hour operations with lower levels of acoustic and light amenity for the neighbourhood (although subject to the same noise and glare standards in the City Plan as the proposal). Heavier vehicles could also be more frequent noting that the noise standards in the City Plan do not apply to vehicles on legal road (only within the site).

Given the assessment above I consider that the effects on the Port Hills Road streetscene and the amenity and character of the neighbouring properties on the opposite side of Port Hills Road would be less than minor.

Amenity and Character Effects on Adjoining Neighbours

The north east corner of the site is adjacent to a large Living 1 zoned area occupied by houses that front Port Hills Road and Martindales Road. The following assesses the effects on those parties in this block that adjoins the application site.

72A Port Hills Road

72A Port Hills Road occupies the entire length of the north boundary (and a short section of the west boundary). This party has provided their written approval and any adverse effects on them can be disregarded under section 104(3)(a)(ii). Notwithstanding I do not consider that this party is affected for similar reasons to those outlined for the properties below.

57, Unit 3s and 4 57 and 59 Martindales Road

57 and Unit 3 and 4 57 Port Hills Road (and 72A Port Hills Road) have a common boundary with the west boundary of the application site. 59 Martindales is also in close proximity to the application site being separated by the access leg to 57 Port Hills Road.

The closest buildings on the application would be well setback from the subject neighbouring properties (in excess of 7m) and being single storey are compliant with the Business 4 and Living 1 zone height and recession plane rules. While these buildings have a much larger footprint than anticipated in the Living 1 Zone, in my view the amenity and character of the proposed activity would be a better fit for the residential environment than those allowed for under the Business 4 zone. It is not unusual for retirement village activity such as that proposed to establish in existing residential areas.

The main effect on the subject properties would relate to the use of the car parking area and access. While additional traffic generated by the proposal and exiting onto Martindales Road would be relatively low and in line with what is permitted under the Business 4 Zone (less than 250 vehicle movements) additional vehicles using the car park area could exit via Port Hills Road. The impact of any noise and light generated from vehicle activity would be avoided in part because most activity would be during day time hours but some limited activity could be expected during the night time hours. It has not been well explained in the application but during night time hours this would include vehicles from up to 13 staff and emergency visits. The applicant has also clarified the hospital unit is not an emergency facility in that it would not receive patients in an emergency situation from ambulances. The hospital would be more of an intensive care facility that extends the continuum of care offered to aged persons. Notwithstanding I would expect that ambulances would attend the site at any time to pick up patients in an emergency situation from the hospital or wider facility in an emergency situation.

Under RMA92021193, a 1.2m high fence (measured from finished ground level within the site) would be established along the boundary of these properties along with a fast growing hedge (1.8m high once established). The fence structure is considered by Ms Stout to be sufficient to allow the activity to comply with the noise and glare standards in the City Plan (under this application all activities must comply with the glare and noise standards in the City Plan). In a short period of time the hedge would prevent overlooking opportunities from the car park areas onto the residential land and screen and/or soften the overall development from view.

Overall I consider that the effect of the proposal on amenity and character on the subject properties will be less than minor.

Visual Amenity and Character Effects on Martindale's Road and Neighbours

There is limited frontage to Martindales Road (23m). The predominant activity in close proximity to Martindales Road would be car parking and access. Landscaping is provided along the frontage to soften and screen this Activity. 58 Martindales Road sits opposite the site and I would doubt whether the proposal would impact on this neighbour any more than an anticipated industrial development. While there is the potential for some elevated levels of traffic this would be predominantly during day time hours and similar to what could be reasonably expected in the Business 4 zone.

Effects on Railway Land and Associated Amenity Effects of Railway on Future Residents

The railway corridor lies to the east of the application site extending through the tunnel to Lyttelton Port. I understand that trains often stop at the entry of the tunnel including during night time hours. The rail activity would adversely impact on the future occupiers of the buildings landowners in terms of noise, vibration, fumes etc. In turn residential activity is expected to have a reverse sensitivity effect on the railway corridor in terms of future residents complaining about the railway and/or acting as a constraint to the continued use of the railway corridor. The Environmental Health Officer has not raised any significant concerns in respect to reverse sensitivity or internal amenity effects although does note that it is a relevant issue to consider.

The proximity of the proposed residential occupation to the railway is not unusual in Christchurch although Council Officers had earlier outlined that the applicant should consult with Kiwirail before a decision was made on notification. As a result of this process Kiwirail and the applicant have entered into a private covenant. Key components of the agreement include:

- A building setback of 20m from the centre line of the railway track.
- Use of suitable building foundations to minimise adverse ground vibration effects.
- Vibration annoyance effects to be managed in accordance with Norwegian Standard NS8176E:2005 Class C.
- Any habitable space within any residential unit, within 40 metres of the centreline of the nearest railway track shall achieve a minimum external to internal noise reduction of at least 30 dBA (Dtr, 2m, nT).
- Landscaping along the interface with the railway is to be managed and maintained by the applicant in such a manner to minimise light and dust spill while also meeting the drainage needs of the Council in respect to the realigned waterway and the railways need for emergency vehicle access to the tunnel and to protect or improve sightlines.

The above agreement would help address internal amenity considerations for future residents. I do not consider that it is necessary to impose these as conditions of consent as the applicant accepts any effects relating to the railway on the application site and it is in Kiwirail's interest to maintain the covenant on the titles comprising the application site in the future to avoid reverse sensitivity issues.

Kiwirail has provided their unconditional written approval to the application and any effects on them (including those relating to reverse sensitivity, recession plane breaches and the walkway) can be disregarded under section 104(3)(a)(ii).

Flooding

The implementation of Resource Consent RMA92021193 means that existing drainage and flooding patterns associated with Bridle Path Stream would be maintained for neighbouring properties

An existing pipe contains the stream through the centre of the application site from the Heathcote Domain to the northern end of the site where it connects through a small section of open waterway to the Martindales Road culvert. The existing pipe inlet often overflows (due to blockages and/or limited capacity and runs overland through the site to the Martindales Road culvert. Another potential source of flooding through the site is from a culvert crossing upstream across Port Hills Road. It also has limited capacity and/or sometimes blocks. I understand from Mr Norton this situation flood waters can flow through the site from water either 'jumping' into the site along Port Hills Road (which should operate as the primary secondary flow path) through the application site or across the Domain (sheet flow) and through the application site with both flows ending up at the Martindales Road culvert. Because there are capacity issues with the Martindales Road culvert, localised flooding can also occur in this area.

The earthworks under RMA92021193 allow for the removal of the existing pipe within the site and the creation of a new watercourse along much of the east boundary. While most of the waterway is now open, the lower reaches of this watercourse would be piped. The capacity of the new pipe would be greater than the former although a secondary overflow path would be maintained to the Martindales culvert. In addition I note the following:

- The ecological and landscape effects on the 7m waterway setback breach (no more than 2m) would be less than minor on the basis that the overall development would significantly improve the existing waterway.
- Under RMA92021193 a risk for the site would be at the new culvert entry (if it was to block or reach capacity). A seven metre building setback would be maintained to the pipe entry to protect buildings. A secondary overflow path free of buildings would be provided to the Martindales Road culvert.
- Mr Norton has not raised any concerns with buildings being setback as close as 5m from the waterway.
- Sufficient space has been set aside to maintain the open and piped watercourse for maintenance purposes through RMA92021193.
- Through RMA92021193 minimum building platforms along the waterway corridor have been set to the 2 percent annual exceedance probability water surface plus 400mm.
- If flood water does enter the site from Port Hills Road the main point of entry would be from the access points and internal vehicle access ways would be sufficient to accommodate any flows (refer to Mr Norton's email).

The proposed earthworks and waterway alignment under RMA92021193 and the proposed development would not materially change existing drainage patterns and the potential flooding hazard for neighbouring properties. Notwithstanding Council would hopefully upgrade the Port Hills Road and Martindales Road culverts to remedy the existing flood hazard for neighbouring land in the near future.

The flooding effects of the proposal are less than minor.

Geotechnical

A detailed geotechnical report from Aurecon has been included with the application. It has been reviewed by Mr Bruce Craig, Subdivision Engineer alongside resource consent application RMA92021193. His assessment is as follows:

I have viewed the Geotechnical Investigation report for the above site Reference 211388 Rev 2 dated April 2012.

This report has been prepared based on 6 historic CPT tests (2007), boreholes to 15 m depth (Late Jan / Early Feb 2012), 22 test pits (23 June 2011) and 13 nearby Ecan database Borehole logs. 2 of the boreholes have had piezometers installed.

The results from the data collected has indicated that in an SLS event settlements of up to 15 mm could occur but most of the CPT and borehole locations indicated less than 5 mm of settlement.

In the ULS event settlements of up to 75 mm have been calculated at one location with the balance of the other locations being in the order of less than 30 mm. The higher settlement value is at the south eastern corner of the site.

The potential for Liquefaction has been assessed and in the SLS and ULS events no Liquefaction will occur. This is consistent with the observed results from the recent Darfield and Christchurch earthquakes, in which no land damage occurred.

The potential for Lateral spread has been assessed and no lateral spread will occur as the ground has a very low Liquefaction potential.

With the above assessments, the land has the characteristics of Technical Category TC 1 and TC 2 as defined by DBH 2011 Criteria. (MBIE).

With this in mind the proposed buildings should have foundation design based on Technical Category 2 (TC2).

Site Earthworks.

The earthworks over the site will consist of a cut to fill and a filling operation with fills varying in depth from 0.5 m to 3.0 m.

The filling will consist of silts (obtained on site), crushed concrete (obtained from the demolition of the buildings on site) and imported fill.

The filling will be carried out under the supervision and guidance of an Aurecon Engineer to the recommendations contained within the report (Ref 211388 Rev 2 April 2012) Clause 5.8.2 on page 22.

Section 106 Assessment.

The site has been assessed against the requirements of section 106 of the Resource Management Act and no Geotechnical issues have been identified to prevent the development of the site, provided that the measures and recommendations of the report are carried out.

I adopt Mr Craig's assessment and conclude that the geotechnical effects are less than minor for the site and neighbouring land.

Land Contamination

A preliminary detailed site investigation report and a detailed site investigation report has been prepared by Aurecon and some contamination was found as set out in section 6.12 of the application report. To manage the human health and wider environmental considerations a construction phase site management plan has been submitted and accepted by Ms Stout, Senior Environmental Health Officer. Once the construction phase is complete much contaminated material would remain buried on the site. Consequently Ms Stout has requested that a maintenance phase site management plan would need to be submitted and approved under this consent for future uses that would be established on the site. The applicant has accepted this condition of consent as part of their proposal.

Servicing

No servicing constraints have been identified for the site noting that:

- The proposed stormwater outlet would be the Bridle Path Waterway within the application site – the applicant has obtained discharge permit application from Environment Canterbury for this purpose.
- Water supply connections are available from Port Hills Road and Martindales Road.
- Sanitary sewer outfalls are available on Martindales Road.
- Abandoned connections are to be disconnected.
- The powerlines through the site (and across the railway) would be relocated underground. Documentation provided with the application in the servicing report indicates that Orion and Kiwirail are supportive of that proposal.
- Through the detailed design process the applicant would need to make sure that this activity is permitted under the National Environmental Standard for Electricity Transmission Activities or alternatively resource consent would be required.

Construction Effects

Construction activities would create the potential for some adverse effects associated with the generation of traffic, dust, sediment and noise and visual impacts. Much of the construction activity (bulk earthworks) would already be permitted under RMA92021193 although it is noted that:

- Construction activities are expected to be short term.
- Under the City Plan permitted construction activities similar to those proposed could occur on the site if associated with industrial development.
- The applicant intends to implement an erosion and sediment control plan to help manage dust and sediment for the benefit of the wider environment.
- No transportation issues have been identified with respect to capacity in the road network.

- The applicant has accepted a number of conditions to help manage construction activities for the benefit of the wider environment.

Urban Design

Informal urban design advice has been provided throughout the course of this application. Key urban design issues identified with the current proposal that I have been aware of related to:

- the roof of the apartment building being relatively flat and uninteresting viewed from an elevated position in the valley; and
- the integration of the independent living units along Port Hills Road with the street.

No significant changes have been made to the roof of the apartment building as a result of these concerns being raised. I do not consider that this issue on its own is critical to achieving a suitable level of amenity and character for neighbours and wider environment given the existing zoning of the site.

Improvements have been made to upper level components of Units PU63 to PU66 which face the street. The upper level of each unit now have a deck and extensive glazing that faces the street. Further to the north is the managers residence, PU3, PU4 and PU6 and PU7. These units would not have the same presence on the streetscape as PU63 to PU66 because they are single storey (except for the manager's residence) and sit below street level. The proposal now includes a landscape plan that includes landscaping and low permeable fencing along the street boundary to ensure that the abovementioned units would relate well to the street and/or provide an attractive interface. From an urban design perspective it would have been preferable if the subject units had their main pedestrian entries facing the street. Notwithstanding this approach is not unusual for a retirement village and would not be desirable in the short term as a footpath would not be immediately available along much of the Port Hills Road frontage.

Internal Amenity

Overall the proposal would provide a reasonable level of internal amenity for residents.

This is evident in the generous provision for open space and landscaping; the provision of a club house to help create a community and encourage social interaction and the site layout and building design that minimises overlooking, overshadowing and visual amenity issues between units. In terms of the specific areas within the overall development:

- All units within the lifestyle village in Lot 1 and have ground level outdoor living area that are mostly orientated to the north for good sunlight access.
- All of the units within the apartment block would have a large private balcony area, although many of the units and balconies have an orientation to the southeast or southwest which is less desirable in terms of sunlight access. A common outdoor area would be available above the basement level and adjacent to the tennis courts in the Domain which would provide an alternative outdoor living area with good sunlight access.
- The outdoor living facilities associated with the aged care facility are more limited but in keeping with what could be reasonably expected for accommodation given that the occupants would have limited mobility. All units have windows for daylight access. Many of the apartment units have private courtyards and all units within buildings (apartments, dementia ward and hospital) have common access to outdoor courtyards and communal dining and living areas.

Internal amenity effects relating to the railway have already been addressed in this report.

Consent Notice Amendment

The existing consent notice attached to existing Lot 2 DP416688 within the application site requires the formation of an access internally within the site and relates to the former site layout. Given that a new development layout is proposed for the application site this access would now become redundant and could be removed. All other conditions on the consent notice would be retained.

Unit Title Subdivisions

There would be no adverse effects from the unit title subdivisions as it would simply provide a means of land tenure for the units in the lifestyle village.

10 Year Lapse Date

The applicant has applied for a 10 year lapse date (five years is normal). It would not be unusual for a project of this scale to have an extended lapse date and it would provide greater certainty to the applicant. The effect of this extension would be to delay the development of the site for the proposed purpose and I consider that this effect would be less than minor.

Conclusion

Having considered effects relating to business distribution, amenity and character, neighbouring properties, the railway, flooding, geotechnical, land contamination, servicing, construction, urban design, internal amenity and the deletion of the consent notice, I conclude that the effects on the wider environment are less than minor and that the effects on neighbouring properties are less than minor except for the railway. Kiwirail have provided their written approval to the proposal and any effects on them can be disregarded. There are no other affected parties. I note that any conditions recommended in this report are either reflective of the application or further information submitted, or have been adopted by the applicant as a part of their proposal.

Relevant objectives, policies, rules and other provisions of the Plan and proposed Plan [Section 104(1)(b)(vi)]

City Plan

An assessment of objectives and policies in the City Plan is included in section 7.2 of the application report which are generally accepted for the purposes of this proposal. My assessment below has focused on key objectives and policies relate to business, urban growth, transport and living.

Section 12 Business

Key objectives and policies in section 12 are set out below:

Business objective

A distribution, and diverse range, of business environments which meet the social and economic needs of the wider community, while avoiding, remedying or mitigating the potential adverse effects of their activities within the immediate area, and on the broader surrounding environment.

12.1 Distribution objective: Distribution of Business Activity

A distribution, scale and form of business activity which meets the economic needs of businesses, provides the community with convenient access to goods, services and opportunities for social interaction, and which:

- (a) is able to be efficiently serviced by infrastructure, including water, effluent disposal and roading;*
- (b) encourages in appropriate circumstances:*
 - co-location of community services and facilities within the central city and district centres;*
 - consolidation of residential development around selected consolidation focal points;*
 - accessibility, by a variety of modes of transport, to centres providing a wide range of public and private services and facilities; and*
- (c) manages the adverse effects of business activities on the environment, including:*
 - maintaining or improving the safety and efficiency of the road network and related systems for all users (including public transport, pedestrians and cyclists), and minimising unnecessary trip generation;*
 - maintaining the amenity of residential and other sensitive environments (including local roads);*
 - ensuring the function, vitality and amenity of those existing centres that provide a wide range of public and private services and facilities to the community will not be significantly affected by new retail activity; and*
 - minimising contamination, pollution, odour, hazardous substances, noise and glare.*

12.1.1 Policy: Management of Business Activity

To differentiate and manage various types of business activities both on the basis of the nature of the activity, and the potential local and strategic effects of their operations. This is to be achieved principally by distinguishing between commercial and industrial activities and enabling these activities to locate within particular zones, at a scale and with environmental standards which reflect their location and role.

12.1.3 Policy: Distribution of Industrial Activity

To provide for industrial activity, principally within identified industrial areas, to meet the city's economic needs. This is to be achieved by:

- (a) encouraging efficient use of the industrial land resource (thus reducing pressure for new industrial land to be zoned), principally by limiting the extent of non-industrial activity within such environments and encouraging redevelopment of sites where possible;*
- (b) maximising locational opportunities and reducing locational adverse effects associated with industrial environments, taking into consideration factors including:*
 - opportunities for appropriate access to the classified road network, port, airport and railways, and avoidance of direct access to local residential streets;*
 - infrastructure required to service activities, including water and trade waste disposal; and*
 - sensitivity of different land uses and potential for use of restrictions or provision of buffers to avoid adverse effects, including effects associated with visual amenity and noise emission;*

and

(c) *managing local and strategic adverse effects of industrial activity throughout the City.*

12.10 Industrial areas objective : Role of industrial areas

A wide range of industrial areas which accommodate a diversity of appropriate business activities, where adverse effects are avoided, remedied or mitigated.

12.10.1 Policy : Range of activities

To provide for a wide range of business activities in industrial areas appropriate to the levels of effects provided for in these areas, and also having regard to any potential cumulative impacts on the continuing ability of:

- *the central city and district centres to provide for the community's social and economic wellbeing while maintaining and enhancing their level of amenity;*
- *the central city and nine consolidation focal points to serve as effective centres around which to concentrate increased population densities.*

12.10.2 Policy : Residential activities

To provide for residential activities in industrial areas, to the extent necessary for the continued operation of business activities within such areas, and consistent with achieving reasonable standards of amenity for those people living in a business environment.

12.11 Industrial areas objective : Amenity and effects of industrial areas

A standard of amenity in industrial areas recognising their location and function, whilst avoiding, remedying or mitigating the adverse effects resulting from activity and development in these areas.

12.11.1 Policy : Amenity improvement

To improve the visual amenity and street environment in industrial areas.

12.11.2 Policy : Environmental constraints

To limit the development of industrial areas where environmental constraints exist unless they can be adequately mitigated.

12.11.3 Policy : Adverse effects

To control the adverse effects of hazardous substances, glare, noise, shadowing and visual detraction arising from activities and development within industrial areas, having regard to the nature of environments within and adjoining such areas.

12.11.4 Policy : Rezoning

To recognise potential for rezoning of land in industrial areas for other purposes, in circumstances where this would:

- (a) *not significantly reduce the stock of such land;*
- (b) *be consistent with maintaining residential amenity values;*
- (c) *not compromise the operation of activities within the industrial area;*
- (d) *not adversely affect the safety and efficiency of the transport network;*
- (e) *not give rise to significant adverse effects upon the central city and district centres; and*
- (f) *ensure any contamination of the site is cleaned up and safely disposed of to an acceptable standard in order to enable reuse for other purposes.*

12.11.5 Policy : Buffers

To make provision for adequate buffers between industrial areas and living areas through the spatial distribution of activities.

Assessment

Because of the small and isolated nature of this industrial site, I do not consider that the loss of industrial land would be contrary to the business distribution objective at 12.1.

The overall use would be predominately characterised by residential occupation and thus the proposal would not be consistent with policies 12.10.1 and 12.10.2. Notwithstanding policy 12.11.4 does contemplate that the land could be used for an alternative purpose and I comment on the applicable circumstances listed under this policy below:

- (a) *The site is a relatively small and isolated industrial site within a larger residential neighbourhood.*
- (b) *The assessment of effects earlier in this report demonstrates that the proposal would maintain, if not improve residential amenity values for the neighbourhood especially when compared to a permitted*

industrial development. There are some concerns around internal amenity levels given the proximity of the railway to the site however I consider that these have been suitably resolved as set out in the assessment of effects above.

- (c) There would be no remaining industrial area within close proximity to the application site which would be impacted on by residential occupation.
- (d) No significant safety and efficiency impacts have identified on the transport network;
- (e) The level of retail activity would be relatively small (300m²), permitted under the business 4 zone and thus would not be to the detriment of central city and district centres;
- (f) Existing site contamination can be remediated and managed to avoid adverse effects on future residents as per the detail in the assessment of effects outlined earlier.

While the proposed change of use would occur pursuant to a resource consent application rather than through a plan change for rezoning, I do not consider that this is critical given that the proposal has a high level of consistency with the circumstances listed under 12.11.4.

Policies 12.11.1, 12.11.3 and 12.11.5 make provision to protect and/or enhance the amenity of the streetscape and neighbouring residential properties. When considering amenity and character issues for residential neighbours relating to buildings, noise, glare, visual amenity, landscaping, overall the proposal would be a much better fit than an anticipated industrial development. The shops would sit much closer to Port Hills Road than is permitted (0m setback with footpath veranda rather than 10m) however I have previously concluded that the effect of this would be less than minor.

Key constraints for the future use of the site in terms of Policy 12.11.2 relate to land contamination, the proximity of the railway and flood management. For reasons outlined earlier in this report I consider that these constraints have been suitably managed through the agreement between Kiwirail and the general design of the development.

Overall while I consider that the proposal has some inconsistencies with the business objectives and policies, I do not consider that this is inappropriate and overall conclude that the proposal is not contrary to these objectives and policies.

Part 6 Urban Growth

Urban growth objective

Urban development patterns that promote sustainable resource management.

6.1.1 Policy : Population densities

To provide for a gradual increase in overall population density within the urban area through:

- (a) *Providing for higher densities near the central city and consolidation focal points; and*
- (b) *Enabling new peripheral development where it is consistent with a consolidated urban form...*

6.1.2 Policy : Redevelopment and infill

To promote development of vacant land, and redevelopment and more intensive use of the urban area as a whole, in a manner consistent with maintaining and improving the character and amenity values of neighbourhoods, and the quality of the built environment.

The proposal represents a brownfield infill development and thus would help achieve a consolidated urban form and a more intensive urban area. While the overall proposal does not entirely replicate the character and form of the surrounding residential area, I consider that the proposed development would be a better fit than an anticipated industrial development and can be more easily accommodated because of the site size and associated design/layout. The proposal would improve character and amenity values and the overall quality of the environment.

Transport

The proposal is consistent with the Transport objectives and policies including the overall objective to provide *An efficient, safe and sustainable transport system in the City which provides for ease of accessibility for people and goods.* The proposal is well located to public transport, meets minimum standards for pedestrian safety and makes suitable on-site provision for parking and loading. Suitable provision has been made for safe and efficient vehicle movements.

Part 11 Living

Because the use of the land would primarily be based on residential occupation I (and the applicant) have considered many Living zone objectives and policies. Key objectives and policies include:

11.1 Objective: Diverse living environments

A diversity of living environments based on the differing characteristics of areas of the City.

11.1.1 - 11.1.3 Policies : Character

11.1.1 To conserve and enhance the character of living areas identified as special amenity areas .

11.1.2 To maintain the general character of the suburban living environment.

11.1.3 To promote change in the character of selected living areas through encouraging infill and site redevelopment

11.1.4 Policy : Densities

To provide for various levels of building density within living areas, taking into account the existing character of these areas, the capacity of infrastructure and strategic objectives of urban consolidation.

11.1.5 Policy : Building height

To provide for different heights of buildings in living environments based on the existing character of an area, on strategic objectives of urban consolidation, and to provide for a diversity of living environments.

11.2 Objective : Housing needs

Opportunities for housing that meets the needs of all socio-economic groups, Tangata Whenua, and groups requiring specialised housing accommodation.

11.2.1 Policy : Permanent living accommodation

To provide for a range of housing types which offer permanent living accommodation throughout living environments of the City.

11.2.2 Policy : Elderly persons housing

To recognise the particular characteristics of elderly persons living accommodation and provide for elderly persons living accommodation throughout the living environment.

11.4 Objective : Adverse environmental effects

A living environment that is pleasant and within which adverse environmental effects on amenity values are avoided remedied or mitigated, while still providing the opportunity for individual and community expression.

The proposed development would provide a wide spectrum of living opportunities for elderly persons (and slightly younger) from independent living units, to apartments and more intensive care facilities in the hospital and dementia ward. Each independent living unit is provided with its own outdoor living area (balcony and/or courtyard) with shared indoor and outdoor living facilities available in the aged care facility as is typical of such developments. The club house would provide an opportunity for friendship and fellowship between residents.

The building scale and height would be generally less than what could be established on the site as a permitted industrial development. The proposed design has a higher level of amenity given that it is characterised by residential occupation (but with a commercial component i.e. aged care facility and shops), generally lower scale buildings (the apartment is an exception), more intricate and modulated buildings, and has a greater spread and proportion of open space and green landscaping throughout the application site.

Conclusion

While there are some specific inconsistencies with specific business zone policies and objectives, I consider that the overall proposal is consistent with the objectives and policies of the City Plan.

District Plan Review

The Proposed Christchurch Replacement District Plan was notified on 27 August 2014, and while the rules do not yet have effect regard must be had to the relevant objectives, policies and other provisions. The proposed plan has been prepared in the context of the post-earthquake environment and the Recovery Strategy for Greater Christchurch, and incorporates the provisions of the Land Use Recovery Plan. It is therefore considered appropriate to give some weight to the objectives and policies of this plan, despite the fact that it is still at a very early stage in the public process.

Transport

New transportation provisions are included in Chapter 7. I have already outlined that the proposal provides for safe and efficient vehicle movements, is well located for public transport, and makes suitable provision for parking and pedestrians. On this basis I consider that the proposal is consistent with the objectives and policies of Chapter 7.

Suburban Residential

The site is proposed to be rezoned to residential suburban under Chapter 14. The Residential Suburban Zone provides for the traditional type of housing in New Zealand in the form of single or two storeyed predominantly detached or semi detached houses, with garage, ancillary buildings and provision for gardens and landscaping. The zone provisions are comparable to the Living 1 zone provisions in terms of density and building bulk, height and location.

The key objectives and policies are assessed below:

14.1.1 Objective - Housing supply

- a. An increased supply that will:*
 - i. enable a wide range of housing types, sizes, and densities;*
 - ii. meet the diverse needs of the community in the immediate recovery period; and longer term, including social and temporary housing options; and*
 - iii. assist in improving housing affordability.*

14.1.1.1 Policy - Location density and type of housing

- a. Ensure:...*
 - i. low density residential environments in other existing suburban residential areas, and in the residential areas of Banks Peninsula, are maintained, but limited apartments are provided for smaller residential units that are compatible with the low density suburban environment.*

14.1.1.4 Policy- Provision of retirement villages

- a. Provide for comprehensively designed and well located higher density accommodation options and accessory services for older people and those requiring care or assisted living, throughout all residential zones.*

14. 1.1.5 Policy - Recovery housing

- a. Provide for a range of additional housing opportunities to meet residential recovery needs through redevelopment and additions to the existing housing stock and/or vacant land, that:*
 - i. are consistent with the anticipated character of any surrounding residential environment;*
 - ii. are visually and physically subordinate to the principal dwelling;*
 - iii. does not adversely affect pedestrian safety and efficiency of traffic movements within the street; and*
 - iv. are appropriately laid out and designed to provide a high level of residential amenity and meet the functional needs of residents both in the short and the long term.*

Assessment: Retirement villages are anticipated in the residential suburban zone. The overall retirement village would supply a wide mix of accommodation options to suit a full spectrum of aged persons from relatively independent persons who may be younger than normally anticipated (50 years rather than 60) to those in failing health. The apartments are of a higher density than would be anticipated in the residential suburban zone however it is noted that they are relatively well located being near the domain and public transport. Overall the proposal would make a positive contribution to the supply residential accommodation noting that suitable provision has been made for traffic safety, the existing character of the area and residential amenity. The proposal is not contrary to the above objective and policies.

14.1.4 Objective - Strategic infrastructure

- a. Residential development that does not adversely affect the efficient operation, use, and development of Christchurch International Airport and Port of Lyttelton, and other strategic infrastructure.*

Assessment: The railway is considered to be covered by the phrase 'other strategic infrastructure'. On the basis that Kiwirail has provided their written approval to the proposal the application is considered consistent with this objective.

14.1.2 Objective - Residential recovery needs

- b. Short-term residential recovery needs are met by providing opportunities for:*
 - i. an increased supply throughout the lower and residential medium density areas;*
 - ii. higher density comprehensive redevelopment of sites within suitable lower and residential medium density areas;*
 - iii. medium density comprehensive redevelopment of community housing environments; and*
 - iv. new neighbourhood areas in greenfields priority areas.*

Assessment: The proposal generally accommodates low to medium density residential accommodation for aged persons in a comprehensive and appropriate manner

14.1.3 Objective - Housing distribution and density

a. A distribution of different density areas with:

- i. increased density of residential development in and around the Central City and identified commercial centres where there is ready access to a wide range of facilities, services, public transport, parks and open spaces;*
- ii. limited additional infill housing in other existing suburban areas to maintain a low density, open and landscaped environment;*
- iii. a mix of housing densities in New Neighbourhood areas;*
- iv. medium density residential development in suitable brownfield areas and on larger suburban residential sites where external impacts on the surrounding areas can be mitigated; and*
- v. integrated provision of infrastructure.*

Assessment: Under (iv) the proposal could be seen as facilitating medium density development on a suitable brownfield site noting that the elements of higher density would be located well away from other residential properties and would be in keeping with the visual scale of building development permitted under the existing zoning of the site (but not the suburban residential area).

14.1.5 Objective - High quality residential environments

a. High quality, sustainable, residential neighbourhoods which are well designed, have a high level of amenity, and enhance local character.

14.1.5.1 Policy - Neighbourhood character, amenity and safety

- a. Ensure individual developments achieve high quality residential environments in all residential areas by:*
- i. reflecting the context, character, and scale of building anticipated in the neighbourhood;*
 - ii. contributing to a high quality street scene;*
 - iii. providing a high level of internal and external amenity;*
 - iv. minimising noise effects from traffic and other sources where necessary to protect residential amenity;*
 - v. providing safe, efficient, and easily accessible movement for pedestrians, cyclists, and vehicles; and*
 - vi. incorporating principles of crime prevention through environmental design.*

14.1.5.3 Policy - Character of low and medium density areas

- b. Ensure that:*
- i. low density residential areas are characterised by a low scale open residential environment with predominantly one or two storey detached or semi detached housing, and significant opportunities for landscaping and good access to sunlight and privacy are maintained; and*
 - ii. medium density areas are characterised by medium scale and density of buildings up to two or three stories, including semi-detached and terraced housing and low rise apartments, and landscaping in publicly visible areas, while accepting that access to sunlight and privacy may be limited by the anticipated density of development.*

Assessment: Overall I consider that the residential elements of this proposal are of a high quality and would enhance the amenity and character of the locality. The nature and scale of the apartment block in the independent lifestyle area (three to four storeys depending on the viewpoint) would not be consistent with the suburban residential zone but its location is well away from neighbouring dwellings and there are many attributes that make the site more amenable to higher density residential development (including the permitted baseline). Overall I conclude the proposal would not be contrary to the above objective and policies.

14.1.7 Objective - Non-Residential activities

a. Residential activities remain the dominant activity in the residential zones and any non-residential activities meet only local community needs, and are compatible with, and can be accommodated within, residential areas.

14.1.7.1 Policy - Residential character

a. Ensure that non-residential activities have minimal adverse effects on residential coherence, character, and amenity.

14.1.7.4 Policy - Retailing in residential zones

a. Ensure that small scale retailing is limited in type and location to appropriate corner sites on higher order streets in the road hierarchy.

Assessment: Residential activities would be the predominant activity on the application site. In the context of the proposed suburban residential zone, it would be difficult to conclude that the shops in themselves would have a minimal effect on residential coherence, character and amenity as they are not an anticipated activity and are constructed to the Port Hills Frontage. The aged care facility would not have a typical residential character and this should be factored into any relevant assessment under these policies. However there needs to be some acknowledgement of the permitted industrial activity allowed on the site as a whole and in this context the effects on a residential character, amenity and coherence could be minimal, or at worst, less than minor. Under the proposed plan review the shops would be located on a local road and therefore would be inappropriately located in terms of Policy 14.1.7.4. Notwithstanding there needs to be some recognition that the shop activity is currently a permitted activity within the wider application site. I conclude that the proposal is not contrary to above objectives and policies.

Overall

Overall I conclude that the proposal is not contrary to any objectives and policies within the District Plan Review. There are some inconsistencies with the objectives and policies when viewed in the context of the new zoning provisions. However these inconsistencies are insignificant when considering:

- what is reasonably anticipated under the business 4 zone (inclusive of retail development) on the site;
- the review is not well advanced through the decision making process; and
- the proposal is not considered to be inconsistent with the LURP and Chapter 6 under which the District Plan review has occurred (refer the assessment below).

Relevant provisions of a National Environmental Standard, National Policy Statement, Regional Plan, Regional Policy Statement or Coastal Policy Statement [Section 104(1)(b)]

Regional Policy Regional Policy Statement

Chapter 6 of the Regional Policy Statement was introduced through LURP and provides a resource management framework for the recovery of Greater Christchurch to enable and support earthquake recovery and rebuilding, including restoration and enhancement for the area through to 2028. Specific provision is made for the regeneration of brownfield land under a number of policies as set out below:

Policy 6.3.7 Residential location, yield and intensification

In relation to residential development opportunities in Greater Christchurch:

- (1)....
- (2) *Intensification in urban areas of greater Christchurch is to be focused around the Central City, Key Activity Centres and neighbourhood centres commensurate with their scale and function and core transport routes, mixed use areas and on suitable brownfield land.*
- (3)...
- (4) *Intensification development within Christchurch City to achieve an average of:*
 - (a) *50 household units per hectare for intensification development within the Central City*
 - (b) *30 household units per hectare for intensification development elsewhere.*
- (5)....
- (6) *Housing affordability is to be addressed by providing sufficient intensification and greenfield priority area land to meet housing demand during the recovery period, enabling brownfield development and providing a range of lot sizes, densities and appropriate development controls that support more intensive developments such as mixed use developments, apartments, town houses and terraced housing*

Policy 6.3.8 Regeneration of brownfield land.

To encourage and provide for the recovery and regeneration of existing brownfield areas through new comprehensive residential, mixed-use or business developments, provided such activities will ensure the safe and efficient functioning of the transport network and will not have significant adverse distributional or urban form effects on Central City, Key Activity Centres and neighbourhood centres, or given rise to reverse sensitivity effects.

My assessment of these matters is set out below:

Under the methods to both of these policies it is recognised that territorial authorities will include in district plans objectives, policies and rules (if any) to give effect to the above and should identify in District Plans the brownfield sites that are appropriate for redevelopment. The District Plan is currently under review and no specific planning framework has been introduced to address brownfield development although the land is proposed to be zoned for suburban residential purposes under stage 1 as set out above.

I consider that it is reasonable to view this site as a brownfield site suitable for redevelopment for alternative use in advance of any rezoning or review process under chapter 6. It is a relatively small and isolated site and its redevelopment solely for industrial purposes would be out of place in a predominantly residential location. For the purposes of clarification I have no concerns with the proposal in terms of the transport network, business distribution and urban form as has been broadly established in my assessment of effects on the environment.

For the lifestyle village the density of development would be at the higher end of what is anticipated under Policy 6.3.7 (for the lifestyle village around 34 dwellings per gross hectare is proposed) although this is not unusual for a retirement village development where smaller units and associated site areas are provided compared to what is generally expected for a mixed age housing development. The aged care facility can not be easily assessed in terms of the said policy because it is not comparable to a typical household unit.

While additional building mass and density would be provided when compared to a typical suburban residential development (i.e. especially the aged care facility and apartments), this would be well setback from adjoining residential neighbours and would have similar visual bulk to a permitted industrial development but with better amenity and character outcomes. The positioning of the commercial building along the Port Hills Road frontage accords with good urban design practise and the activities within would be permitted under the existing business 4 zone rules.

The position of the railway in relation to the development is not ideal from a reverse sensitivity perspective. However as outlined earlier Kiwirail have provided their written approval to the proposal and private agreements are also in place to help minimise internal amenity and reverse sensitivity issues from arising.

Overall I consider that the proposal is consistent the Regional Policy Statement including Chapter 6.

NES

The National Environmental Standard for managing contaminants in soil to protect human health is relevant to this application and is discussed above.

Part II of the Resource Management Act and any other relevant matters [Section 104(1) and 104(1)(c)]

Part II

I consider the proposal to be in keeping with Part II of the Act as it will maintain amenity values and the quality of the surrounding environment.

Recovery Strategy

The Recovery Strategy for Greater Christchurch prepared by CERA under the Canterbury Earthquake Recovery Act became operative on 1 June 2012. It is a statutory document that must be "read together with, and forms part of" other relevant legislation within the greater Christchurch area. The City and District Plans must not be interpreted or applied in a way that is inconsistent with the Recovery Strategy.

Granting consent to this application is considered to be consistent with the Recovery Strategy as it does not conflict with any of the identified goals or priorities for recovery.

The LURP has been prepared under the Recovery Strategy Plan for Greater Christchurch and contains similar themes to chapter 6 of the RPS around brownfield sites however it is less specific. The proposal is considered to be consistent with the LURP.

Precedent / Plan Integrity

Given the non-complying status of this application it is appropriate to have regard to the issue of precedent, as well as the effect of granting consent upon the integrity of the City Plan and public confidence in its consistent administration. Case Law has established however, through the High Court in *Rodney District Council v Gould*, that concerns relating to plan integrity and precedent effect are not mandatory considerations. The Court held that they are matters that decision makers *may have regard to*, depending on the facts of a particular case including:

1. Whether a proposal is contrary to the objectives and policies of the plan; and if so
2. Whether in the circumstances of a particular case a proposal can be seen as having some unusual quality.

In this case the proposal is not contrary to the objectives and policies, therefore I am satisfied that issues of precedent or plan integrity do not arise.

Correspondence from Neighbour

Key points raised by Mr Sheppard are that:

- The applications for land use and subdivision should be publicly notified and that he is an affected party for the purposes of notification in terms of section 95E.
- The effects on the environment, and in particular, the effects on road safety and on recreational and residential amenity are sufficiently significant as to require public notification.
- The proposed development does not fall within the permitted baseline. There is such significant deviation from standards in the plan that the development cannot have been contemplated. The activities, on significant aspects, fall within the categories of discretionary or restricted discretionary. They are not permitted within the meaning of section 95D (1) (b).

In my assessment of effects I have come to a contrary opinion and consider that the effects on the environment are less than minor and that with the exception of KiwRail there are no affected parties. The issues raised by Mr Sheppard have generally been addressed in my earlier assessment.

While I have technically not applied the permitted baseline, my assessment places considerable weight on what could be reasonably anticipated under the City Plan given the business 4 zoning and therefore many of the conclusions I have reached are similar to the applicant. In my view the key difference with an anticipated industrial development relates to the change to residential activity which in an overall sense has a positive effect. The assessment of this change of use has been in part balanced by the applicant also contemplating the living 1 zone provisions although in many respects this is considered to be a conservative approach. Other key points of difference relevant to this application in comparison to an anticipated industrial development relate to non-compliances with rules relating to landscape, streetscene and recession planes. These have more localised impacts and are considered to have less than minor effects on the environment. I do not consider that the level of traffic generated by the proposal is inappropriate in the context of the current zoning and what is reasonably anticipated.

Non complying activity threshold tests [Section 104D(1)]

The application satisfies both tests as the adverse effects on the environment will be no more than minor and the application is not contrary to the objectives and policies of the Plan.

General notification provisions [Sections 95A(1), 95A(4) and Section 104(3)(d)]

There are no special circumstances or other aspects of the application that warrant public notification of this application.

Section 106

The relevant part of Section 106 reads:

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) *the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
 - (b) *any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
 - (c) *sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*

This section of the Act is particularly relevant in relation to geotechnical concerns following the Canterbury earthquakes. Based on the assessment of flooding and geotechnical matters in the assessment of effects, I conclude that section 106 is not a statutory barrier to issuing the subdivision consent application subject to

suitable conditions being imposed in line with the recommendations from Mr Norton and Mr Craig. It is noted that all fee simple lots and unit titles would be provided with adequate legal and physical road access. Where direct road access is not available to individual units in the lifestyle village provision is made for rights of way and/or common access.

It is therefore considered that there are no grounds to refuse the consent pursuant to Section 106.

Recommendations

That, for the above reasons:

LANDUSE CONSENT RMA92021958

- A. The application be processed on a **non-notified** basis in accordance with Sections 95A - 95F of the Resource Management Act 1991.
- B. The application **be granted** pursuant to Sections 104, 104B, 104D, and 108 of the Resource Management Act 1991, subject to the following condition:
 1. **General**
 - 1.1 The development shall proceed in accordance with the information and plans submitted with the application. The approved Consent documentation has been entered into Council records as RMA92021958 and includes the stamped approved plans RMA92021958 pages 1 to 38 except where amended by the conditions of this landuse consent.
 2. **Residential Amenity**
 - 2.1 In respect to Lot 2, the maximum hours of operation that the shops shall be open to the public shall be no more than restricted to 7am to 10pm
 - 2.2 In respect to Lot 2 and 3, an acoustic fence shall be constructed and maintained on the boundary shared with residential properties. The fence shall have a density of 10kg/m² and a maximum height of 1.2m above finished ground level.
 - 2.3 In respect to Lot 2 and 3, prior to the use of any vehicle access or car parking area within these lots by future building development, a pittosporum hedge, or similar fast growing species, shall be planted adjacent to all common boundaries with residential properties at a minimum height of 1.2 above proposed ground level and once established shall be maintained at a maximum height of 1.8m with no gaps. At the time of planting, an irrigation system with timer shall be installed and maintained along the entire length of the hedge for use during dry periods.
 - 2.4 Any security lights shall be directed into the site and away from the neighbours.
 3. **Transport**
 - 3.1 Prior to the occupation of any building a three metre wide footpath shall be provided and maintained along the frontage of Lot 2 (shops) with a crossing point formation to the other side of the road. The width of the footpath may be reduced with the written approval of Asset Engineer (Policy) or their Team Leader.
 - 3.2 An internal pedestrian route within the application shall be formed and maintained from all dwellings to the above mentioned footpath on Port Hills Road as per condition 3.1.
 - 3.3 Disabled parking spaces shall be provided to accord with the minimum requirements of AS/NZ 2890.1.
 - 3.4 Site access shall be constructed with heavy duty vehicle crossings.
 - 3.5 Any longitudinal grade changes at the above mentioned crossings and basement parking ramp shall not exceed 12.5% and 15% respectively as per AS/NZ 2890.1.
 4. **Landscaping**

4.1 The proposed landscaping shall be established in accordance with the landscape plan prepared by Rough and Milne Landscape Architects drawing number L1.0 Revision A, dated 30 May 2013 and labelled *Landscape Proposal Plan, Maltworks Lifestyle Village, Heathcote Valley Christchurch* except that landscaping within the easement corridor and Heathcote Domain associated with the new waterway and Heathcote Domain is excluded from this approval. The plan is labelled RMA92021958 Approved Plan 38 in Council records. Note: Landscaping of the excluded landscape areas are addressed in landuse consent RMA92021193.

4.2 All required landscaping within each lot shall be provided on site prior to the occupation of any building on that lot. For the purposes of clarification the Lot 1 development can be undertaken in stages and landscaping only needs to be completed to the extent necessary to be complete that stage of development.

4.3 All landscaping required for this consent shall be maintained. Any dead, diseased, or damaged landscaping is to be replaced immediately with plants of a similar species.

4.4 Proposed planting of specimen trees and large shrub species which are illustrated on the approved plans, must be at least 1.5 metres in height at the time of planting and once established must be maintained at a height of at least 1.8 metres thereafter.

Advice Note: The consent holder is not required to construct the shared path along the railway corridor to give effect to this resource consent. Note: Council may construct the shared path should a suitable agreement be reached with Kiwirail.

5. Waterway

5.1 A 5 metre (minimum) setback shall be maintained between all buildings and the banks of the Bridle Path Stream open waterway. The waterway banks shall be determined in accordance with City Plan Appendix 2 – Definition of banks of waterways.

5.2 A 7 metre (minimum) setback shall be maintained between all buildings and any part of the Bridle Path Stream culvert entry structures.

5.3 Buildings (including overhangs and foundations) adjacent to the side of pipes and culverts shall be located entirely outside of any legal utility easements, and shall comply with the 2008 Water Related Services Bylaw.

5.4 All graded building platforms adjacent to the open portion of Bridle Path Stream shall be set equal to or higher than the adjacent critical 2 percent annual exceedance probability water surface plus 400mm freeboard.

5.5 Finished floors of buildings adjacent to the open portion of Bridle Path Stream shall be a minimum of 150mm above building platform levels.

5.6 Finished floor levels for building(s) adjacent to the Bridle Path Stream pipe system shall be a minimum of 150mm above the adjacent critical 2 percent annual exceedance probability water surface assuming 100% blockage of the primary culvert inlet.

5.7 Secondary flow paths from possible upstream flooding across Port Hills Road (i.e. should the Port Hills Road culvert be blocked or reach capacity) shall be provided and maintained through the site and shall be directed away from buildings to the waterway and where appropriate along access.

5.8 Stormwater runoff from hardstanding areas serving the commercial and hospital developments shall be pre-treated via a swale, oil interceptor or equivalent treatment system prior to discharge into Bridle Path Stream.

6. Environmental Health and Land Contamination

6.1 The site contamination management plan is to be followed at all times during all construction activities on the site.

6.2 The placement and depth of fill over the areas in the vicinity of test pits 3 and 6 is to be recorded, documented and reported to the Team Leader Environmental Compliance within two months of the completion of the earthworks.

- 6.3 A post development, maintenance phase site management plan prepared by a suitably qualified person is to be submitted to the Team Leader Environmental Compliance within three months of the completion of construction activities.
- 6.4 All future landuse activities shall comply with the maintenance phase site management plan.
- 6.5 With respect to Lots 1, 2 and 4, a maintenance phase site management plan will not apply if the Senior Environmental Health Officer is satisfied that there is no risk from contamination with respect to the future use of these sites in terms of human health or the wider environment.
- 7. Construction**
- 7.1 No work, with the exception of dust and sediment control, shall be undertaken on Sundays, Public Holidays, or outside the hours of 7.00 am to 6.00 pm Monday to Friday and 8.00 am to 6.00 pm Saturday without the Council's prior consent.
- 7.2 Adequate dust control measures must be in place at all times so as to minimise any nuisance to neighbouring property. Appropriate equipment including water carts and sprinklers is to be available on site at all times. The roads to and from the site are to remain tidy at all times. These will need to be regularly monitored and swept or vacuumed if necessary at the end of each day.
- 7.3 All loading and unloading of trucks with excavation or fill material is to be carried out within the subject site.
- 7.4 A Traffic Management Plan shall be prepared, accepted and implemented for this construction activity. Activities on any road should be planned so as to cause as little disruption, delay or inconvenience to road users as possible without compromising safety. The Traffic Management Plan shall be submitted to the Subdivision's Engineer for acceptance.
- 7.5 Noise shall be limited to comply with the requirements of NZS 6803 "Acoustics – Construction Noise".
- 7.6 All filling and excavation work is to be carried out in accordance with an Erosion and Sediment Control Plan (ESCP). Unless approved as part of a separate ECan resource consent for stormwater discharge or Ecan resource consent for excavation/filling the ESCP will require formal approval by the Subdivision Engineering Section of Council prior to any work starting on site. The approved ESCP is to be implemented on site during the construction phase and no works are to commence until such time as the ESCP has been approved. The ESCP is to be designed by a suitably qualified person and a design certificate (template available on request) supplied with the ESCP for approval. The performance criteria for the ESCP, unless directed by Council through the subdivision engineering approval process, will be based on ECAN's Erosion and Sediment Control Guidelines (2007).
<http://www.ecan.govt.nz/Our+Environment/Land/ErosionAndSediment/ErosionSedimentControlGuidelines.htm>. 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.
- 7.7 Surplus or unsuitable material is to be disposed of away from the site to a council approved destination.
- 8. Restrictions on Occupation**
- 8.1 No independent living unit on Lots 1 and 4 shall be permanently occupied by persons other than a person over the age of 50 years or a person who qualifies for a permanent invalid's benefit on health grounds.
- The Certificate/s of Title for the sites must be encumbered by way of an appropriate legal arrangement, which ensures that the use of the units is confined to "elderly persons". A copy of the Request for Encumbrance form and an information pamphlet are attached. The fee for this is approximately \$485 which does not include any fees charged by your own solicitor.

The completed form should be forwarded to ResourceConsentApplications@ccc.govt.nz, and an invoice for the fee will be sent to you. Alternatively the form and fee can be delivered to Civic Offices, 53 Hereford Street. Please note that no building work will be permitted to occur until such time as the encumbrance has been registered on the Certificate of Title of the site. Failure to register the encumbrance would breach the resource Consent.

9. Commercial Building

- 9.1 This consent allows the commercial building to be used for retail activities. Only one of the tenancies can be used for a food and beverage outlet (e.g. a cafe)

Advice Notes on Landuse:

- All activities on the site shall comply with Council's Proposed City Plan Noise Standard, Volume 3, Part 11, Section 1.3.3.
- The proposal shall comply with the Council's Proposed City Plan Glare standard Volume 3, Part 11, Section 2.3.2. This includes suitably direct light away from residential properties.
- The detailed design of undergrounding the Orion powerlines will need to be resolved with Orion.
- This consent has conditions requiring engineering input. The time incurred by the Engineers is to be invoiced and paid prior to the release of the Section 224 Resource Management Act 1991 certificate.
- The Council will require payment of its administrative charges in relation to monitoring, as authorised by the provisions of section 36 of the Resource Management Act 1991.
- This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will also need to comply with the requirements of the Building Act 2004. Please contact a Building Consent Officer (ph 941-8999) for advice on the building consent process.
- Development Contributions: At the time of granting this subdivision consent, a statement of Development Contributions was not available, this will be forwarded to the consent holder once the assessment has been made.
- Sustainable transport: It would be preferable if:
 - Footpaths were included along the entire length of the site frontage
 - The cycle parking was covered and secure;
 - Additional cycle parking spaces are provided; and
 - The development provides staff areas for showers, lockers etc and a drying area for cyclists, pedestrians and bus users.

SUBDIVISION CONSENT RMA92021957 (FOUR LOT FEE SIMPLE SUBDIVISION)

- A. The application be processed on a **non-notified** basis in accordance with Sections 95A - 95F of the Resource Management Act 1991.
- B. The application **be granted** pursuant to Sections 104, 104A, 106, 108, 220, 221(3) of the Resource Management Act 1991, subject to the following condition:

1. Compliance with Application Information

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

2. General

- 2.1 The sewer works proposed for this subdivision consent must be installed and inspected under a building consent obtained from the Building Operations Unit. A Certificate of Compliance is to be provided with the 224 request.

Refer to form B002 at <http://www.ccc.govt.nz/homeliving/buildingplanning/forms/index.aspx>

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

A list of Council authorised drainlayers is available on request or online at website <http://www.ccc.govt.nz/business/constructiondevelopment/authoriseddrainlayers.aspx>

3. Water Supply

- 3.1 Any existing reticulation between Lots 1 to 4 outside the relevant easements must be removed.

All existing water connections to this site (from Port Hills & Station Roads) shall be abandoned and capped back at the main. This work shall be done by the Council's Reticulation Maintenance Contractor 'City Care', upon Council receiving a completed WS1 application form from the applicant. Council will do this work at no charge to the applicant.

- 3.2 **Lot 1:** The point of connection for Lot 1 is the 100mm AC pipeline in Port Hills Rd. A new connection is required to the main as the two existing connections are 20mm galv.

- 3.3 **Lot 2:** A new 63mm crossover connection is required to the 100mm AC pipeline in Port Hills Rd with a meter box manifold to provide sufficient meters for any commercial unit titles that may be created on this property.

- 3.4 **Lot 3:** A connection can be made to the 200mm AC pipeline in Martindales Rd.

- 3.5 **Lot 4:** A lateral is to be laid within the access (easement K) to the net area of the Lot. The supply connection is the 200mm AC pipeline in Martindales Rd

- 3.6 The installation of the above new connections can be made as part of the building consents issued for this development.

Engineering design drawings for the entire development are to be sent to the Engineering Services Team for approval by Ian Johnson of the Asset and Network Planning Unit prior to construction.

- 3.7 The water supply is to 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.

- 3.8 Connections to the Council network is to be carried out by a Council authorised water supply installer at the expense of the applicant. Refer to:

<http://resources.ccc.govt.nz/files/AuthorisedInstallerRegister-docs.pdf>
for a list of installers.

The Installer must contact the Council's Contract's Supervisor; Ian Craig (027-4342670) 24 hours prior to commencing work on site.

An as-built plan of the work undertaken is to be sent to the Corporate Data Team (Mark Lockley) before the 224 certificate can be issued.

- 3.9 For any industrial or commercial, backflow protection is required to be installed by the owner of the property in accordance with the 1961 Water Supply Protection Regulations and any subsequent amendments. This protection is to be provided as close as possible to the point of supply of City Council Potable water. This point of supply normally being the meter connection at the boundary. This protection must provide "containment protection" and any discharge from the backflow protection must be piped to waste.

4. Sewage

- 4.1 The sanitary sewer outfall for this development is the 250mm diameter uPVC gravity sewer main in Martindales Road, offset 8.8m from the development's legal road boundary.
- 4.2 The applicant shall confirm in writing that the existing 225mm & 300mm diameter dedicated sewer outfall pipes located in Martindales and Truscotts Roads have been disconnected by Council at the manhole in Martindales Road. Council will then take over the responsibility for maintaining this sewer.
- 4.3 Sanitary sewer laterals are to be laid to at least 600mm inside the net site area of Lots 1 and 2 at the subdivision stage. The existing pipeline through the site will be abandoned and replaced with a pipeline laid through easements H, F, E & D as shown on Approved Plan 1.

5. Stormwater

- 5.1 Lots 1, 3 and 4 will have outfalls to the re-aligned waterway through the site. Lot 2 requires a stormwater piped outfall, laid through easements D, F & G to the waterway as shown on the Approved Scheme Plans.
- 5.2 The design of the surface water management system shall meet the requirements of the Christchurch City Council Waterways, Wetlands and Drainage Guide (WWDG, 2003 including Chapters 6, 21 and Appendix 10 updated 2011/12), the Infrastructure Design Standard (IDS, 2013) and the Construction Standard Specifications (CSS, 2013).
- 5.3 The primary stormwater reticulation network (other than the Bridle Path Stream realignment works) shall be designed to convey (at minimum) the critical twenty percent annual exceedance probability storm event. No nuisance flooding of land shall occur during the critical ten percent annual exceedance probability storm event and no flooding of buildings shall occur during the critical two percent annual exceedance probability storm event.
- 5.4 The following conditions are required to be complied with on an ongoing basis:
Lot 1, 3 and 4
- A 5 metre (minimum) setback shall be maintained between all buildings and the banks of the Bridle Path Stream open waterway. The waterway banks shall be determined in accordance with City Plan Appendix 2 – Definition of banks of waterways.
 - A 7 metre (minimum) setback shall be maintained between all buildings and any part of the Bridle Path Stream culvert entry structures.
 - All graded building platforms adjacent to the open portion of Bridle Path Stream shall be set equal to or higher than the adjacent critical 2 percent annual exceedance probability water surface plus 400mm freeboard.
 - Finished floors of buildings adjacent to the open portion of Bridle Path Stream shall be a minimum of 150mm above building platform levels.
 - Finished floor levels for building(s) adjacent to the Bridle Path Stream pipe system shall be a minimum of 150mm above the adjacent critical 2 percent annual exceedance probability water surface assuming 100% blockage of the primary culvert inlet.

These conditions will be secured by a consent issued under section 221 of the Resource Management Act.

- 5.5 The consent holder shall provide easements in gross over all stormwater infrastructure to be vested in Council that is located outside of legal road. All easement dimensions shall meet or exceed the minimum widths set forth in IDS Section 5.9.6 as determined by Equation 1 Easement Width. Pipe infrastructure shall be positioned along the centreline of the easement area. The easement in gross for the realigned waterway shall be extended so that it includes all secondary flow paths over the

pipe and a 3m wide strip of land over the grassed area from the proposed internal accesses to the main portion of the waterbody (also contained in an easement in gross).

- 5.6 The consent holder shall submit to Council's Asset and Network Planning (Greenspace) Unit for acceptance a stormwater engineering design report. The engineering design report shall demonstrate how the design will meet all of the above standards and shall contain all of the plans, specifications and calculations for the design and construction of all surface water management systems and infrastructure.
- 5.7 Site development shall be in accordance with the accepted stormwater engineering design report.
- 5.8 Landscaping and earthworks for the new waterway alignment shall be completed in accordance with resource consent RMA92021193.
- 6. Minimum Levels and Filling**
- 6.1 Filling (Residential): All filling exceeding 300mm above excavation level shall be in accordance with the Code of Practice for earthfill for residential purposes NZS 4431: 1989. A duly completed certificate in the form of Appendix A of NZS 4431 shall be submitted to the Council for all lots within the subdivision that contain filled ground, prior to the issue of a Section 224 Conditions Certificate.
- 6.2 Filling (Commercial): All filling is to be carried out using good quality inert engineering material free of organic, putrescible or hazardous components and in accordance with Rule 5.6.1 in Volume 3, Part 9 of the City Plan. Topsoil is to be stripped and stockpiled on the site for later spreading over the filled land. All filling shall be compacted in even layers using appropriate mechanical equipment and under the general control of a suitably qualified Engineer. A report is to be submitted to Council by the Engineer detailing the extent of the filling and the nature of the fill material utilised.
- 7. Vehicle Access**
- 7.1 The vehicle accesses (three on Port Hills Rd, one from Martindales Rd) shall 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.
- 7.2 Any existing vehicle crossings becoming redundant are to be restored to kerb and channel.
- 7.3 Any damage to the pavement and existing formation (vehicle crossing, footpath along the development street frontage, road area along the development street frontage) is to be repaired to the standard as specified in the CSS, Part 6 (Roading) Section 6.0.
- 8. Access Formation**
- 8.1 The rights of way shall be formed and sealed in accordance with the CCC Infrastructure Design Standard.
- 8.2 Prior to construction the consent holder is to submit to the Engineering Services Team the following documentation.
- a) A Design Certificate from Appendix IV of the Christchurch Infrastructure Design Standard Part 3 signed by a suitably qualified person stating that the access and all services have been designed in accordance with the consent conditions.
 - b) A design report and plans in sufficient detail for the access construction and confirmation that connections and outfalls for water supply, stormwater and sanitary sewerage are achievable in accordance with consent conditions and the CCC Infrastructure Design Standard.
- Physical works are not to commence until this information has been received and accepted.
- 8.3 Prior to certification pursuant to section 224c of the Act the consent holder shall submit to the Engineering Service Team an Engineer's report including the following.
- a) An Engineer's Completion Certificate from Appendix VII of the Christchurch Infrastructure Design Standard Part 3 signed by a suitably qualified person stating that the access and all services have been constructed in accordance with the consent conditions and the CCC Infrastructure Design Standard.
 - b) A set of as-built drawings of the access and associated drainage.
 - c) Benkelman Beam Test results (where applicable).
 - d) For concrete pavements, a drawing showing dimensioned cross-sections is to be provided.

- e) Nuclear Density Test results over the kerb and channel sub-base and / or "V" channel sub-base (if provided as stormwater solution).

- 8.4 Photographs are to be supplied that clearly show views (including the vehicle crossing) of the completed formation that the Subdivision Planning Officer can identify as complying with the access construction condition of the consent. Also include photos of any sumps, showing internal views and the capped pipe (cap on), where the sump has an submerged outlet (SD 329).
- 8.5 The applicant shall contact a Subdivision Engineering Officer to arrange an on-site inspection of the work completed after the 224 request has been received. Inspections will not occur until photographic evidence has been received that all works have been completed.

9. Environmental Health

- 9.1 The site contamination management plan is to be followed at all times during all construction activities on the site.
- 9.2 The placement and depth of fill over the areas in the vicinity of test pits 3 and 6 is to be recorded, documented and reported to the Team Leader Environmental Compliance within two months of the completion of the earthworks.
- 9.3 A post development, maintenance phase site management plan shall be prepared by a suitably qualified person and shall be submitted to the Team Leader Environmental Compliance within three months of the completion of construction activities. The post development, maintenance phase site management plan shall be to the satisfaction of the Senior Environmental Health Officer
- 9.4 The following condition is required to be complied with on an ongoing basis:
Lots 1 to 4
 All future landuse activities shall comply with the maintenance phase site management plan prepared by _____, reference number _____, labelled _____ and dated _____. This plan is entered into Council's TRIM records as _____.

Notes:

- *This condition will be secured by a consent issued under section 221 of the Resource Management Act.*
- *The blank spaces of the above conditions will be filled in at the time of subdivision and once the post development, Maintenance Phase Site Management Plan is approved by the Senior Environmental Health Officer.*
- *With respect to Lots 1, 2 and 4, a maintenance phase site management plan and consent notice will not apply if the Senior Environmental Health Officer is satisfied that there is no risk from contamination for the future use of these sites in terms of human health or the wider environment.*

10. Geotechnical

- 10.1 All works shall be in accordance with the recommendations of the Geotechnical Investigation Report submitted with the application from Aurecon for the above site reference 21138 Rev 2 dated April 2012.
- 10.2 The following condition is required to be complied with on an ongoing basis:
Lots 1 to 4
All buildings to be constructed with a specific building design designed by an appropriate qualified engineer and to TC2 equivalent standard.

11. Construction

- 11.1 No work, with the exception of dust and sediment control, shall be undertaken on Sundays, Public Holidays, or outside the hours of 7.00 am to 6.00 pm Monday to Friday and 8.00 am to 6.00 pm Saturday without the Council's prior consent.
- 11.2 Adequate dust control measures must be in place at all times so as to minimise any nuisance to neighbouring property. Appropriate equipment including water carts and sprinklers is to be available on site at all times. The roads to and from the site are to remain tidy at all times. These will need to be regularly monitored and swept or vacuumed if necessary at the end of each day.

- 11.3 All loading and unloading of trucks with excavation or fill material is to be carried out within the subject site.
- 11.4 A Traffic Management Plan shall be prepared, accepted and implemented for this construction activity. Activities on any road should be planned so as to cause as little disruption, delay or inconvenience to road users as possible without compromising safety. The Traffic Management Plan shall be submitted to the Subdivision's Engineer for acceptance.
- 11.5 Noise shall be limited to comply with the requirements of NZS 6803 "Acoustics – Construction Noise".
- 11.6 All filling and excavation work is to be carried out in accordance with an Erosion and Sediment Control Plan (ESCP). Unless approved as part of a separate ECan resource consent for stormwater discharge or Ecan resource consent for excavation/filling the ESCP will require formal approval by the Subdivision Engineering Section of Council prior to any work starting on site. The approved ESCP is to be implemented on site during the construction phase and no works are to commence until such time as the ESCP has been approved. The ESCP is to be designed by a suitably qualified person and a design certificate (template available on request) supplied with the ESCP for approval. The performance criteria for the ESCP, unless directed by Council through the subdivision engineering approval process, will be based on ECAN's Erosion and Sediment Control Guidelines (2007).
<http://www.ecan.govt.nz/Our+Environment/Land/ErosionAndSediment/ErosionSedimentControlGuidelines.htm>. 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.
- 11.7 Surplus or unsuitable material is to be disposed of away from the site to a council approved destination.
- 12. Telecommunications and Energy Supply**
- 12.1 The engineering design detail of the undergrounding of the powerlines through the application site shall be provided to the Subdivision Engineer for information purposes.
- 12.2 All lots shall be provided with the ability to connect to a telecommunications and electrical supply network at the boundary of the net area of each lot. "Ability to connect" means that ducts or cables must be laid to the boundary of the net area.
- 12.3 As evidence of the ability to connect, the consent holder is to provide a copy of the reticulation agreement letter from the telecommunications network operator and a letter from the electrical energy network operator, or their approved agent.
- 13. Right of Way Easements (Private Ways)**
- 13.1 The rights of way easements as set out on the application plan shall be duly granted or reserved.
- 13.2 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.
- 14. Service Easements**
- 14.1 The service easements as set out on the application plan or required to protect services crossing other lots shall be duly granted or reserved.
- 14.2 Easements over adjoining land or in favour of adjoining land are to be shown in a schedule on the Land Transfer Plan. A solicitor's undertaking will be required to ensure that the easements are created on deposit of the plan.
- 15. Easements in Gross**

- 15.1 The legal instruments for easements in gross in favour of Council are to be prepared by Council's consultant solicitor at the consent holder's cost. The consent holder's solicitor is to contact Anderson Lloyd Lawyers (Mike Kerr) requesting the preparation of the easement instruments.

16. Public Utility Sites

- 16.1 Any public utility site and associated rights of way easements and/or service easements required by a network operator are approved provided that they are not within any reserves to vest in Council.

17. Amenity

- 17.1 The hours of operation of work shall be restricted to 7.00am to 6.00pm, Monday to Friday and 8.00am to 6.00pm Saturday except that no works shall take place on public holidays. This restriction on the hours of operation excludes any work required for compliance with the erosion and sediment control measures required under conditions 7.13 and 23.1.

- 17.2 All construction work on the site shall be designed and conducted to ensure that construction noise from the site does not exceed the noise limits in the following table. Sound levels shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise.

Time Period	Weekdays (dBA)		Saturdays (dBA)		Sundays and Public Holidays (dBA)	
	L _{eq}	L _{max}	L _{eq}	L _{max}	L _{eq}	L _{max}
0630 – 0730	60	75	45	75	45	75
0730 – 1800	75	90	75	90	55	85
1800 – 2000	70	85	45	75	45	75
2000 - 0630	45	75	45	75	45	75

- 17.3 The consent holder shall be required to maintain a complaints register and this record shall be made available to the Council to view within five working days of any request.

18. Goods and Services Taxation Information

- 18.1 The subdivision will result in non-monetary contributions to Council in the form of land and/or other infrastructure that will vest in Council. Council's GST assessment form is to be completed to enable Council to issue a Buyer Created Tax Invoice.

19. Duration of Consent

- 19.1 The period within which this consent may be given effect to shall be 10 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.

20. Consent Notice

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

Lots 1, 2 and 4

- a. A 5 metre (minimum) setback shall be maintained between all buildings and the banks of the Bridle Path Stream open waterway. The waterway banks shall be determined in accordance with City Plan Appendix 2 – Definition of banks of waterways.
- b. A 7 metre (minimum) setback shall be maintained between all buildings and any part of the Bridle Path Stream culvert entry structures.
- c. All graded building platforms adjacent to the open portion of Bridle Path Stream shall be set equal to or higher than the adjacent critical 2 percent annual exceedance probability water surface plus 400mm freeboard.
- d. Finished floors of buildings adjacent to the open portion of Bridle Path Stream shall be a minimum of 150mm above building platform levels.
- e. Finished floor levels for building(s) adjacent to the Bridle Path Stream pipe system shall be a minimum of 150mm above the adjacent critical 2 percent annual exceedance probability water surface assuming 100% blockage of the primary culvert inlet.

Lots 1 to 4

- f. All future landuse activities shall comply with the maintenance phase site management plan prepared by _____, reference number _____, labelled _____ and dated _____. This plan is entered into Council's TRIM records as _____.

Notes:

- The blank spaces of the above conditions will be filled in at the time of subdivision and once the post development, Maintenance Phase Site Management Plan is approved by the Senior Environmental Health Officer in accordance with condition 9.3.
 - With respect to Lots 1, 2 and 4, a maintenance phase site management plan and consent notice will not apply if the Senior Environmental Health Officer is satisfied that there is no risk from contamination for the future use of these sites in terms of human health or the wider environment.
- g. All buildings to be constructed with a specific building design designed by an appropriate qualified engineer and to TC2 equivalent standard.

ADVICE NOTES FEE SIMPLE SUBDIVISION:

- The existing consent notice will be amendment at the time the 224(c) certificate is issued to allow the following clause to be deleted:
Access formation Lot 2
The legal access created under RMA 92013137 is to be formed and sealed in accordance with the CCC Infrastructure Design Standard as part of further development of Lot 2
- Buildings (including overhangs and foundations) adjacent to the side of pipes and culverts shall be located entirely outside of any legal utility easements, and shall comply with the 2008 Water Related Services Bylaw.
- Services: New pipelines will be inspected and approved under the building consents issued for this development. Connections to Council mains are to be undertaken by approved contractors and inspected by the Capital Program Group.
- General: The consent holder is required to mitigate any adverse affects on adjoining properties. Failure to undertake such works may mean that the consent holder has some responsibility to adjacent owners at law.

This consent has conditions requiring engineering input. The time incurred by the Engineers is to be invoiced and paid prior to the release of the Section 224 Resource Management Act 1991 certificate

- The Council will require payment of its administrative charges in relation to monitoring, as authorised by the provisions of section 36 of the Resource Management Act 1991.
- This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will also need to comply with the requirements of the Building Act 2004. Please contact a Building Consent Officer (ph 941-8999) for advice on the building consent process.
- The consent holder shall obtain all required consents from the Canterbury Regional Council necessary to give effect to the works (e.g.; stormwater diversion and discharge, earthworks, etc.).
- **Development Contributions**
At the time of granting this subdivision consent, a statement of Development Contributions was not available, this will be forwarded to the consent holder once the assessment has been made.

SUBDIVISION CONSENT RMA92027854 (UNIT TITLE SUBDIVISION OF UNITS WITHIN LOT 1)

- A. The application be processed on a **non-notified** basis in accordance with Sections 95A - 95F of the Resource Management Act 1991.
- B. The application **be granted** pursuant to Sections 104, 104B, 104D, 106, 108 and 220 of the Resource Management Act 1991, subject to the following condition:

1. Compliance with Application Information

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

2. Staging

- 2.1 The subdivision may be carried out in stages at the discretion of the Subdivisions Engineer (any approval shall be in writing) with suitable provision being made for staging in the unit title scheme plan.

A section 224(c) certificate can be issued at each stage provided that compliance is achieved for all appropriate conditions at that stage.

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

3. Building Commitment

- 3.1 Prior to the lodgement of a section 224 certificate for each stage, the buildings contained within that stage are to be erected in accordance with the approved application plan under landuse consent RMA92021958.

- 3.2 For the purposes of this condition 'erected' means the building has passed the 205 (pre-lining/bracing/plumbing) and 208 (FS and SW drains) mandatory building inspections pursuant to the Building Code.

4. Compliance with Building Act 2004

- 4.1 The consent holder shall provide a specialist's Fire Safety report or confirmation from the Council's Fire Engineer to demonstrate that the units comply with Section 116(A) of the Building Act 2004.

Note: The report is to be approved by the Council's Senior Fire Engineering Officer prior to the issue of the s224 Certification for each stage.

5. General

- 5.1 The sewer works proposed for this subdivision consent must be installed and inspected under a building consent obtained from the Building Operations Unit. A Certificate of Compliance is to be provided with the 224 request.

Refer to form B002 at <http://www.ccc.govt.nz/homeliving/buildingplanning/forms/index.aspx>

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

A list of Council authorised drainlayers is available on request or online at website <http://www.ccc.govt.nz/business/constructiondevelopment/authoriseddrainlayers.aspx>

6. Water Supply

- 6.1 The point of connection is the 100mm AC pipeline in Port Hills Rd. A new connection is required to the main as the two existing connections are 20mm galv.

- 5.1 The unit titles on Lot 1 can be supplied by a single connection.

A Principal Unit (management unit) is to be nominated as being the rating unit for the purposes of Water Billing by Council. This Unit will be responsible for paying all water charges associated with the development. Body Corporate Rules are to be amended to reflect this Water Billing requirement and

is to include a clause stating that this requirement cannot be changed without the consent of the Council.

The Body Corporate is responsible for ensuring that all Unit supplies are protected with suitable backflow protection.

A copy of the Body Corporate Rules is to be emailed to the subdivisions team (subdivisions@ccc.govt.nz) for checking prior to the 224 certificate process commencing.

- 6.2 The installation of the above new connection can be made as part of the building consents issued for this development.

Engineering design drawings for the entire development are to be sent to the Subdivision Engineers (Planning Team 1) for approval by Ian Johnson of the Asset and Network Planning Unit.

- 6.3 The water supply is to 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 Connections to the Council network is to be carried out by a Council authorised water supply installer at the expense of the applicant. Refer to:
<http://resources.ccc.govt.nz/files/AuthorisedInstallerRegister-docs.pdf>
 for a list of installers.

The Installer must contact the Council's Contract's Supervisor; Ian Craig (027-4342670) 24 hours prior to commencing work on site.

An as-built plan of the work undertaken is to be sent to the Corporate Data Team (Mark Lockley) before the 224 certificate can be issued.

7. Sewage

- 7.1 The sanitary sewer outfall for this development is the 250mm diameter uPVC gravity sewer main in Martindales Road, offset 8.8m from the development's legal road boundary.

8. Stormwater

- 8.1 Units will have outfalls to the re-aligned waterway through the site.
- 8.2 The design of the surface water management system shall meet the requirements of the Christchurch City Council Waterways, Wetlands and Drainage Guide (WWDG, 2003 including Chapters 6, 21 and Appendix 10 updated 2011/12), the Infrastructure Design Standard (IDS, 2010/2013) and the Construction Standard Specifications (CSS, 2010/2013).
- 8.3 The primary stormwater reticulation network (other than the Bridle Path Stream realignment works) shall be designed to convey (at minimum) the critical twenty percent annual exceedance probability storm event. No nuisance flooding of land shall occur during the critical ten percent annual exceedance probability storm event and no flooding of buildings shall occur during the critical two percent annual exceedance probability storm event.
- 8.4 The consent holder shall submit to Council's Asset and Network Planning (Greenspace) Unit for acceptance a stormwater engineering design report. The engineering design report shall demonstrate how the design will meet all of the above standards and shall contain all of the plans, specifications and calculations for the design and construction of all surface water management systems and infrastructure.
- 8.5 Site development shall be in accordance with the accepted stormwater engineering design report.
- 8.6 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).

<http://www.ecan.govt.nz/Our+Environment/Land/ErosionAndSediment/ErosionSedimentControlGuidelines.htm>

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

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

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

9. Vehicle Access

- 9.1 Any damage to the pavement and existing formation (vehicle crossing, footpath along the development street frontage, road area along the development street frontage) is to be repaired to the standard as specified in the CSS, Part 6 (Roading) Section 6.0.

10. Access Formation

- 10.1 The common property access formation shall be formed and sealed in accordance with the CCC Infrastructure Design Standard.
- 10.2 Prior to construction the consent holder is to submit to the Engineering Services Team the following documentation.
- a) A Design Certificate from Appendix IV of the Christchurch Infrastructure Design Standard Part 3 signed by a suitably qualified person stating that the access and all services have been designed in accordance with the consent conditions.
 - b) A design report and plans in sufficient detail for the access construction and confirmation that connections and outfalls for water supply, stormwater and sanitary sewerage are achievable in accordance with consent conditions and the CCC Infrastructure Design Standard.
- Physical works are not to commence until this information has been received and accepted.
- 10.3 Prior to certification pursuant to section 224c for each stage, the consent holder shall submit to the Engineering Service Team an Engineer's report including the following.
- a) An Engineer's Completion Certificate from Appendix VII of the Christchurch Infrastructure Design Standard Part 3 signed by a suitably qualified person stating that the access and all services have been constructed in accordance with the consent conditions and the CCC Infrastructure Design Standard.
 - b) A set of as-built drawings of the access and associated drainage.
 - c) Benkelman Beam Test results (where applicable).
 - d) For concrete pavements, a drawing showing dimensioned cross-sections is to be provided.
 - e) Nuclear Density Test results over the kerb and channel sub-base and / or "V" channel sub-base (if provided as stormwater solution).
- 10.4 The applicant shall contact a Subdivision Engineering Officer to arrange an on-site inspection of the work completed after the 224 request has been received. Inspections will not occur until photographic evidence has been received that all works have been completed.

11. Minimum Levels and Filling

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

12. Restriction on Use of units (Amendment to Body Corporate Rules)

12.1 The following additions are to be made to the rules of the Body Corporate:

Rule 1: A Proprietor shall

1 (g) Ensure their Unit shall only be occupied by either:

- *a person aged 50 years or more or, if there is more than one occupier at least one such person shall be aged 50 years or more; or*
- *a person who qualifies for a permanent invalid's benefit on health grounds or, if there is more than one occupier at least one such occupier shall be a person who qualifies for a permanent invalid's benefit.*

Rule 1, clause 1(g) shall not be varied without first obtaining the consent of the Christchurch City Council.

The body corporate rule as specified above is to be drafted by the consent holder's solicitor in consultation with the Council. A solicitor's undertaking is required as surety that this rule amendment will be included in the rules of the body corporate.

13. Duration of Consent

13.1 The period within which this consent may be given effect to shall be 10 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

- The Council will require payment of its administrative charges in relation to monitoring, as authorised by the provisions of section 36 of the Resource Management Act 1991.
- This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will also need to comply with the requirements of the Building Act 2004. Please contact a Building Consent Officer (ph 941-8999) for advice on the building consent process.
- The consent holder shall obtain all required consents from the Canterbury Regional Council necessary to give effect to the works (e.g.; stormwater diversion and discharge, earthworks, etc.).

• **Development Contributions**

At the time of granting this subdivision consent, a statement of Development Contributions was not available, this will be forwarded to the consent holder once the assessment has been made.

SUBDIVISION CONSENT RMA92027866 (UNIT TITLE SUBDIVISION OF APARTMENTS ON LOT 4)

- A. The application be processed on a **non-notified** basis in accordance with Sections 95A - 95F of the Resource Management Act 1991.
- B. The application **be granted** pursuant to Sections 104, 104B, 104D, 106, 108 and 220 of the Resource Management Act 1991, subject to the following condition:

1. Compliance with Application Information

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

2. Building Commitment

- 2.1 Prior to the issue of a section 224 certificate the buildings shown on the approved plans for resource consent RMA92021958 shall have passed the 205 (pre-lining/bracing/plumbing) and 208 (FS and SW drains) mandatory building inspections pursuant to the Building Code.

The development is to be in accordance with Resource Consent RMA92021958.

3. Compliance with Building Act 2004

- 3.1 The consent holder shall provide a specialist's Fire Safety report or confirmation from the Council's Fire Engineer to demonstrate that the units comply with Section 116(A) of the Building Act 2004.

Note: The report is to be approved by the Council's Senior Fire Engineering Officer prior to the issue of the s223 Certification.

4. General

- 4.1 The sewer works proposed for this subdivision consent must be installed and inspected under a building consent obtained from the Building Operations Unit. A Certificate of Compliance is to be provided with the 224 request.

Refer to form B002 at <http://www.ccc.govt.nz/homeliving/buildingplanning/forms/index.aspx>

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

A list of Council authorised drainlayers is available on request or online at website <http://www.ccc.govt.nz/business/constructiondevelopment/authoriseddrainlayers.aspx>

5. Water Supply

- 5.2 A lateral is to be laid within the access (easement K) to the net area of the Lot. The supply connection is the 200mm AC pipeline in Martindales Rd.

- 5.3 The unit titles on Lot 4 can be supplied by a single connection.

A Principal Unit (management unit) is to be nominated as being the rating unit for the purposes of Water Billing by Council. This Unit will be responsible for paying all water charges associated with the development. Body Corporate Rules are to be amended to reflect this Water Billing requirement and is to include a clause stating that this requirement cannot be changed without the consent of the Council.

The Body Corporate is responsible for ensuring that all Unit supplies are protected with suitable backflow protection.

A copy of the Body Corporate Rules is to be emailed to the subdivisions team (subdivisions@ccc.govt.nz) for checking prior to the 224 certificate process commencing.

- 5.4 The installation of the above new connection can be made as part of the building consents issued for this development.

Engineering design drawings for the entire development are to be sent to the Subdivision Engineers (Planning Team 1) for approval by Ian Johnson of the Asset and Network Planning Unit.

5.5 The water supply is to 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.

5.6 Connections to the Council network is to be carried out by a Council authorised water supply installer at the expense of the applicant. Refer to:
<http://resources.ccc.govt.nz/files/AuthorisedInstallerRegister-docs.pdf>
 for a list of installers.

The Installer must contact the Council's Contract's Supervisor; Ian Craig (027-4342670) 24 hours prior to commencing work on site.

An as-built plan of the work undertaken is to be sent to the Corporate Data Team (Mark Lockley) before the 224 certificate can be issued.

6. Sewage

6.1 The sanitary sewer outfall for this development is the 250mm diameter uPVC gravity sewer main in Martindales Road, offset 8.8m from the development's legal road boundary.

7. Stormwater

7.1 Units will have an outfall to the re-aligned waterway through the site.

7.2 The design of the surface water management system shall meet the requirements of the Christchurch City Council Waterways, Wetlands and Drainage Guide (WWDG, 2003 including Chapters 6, 21 and Appendix 10 updated 2011/12), the Infrastructure Design Standard (IDS, 2010/2013) and the Construction Standard Specifications (CSS, 2010/2013).

7.3 The primary stormwater reticulation network (other than the Bridle Path Stream realignment works) shall be designed to convey (at minimum) the critical twenty percent annual exceedance probability storm event. No nuisance flooding of land shall occur during the critical ten percent annual exceedance probability storm event and no flooding of buildings shall occur during the critical two percent annual exceedance probability storm event.

7.4 The consent holder shall submit to Council's Asset and Network Planning (Greenspace) Unit for acceptance a stormwater engineering design report. The engineering design report shall demonstrate how the design will meet all of the above standards and shall contain all of the plans, specifications and calculations for the design and construction of all surface water management systems and infrastructure.

7.5 Site development shall be in accordance with the accepted stormwater engineering design report.

7.6 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).
<http://www.ecan.govt.nz/Our+Environment/Land/ErosionAndSediment/ErosionSedimentControlGuidelines.htm>

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

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

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

8. Vehicle Access

- 8.1 Any damage to the pavement and existing formation (vehicle crossing, footpath along the development street frontage, road area along the development street frontage) is to be repaired to the standard as specified in the CSS, Part 6 (Roding) Section 6.0.

9. Access Formation

- 9.1 The common property access formation shall be formed and sealed in accordance with the CCC Infrastructure Design Standard.

- 9.2 Prior to construction the consent holder is to submit to the Engineering Services Team the following documentation.

- a) A Design Certificate from Appendix IV of the Christchurch Infrastructure Design Standard Part 3 signed by a suitably qualified person stating that the access and all services have been designed in accordance with the consent conditions.
- b) A design report and plans in sufficient detail for the access construction and confirmation that connections and outfalls for water supply, stormwater and sanitary sewerage are achievable in accordance with consent conditions and the CCC Infrastructure Design Standard.

Physical works are not to commence until this information has been received and accepted.

- 9.3 Prior to certification pursuant to section 224c of the Act the consent holder shall submit to the Engineering Service Team an Engineer's report including the following.

- a) An Engineer's Completion Certificate from Appendix VII of the Christchurch Infrastructure Design Standard Part 3 signed by a suitably qualified person stating that the access and all services have been constructed in accordance with the consent conditions and the CCC Infrastructure Design Standard.
- b) A set of as-built drawings of the access and associated drainage.
- c) Benkelman Beam Test results (where applicable).
- d) For concrete pavements, a drawing showing dimensioned cross-sections is to be provided.
- e) Nuclear Density Test results over the kerb and channel sub-base and / or "V" channel sub-base (if provided as stormwater solution).

- 9.4 The applicant shall contact a Subdivision Engineering Officer to arrange an on-site inspection of the work completed after the 224 request has been received. Inspections will not occur until photographic evidence has been received that all works have been completed.

10. Minimum Levels and Filling

- 10.1 Filling (Residential)

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

11. Restriction on Use of units (Amendment to Body Corporate Rules)

- 11.1 The following additions are to be made to the rules of the Body Corporate:

Rule 1: A Proprietor shall

1 (g) Ensure their Unit shall only be occupied by either:

- *a person aged 50 years or more or, if there is more than one occupier at least one such person shall be aged 50 years or more; or*
- *a person who qualifies for a permanent invalid's benefit on health grounds or, if there is more than one occupier at least one such occupier shall be a person who qualifies for a permanent invalid's benefit.*

Rule 1, clause 1(g) shall not be varied without first obtaining the consent of the Christchurch City Council.

The body corporate rule as specified above is to be drafted by the consent holder's solicitor in consultation with the Council. A solicitor's undertaking is required as surety that this rule amendment will be included in the rules of the body corporate.

12. Duration of Consent

- 12.1 The period within which this consent may be given effect to shall be 10 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

- The Council will require payment of its administrative charges in relation to monitoring, as authorised by the provisions of section 36 of the Resource Management Act 1991.
- This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will also need to comply with the requirements of the Building Act 2004. Please contact a Building Consent Officer (ph 941-8999) for advice on the building consent process.
- The consent holder shall obtain all required consents from the Canterbury Regional Council necessary to give effect to the works (e.g.; stormwater diversion and discharge, earthworks, etc.).

• Development Contributions

At the time of granting this subdivision consent, a statement of Development Contributions was not available, this will be forwarded to the consent holder once the assessment has been made

Reported and recommended by: Paul Lowe, Senior Planner

Date: 3/12/2014

Report Reviewed by: Wendy Baker, Team Leader Planning

Date: 9/12/2014

Decision

Commissioner's Note

I have read the applications, and read the above planning report by Mr Paul Lowe. I have visited the site, and had discussions with Mr Lowe. I am familiar with the application and the site, and I was the Commissioner who considered and approved the previous earthworks consent for the property. I have read and considered a memorandum from Mr Allen Sheppard, the owner of a property at 67 Port Hills Road, who considers he is an affected person, and that the application should be publicly notified.

After giving due consideration to all those matters, I agree with the conclusions set out by Mr Lowe that the applications should be processed on a non-notified basis, and that they should be granted with the conditions recommended by Mr Lowe.

In reaching that position, I was comfortable with the scale and layout of the retirement village, including the free standing residential units, the aged care facility, and the three-level apartment building at the southern end of the site. I reached that conclusion having regard to the scale of development that would have been permitted or anticipated in the Business 4 Zone, and by Mr Lowe's consideration and conclusions on the effects of the proposed development on the wider and localised environment.

I was less comfortable about the proposed 3 unit commercial development totalling 309 m² at the northern end of Port Hills Road. In the end the following factors influenced my conclusion to accept the recommendation of Mr Lowe that the applications be processed on a non-notified basis;

- The Business 4 Zone provides for retail activities, including food and beverage outlets, and a group of retail tenancies of up to 2000 m² albeit with a minimum setback of 10 metres from the road
- There was previously a significant block of industrial engineering workshops, totalling 1100m² located close to the road frontage, in a very similar location to the now proposed retail units
- While the Business Zone requires a 10 metre setback, urban design considerations for Local Commercial Zones encourage facilities such as local shops to be built up to the street

The property is zoned Business 4 in the Operative District Plan, proposed to be zoned Living 1 in the Proposed Christchurch Replacement District Plan, and I was made aware that the applicant has lodged a submission seeking a Commercial Local Zone for the site of the proposed retail shops. While I can have no regard to the proposed residential zoning, or the sought commercial zoning, they at least give some comfort that should they eventuate, the conclusions I have reached with regard to both the residential and commercial aspects of this development would not be out of place with any of those zonings.

For those reasons it is my decision that the application for landuse consent RMA92021958, and subdivision consents RMA92021957, RMA92027854 and RMA92027866 be processed on a non-notified basis, and be granted pursuant to the sections, and subject to the conditions, set out in the above report and recommendations of Mr Lowe.

Commissioner:

Name: Ken Lawn

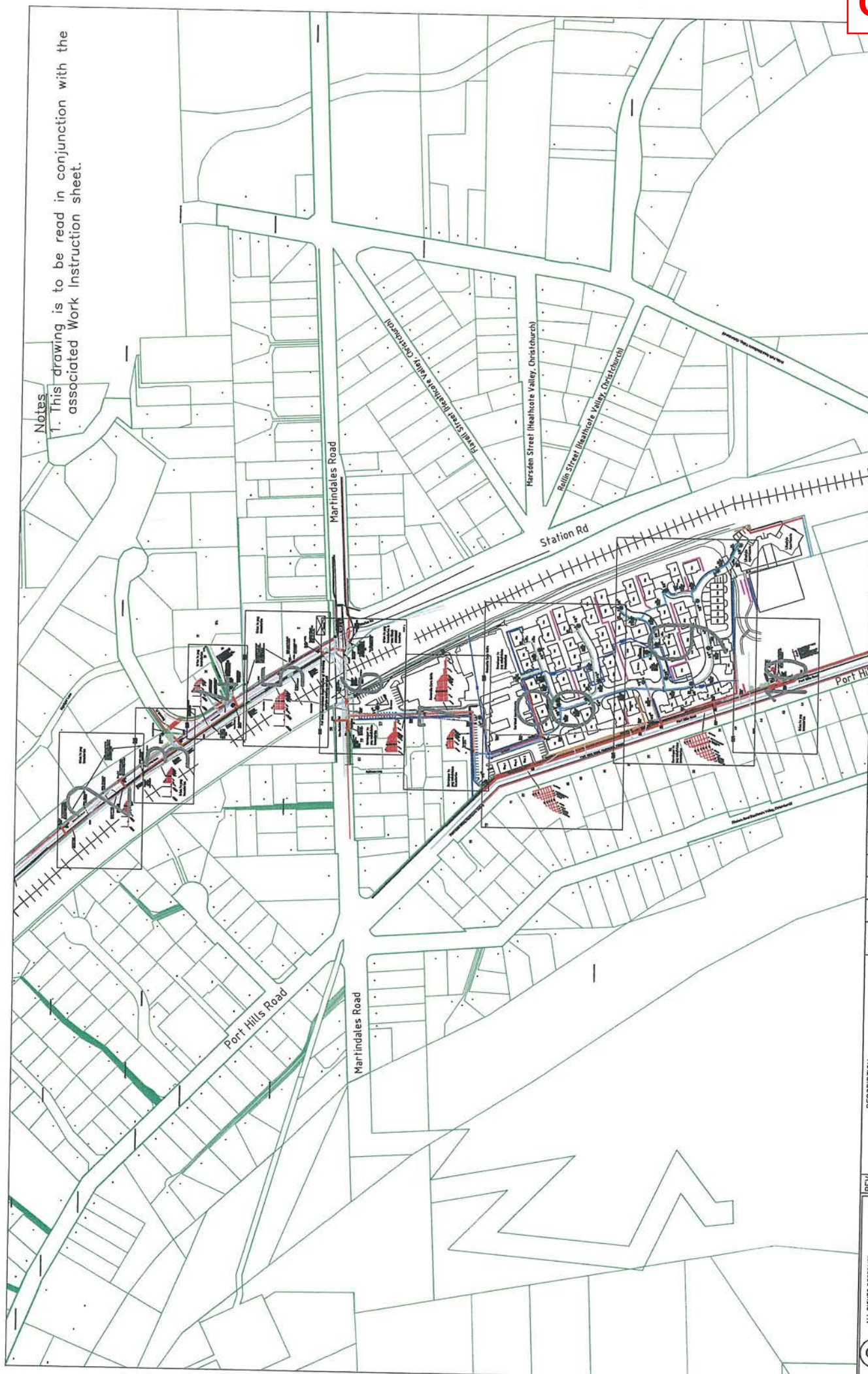
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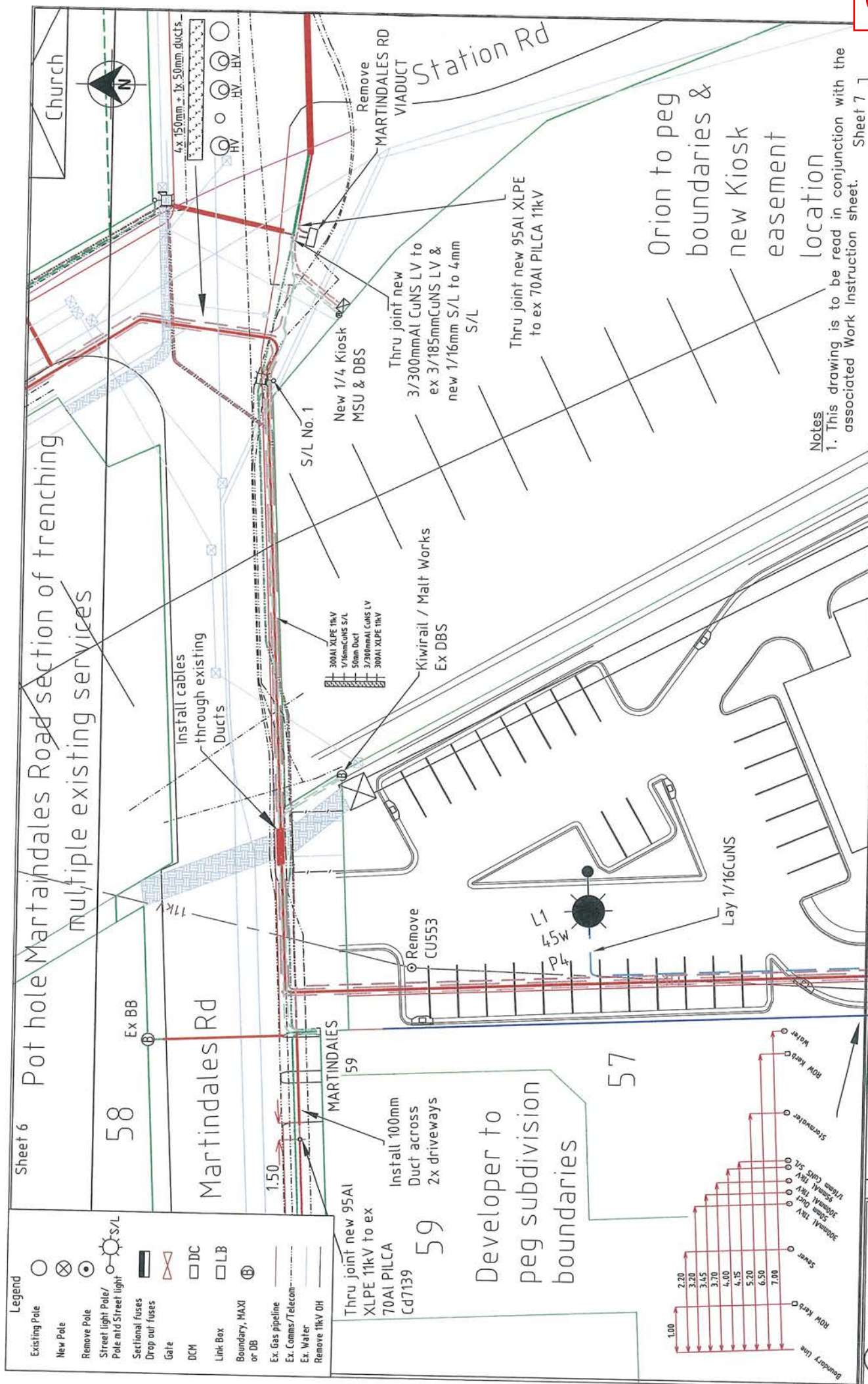
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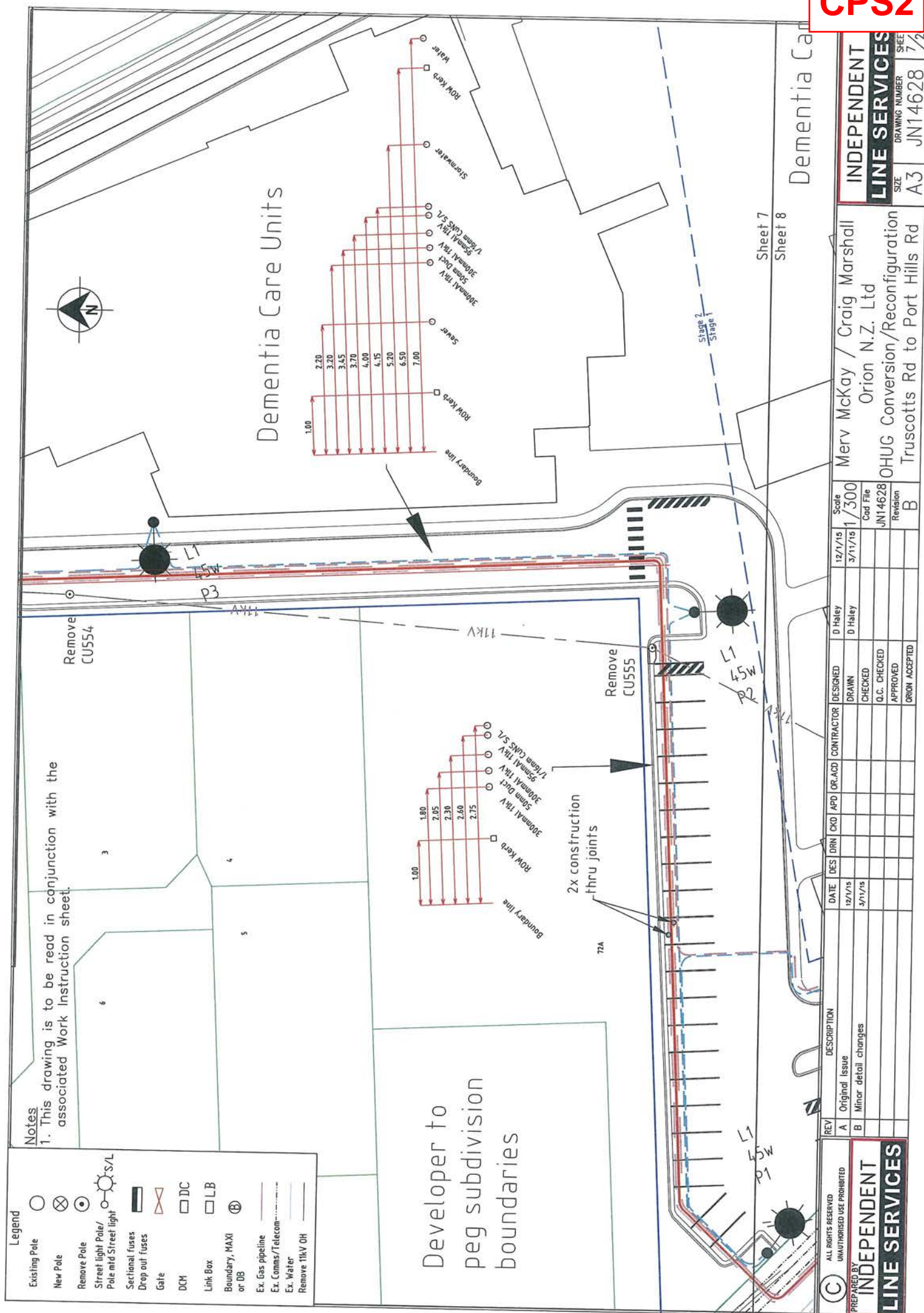
1. This drawing is to be read in conjunction with the associated Work Instruction sheet.

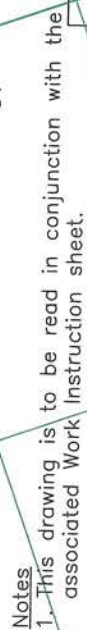


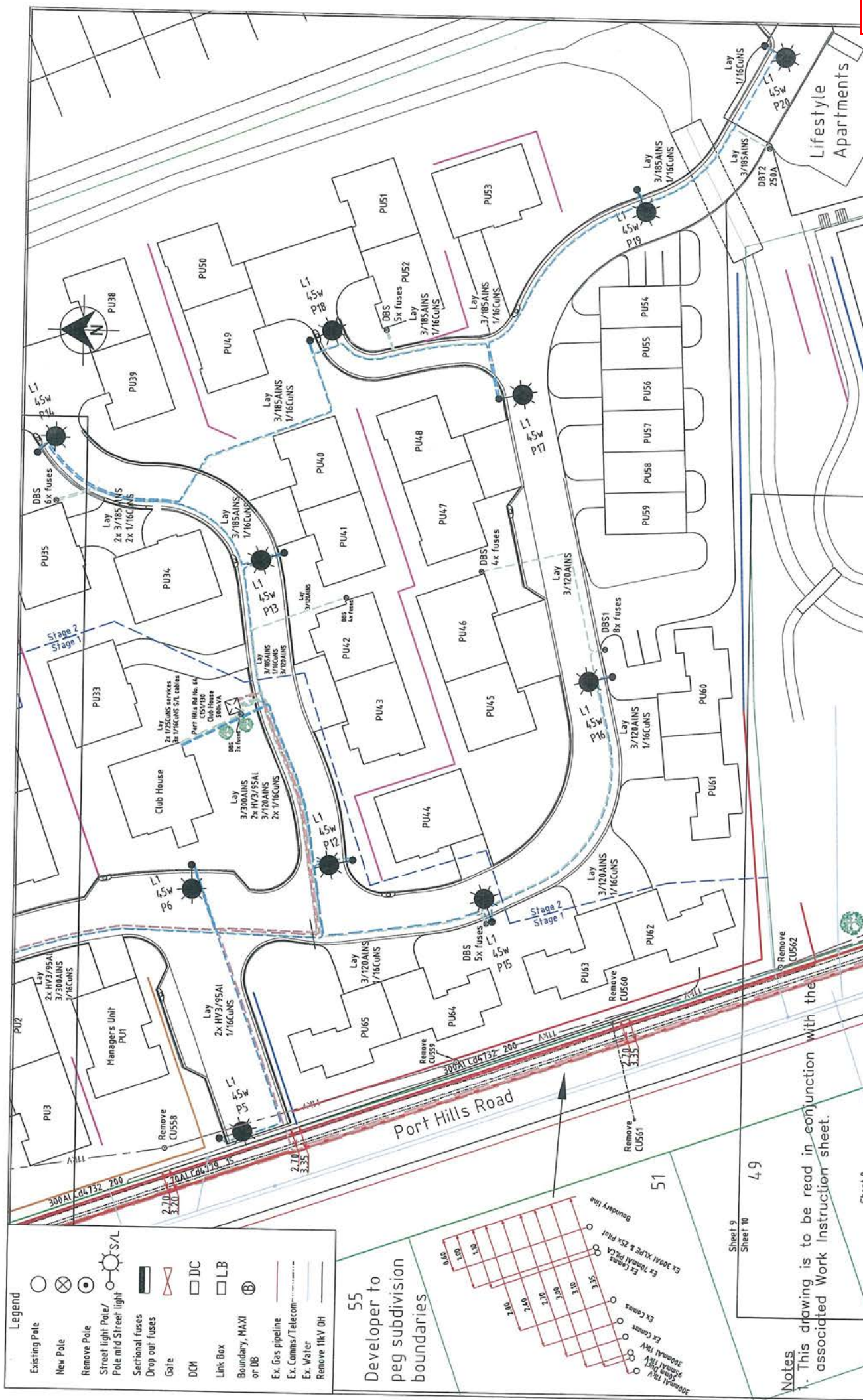
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