



DECISION OF THE HURUNUI DISTRICT COUNCIL
NOTIFICATION UNDER SECTION 95 & DETERMINATION UNDER SECTION 104
RESOURCE MANAGEMENT ACT 1991

Consent Number: RC210185
Applicant: UWC Limited
Site Address: 52 Amberley Beach Road, Amberley
Legal Description: Lot 3 Deposited Plan 559093 (RT: 983584)
Description of Application: To subdivide into 123 residential lots, two roads to vest, two access lots, four local purpose reserves and balance land in two stages
Activity status: Non-complying activity
Zoning: Residential 1A

Introduction

Proposal

Consent is sought to subdivide a 17.7178 hectare site into 123 residential lots, two roads to vest, two access lots, four local purpose reserves and balance land in two stages (refer Figure 1). The subdivision will create Lots 1-123 for residential activities with lots ranging in size from 400 m² to 1,372 m² and a balance lot (Lot 4000). Lots 1000 and 1001 will be vested in Council as road with Lots 600 and 601 being access lots. Lots 3000-3003 will be set aside as local purpose reserves (utility). The reserves will be vested with Council.

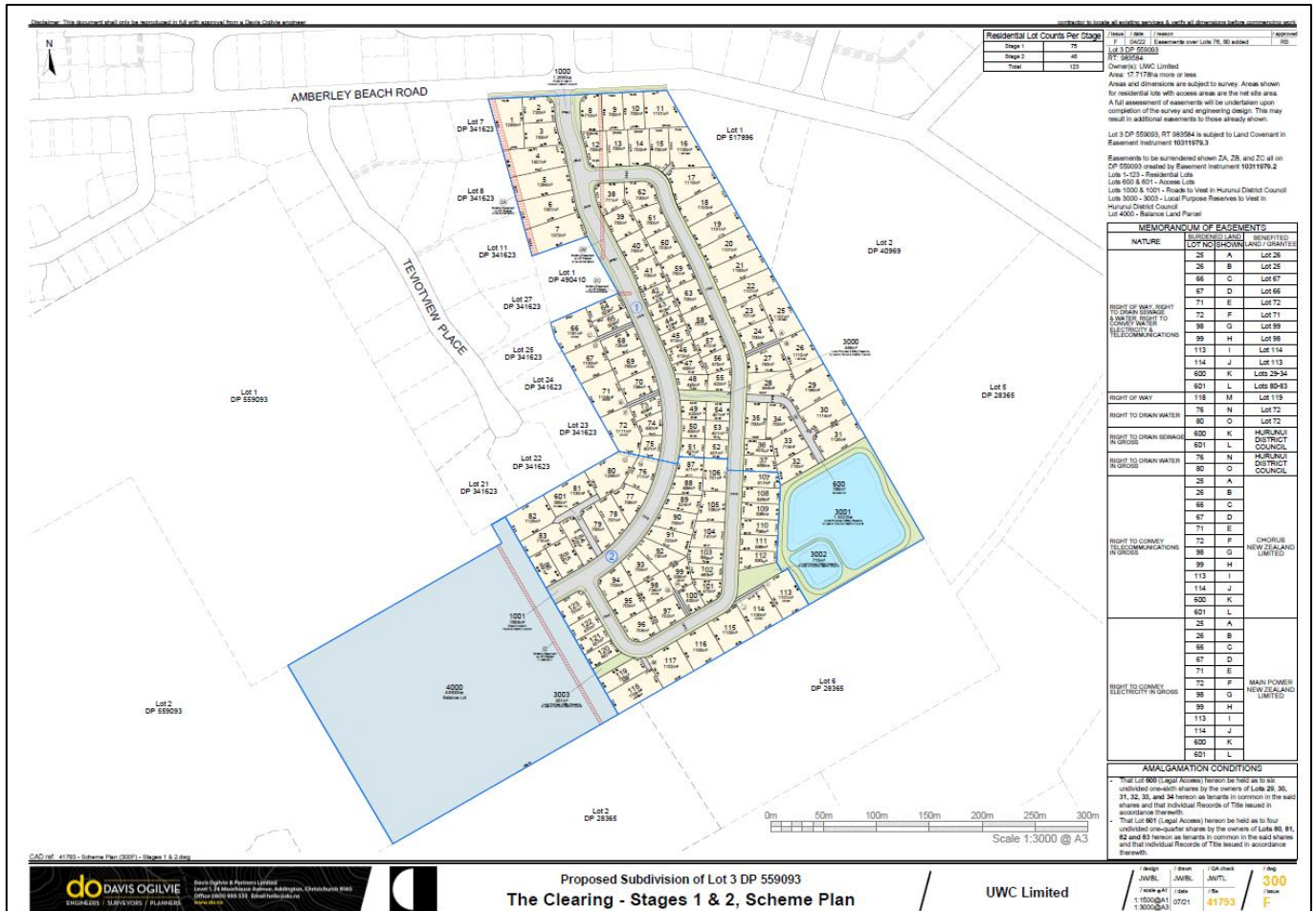


Figure 1: Overall subdivision scheme plan

The subdivision will be progressed in two stages as follows:

Stage 1

- 75 fee simple allotments with areas ranging between 400 m² and 1,372 m² (Lots 1 to 75);
- Two local purpose (Utility) reserves to be vested in Council (Lot 3000 and 3001);
- Part of two roads to be vested in Council (Lot 1000);
- One access lot (Lot 600); and
- Balance land.

Stage 2

- 48 fee simple allotments with areas ranging between 400 m² and 1,238 m² (Lots 76 to 123);
- The remaining part of the two roads to be vested in Council (Lot 1001);
- Two local purpose (utility) reserves (Lots 3002 and 3003);
- One access lot (Lot 601); and
- One fee simple balance allotment with an area of 4.8635 ha (Lot 4000) for future development.

The proposed road network will consist of two new roads including a primary road with an access point onto Amberley Beach Road via a new cross intersection forming the fourth arm of the existing intersection at Rosewood Drive and Amberley Beach Road, and a secondary road. The internal road network provides future connections to the north via an extension of the main spine road, which will ultimately connect to Carters Road (State Highway 1). All roads will be vested in Council. Two access lots and four rights of way are also proposed.

The proposal also incorporates a stormwater management area (Lot 3001) and a number of greenways which connect to various parts of the development.

The proposed development will result in bulk earthworks in order to prepare the site for future development. The volumes comprise approximately 24,870 m³ of cut and 20, 660 m³ of material to be deposited, resulting in a surplus of 4,210 m³. The maximum depth of excavation will be around 1.7 m (from existing ground), with the site being raised around 1.8 m. The finished site levels and earthworks volumes will be confirmed prior to construction.

Existing environment

The 17.7178 hectare site is located on the south side of Amberley Beach Road, Amberley. The site is zoned Residential 1A and is currently utilised for pastoral grazing. Existing structures include two farm storage sheds. The site has a generally flat topography with an overall gradient to the east. A drainage channel (Teviot's Drain) passes through the centre of the site. An existing pine tree shelter belt along the eastern boundary is currently being removed to make way for the development.

The site is located on the south-east periphery of the Amberley Township. The site is bounded to the west by Residential 3 zoned land containing established residential housing within, and to the east and south by farmland and established lifestyle blocks. The site also bounds Amberley Beach Road to the north which is identified as a Collector Road in the District Plan's roading hierarchy.



Figure 2: Application site and surrounding area

Hurunui District Plan

The site is zoned Residential 1A in the Amberley Settlement in the Hurunui District Plan. The following rules are relevant to determining the status of the proposal:

Chapter 5 – Subdivision

Part B – Rules for subdivision in all other zones

5.5.8 Controlled activities

Unless specified as a restricted discretionary activity, a discretionary activity, a non-complying activity, or a prohibited activity, any subdivision that complies with the standards for controlled activities in Rule 5.5.9 is a controlled activity.

5.5.9 Standards for controlled activities

1. Lot sizes

The minimum allotment area requirements for the subdivision of land are to be calculated on the net allotment area (exclusive of any access) as follows:

Zone of management area	Minimum lot area	Minimum average lot area
Residential 1A	400 m ²	700 m ²
Residential 1A Zone, for lots created which adjoin Amberley Beach Road [...]	1,100 m ²	

- (a) In the Residential 1A Zone, only 20% of the lots in any subdivision may be less than 700 m² in area.
- (b) For any zone that has a minimum average lot area specified, any lot that is counted toward the average lot area but is more than twice the size of the minimum lot area specified shall be secured with a covenant or similar legal instrument to prevent the further subdivision or the erection of more than one dwelling on that lot.

5.5.11 Restricted discretionary activities

1. The following activities are restricted discretionary activities, provided they meet the relevant standards;

- (a) Subdivision that results in the creation of three or more lots (including balance lots), whether or not as a staged development, or further subdivision of a Computer Freehold Register (Certificate of title) where the parent Computer Freehold Register (Certificate of title) has been subdivided into three or more allotments (including any balance lots) since 18 August 2003.

Standards and terms

- (i) The subdivision must comply with all the standards specified for controlled activities in Rule 5.5.9;
- (ii) All subdivisions of more than 40 lots shall be carried out in stages of not more than 40 lots; and
- (iii) For any subdivision of more than 20 lots, an outline development plan is prepared.

5.5.13 Non-complying activities

The following are non-complying activities:

- 1. ...
- 2. Subdivision which does not meet any one or more of the following:
 - (a) [...]
 - (b) [...]
 - (c) In Amberley Township any subdivision that does not comply with any of Rules 5.5.9.1 or 5.5.9.1(a) (allotment sizes), Rule 5.5.11.1 (multiple lot subdivisions) and Rule 5.5.12 (discretionary activities).

The proposal does not meet the restricted discretionary standards as the subdivision does not comply with the standards for controlled activities and will result in the subdivision of more than 40 lots per stage. In addition, the

proposal does not comply with the minimum area requirements for the Residential 1A Zone as more than 20% of the lots are less than 700 m² and the lots fronting Amberley Beach Road range in area between 700 m² and 1,110 m². As such the proposal is a **non-complying activity** in terms of Rule 5.5.13.2(c) of the District Plan.

The rules in the Chapter 8 of the District Plan are also relevant to the subdivision proposal.

Chapter 8 – Transportation

8.4.3 Standards for permitted activities

3. *Minimum access way and roading requirements:*

(d) *In Settlement Zones the minimum legal width of any road reserve must be 20 m for any road classified as a local road and 10 m greater than the required carriageway width for any road with any other classification (see Appendix 8.1 for road classifications);*

(e) *In Settlement Zones any new public road shall have a footpath formed on both sides.*

8.4.5 Discretionary activities

1. *Any activity under Rule 8.4.2 that does not meet the conditions for permitted activities in Rule 8.4.3., and is not otherwise a restricted discretionary activity, is a discretionary activity.*

The proposed subdivision does not comply with the road width and footpath requirements under Rule 8.4.3.3 of the District Plan. As such the proposal is a discretionary activity in terms of Rule 8.4.5.1 of the District Plan.

Overall, the proposal is a **non-complying** activity in terms of Rule 5.5.13.2(c) of the District Plan.

Relevant objectives and policies

I note that regard must be had to the objectives and policies in the District Plan to get a full understanding of the context for assessing effects on the environment and effects on persons. I consider that the following objectives and policies are relevant to the proposal:

Chapter 5 – Subdivision

5.3 Objectives and Policies

Objective 5

Subdivision and its subsequent development is designed to ensure that the adverse effects on the environment are minimised, and the character of an area is maintained.

Policy 5.1

To require that allotments are served or are capable of being adequately served with appropriate levels of infrastructure in order to avoid, remedy or mitigate adverse effects on the environment.

Policy 5.2

To ensure the costs of the effects of new subdivision and development on the district's infrastructure are fully addressed and fairly apportioned.

Policy 5.3

To require a pattern of subdivision that protects environmental values and systems and the potential of resources to meet the reasonably foreseeable needs of future generations.

Policy 5.4

To ensure that subdivision and subsequent development results in a pattern and density of land use which protects, and where appropriate enhances, the character, values and natural and physical resources of the environment which may include:

- *Physical characteristics.*
- *Natural character of the coastal environment, indigenous wetlands, lakes and rivers and their margins.*

- *Indigenous biodiversity and ecological values.*
- *A sense of openness and a predominance of productive activities in rural areas.*
- *Landscape values.*
- *Archaeological, cultural and heritage resources, including resources with Ngāi Tahu cultural values.*
- *Specific values and sites of significance to Ngāi Tahu.*
- *Amenity values and sense of place.*
- *Infrastructure such as roads, water supply and stormwater management facilities.*
- *Water and soil quality.*
- *Mineral resources.*
- *Human health and safety including from known natural hazards.*

Policy 5.6

To ensure that subdivision is designed to avoid, remedy, or mitigate potential reverse sensitivity effects on other land uses.

Chapter 8 – Transportation

Objective 8.1

A safe and efficient transport network that services the current and future needs of all users.

Policy 8.1

To provide for the safe and efficient use and development of the land transportation network.

Policy 8.2

To ensure that the roading network within urban areas is sufficiently wide to provide adequate space for on-street parking, walkways, cycleways, open space character, services, and amenity planting.

Policy 8.4

To require footpaths and cycleways in urban areas, and to encourage walkways and cycleways in rural areas, while maintaining the safety and functionality of the road network.

Policy 8.5

To require on-site parking, loading, manoeuvring and access to provide for the needs of each activity while maintaining the safety and efficiency of the road network.

Policy 8.6

To manage the cumulative effects of multiple lots accessing the roading network at a single access point.

The following assessment criteria are relevant to the proposal:

Chapter 5 - Subdivision

5.7 Assessment criteria

1. *The following matters will be considered for any subdivision, where relevant:*
 - (a) *The ability of every allotment to site a conforming dwelling or a principal building and to be utilised in a manner that can comply with the District Plan provisions.*
 - (b) *The provision for disposal of sewage and stormwater without risk to public health or the environment, including whether any allotment is within a drinking water protection zone, as defined in the Canterbury Land & Water Regional Plan.*
 - (c) *Whether sufficient provision has been made for legal and physical access to each allotment to be created by the subdivision.*
 - (d) *The provision or ability of every allotment to have legal vehicular access to a formed road or proposed formed road.*
 - (e) *The cumulative impacts on the district's infrastructure and its efficient use and development.*
 - (f) *The ability of any existing or likely proposed building to comply with all standards in this District Plan.*
 - (g) *Whether the area's amenity values, and character will be protected or enhanced.*

- (i) *The appropriateness of the subdivision in relation to Part II of the Resource Management Act 1991.*
 - (j) *Whether any visually obtrusive or environmentally damaging earthworks associated with the proposed development of the subdivided land will be avoided or minimised.*
 - (k) *Whether the subdivided land is subject to pollutants that may be hazardous to future occupiers of the land.*
 - (m) *The provision for a potable water supply in sufficient quantities that meets the policies and rules in this District Plan.*
2. *For the assessment of multiple lots or rural subdivision creating one or more undersized allotments, the following matters will also be considered where relevant:*
- (a) *....*
 - (b) *Whether the appearance of the natural landforms, topography and features is integrated into the subdivision design, avoiding unnecessary changes to the landform or landscape features, and by instituting appropriate contouring, shaping, planting, restoration and other measures.*
 - (c) *If the number, design and location of lots and building sites avoids a visual impact that is inappropriate to the character of the area or mitigates the impact by limiting the area affected (such as by promoting cluster housing).*
 - (d) *If the design of the proposal recognises or enhances the existing character of the area, including amenity values, lot sizes, planting, natural features, landscape, open space and outlook.*
 - (e) *If new roads and vehicular accesses to link lots with the existing roading network are adequate to meet the expected and likely demand.*
 - (f) *If a common vehicle access is provided to avoid separate access points onto public roads.*
 - (i) *If new roads and vehicular accesses are designed to a speed regime that is consistent with their road function.*
 - (r) *If proposed lots and building platforms are of a variable and suitable size, shape and location to provide opportunities for new habitable and principal buildings to be designed to maximise sunlight access, maintain privacy, and rural character.*
3. *In the case of subdivision in the Residential 1A and Residential 2 Zones the Council will have particular regard to the following criteria:*
- (a) *Whether development will retain the green townscape, spacious streets and simple, subdivision design, including wide road reserves, with grass verges and trees, simple streetscaping with little or no street furniture.*
 - (b) *Whether provision is made for roading links, open space links, green linkages and walkways in general accordance with the Outline Development Plan in Appendix 5.1.11.*
 - (c) *Whether the roading pattern provides a connecting road network and cul-de-sac are not excessively used.*
 - (d) *Whether the proposed allotments are of a sufficient size and shape to maintain private gardens on all sides, unless undertaken in the Residential 2 Zone and as part of Comprehensive Development Plan.*
 - (e) *Whether any small allotments (less than the average) are spaced throughout the subdivision and do not create clusters or pockets of small allotments and dense development, unless they are in the Residential 2 Zone and part of a Comprehensive Development Plan.*
 - (f) *Whether the proposed development uses reserves, tree belts, stormwater swales and other features to divide areas into defined neighbourhoods and avoid a sense of 'vast' residential areas.*
 - (g) *Whether the proposal provides for retention of mature trees with significant value on both private and public land subject to new developments.*
 - (h) *Whether the development design encourages properties to connect with the neighbourhood and merge into the street by minimising fencing and avoiding gated communities, which creates barriers to the interface between public and private space.*
 - (i) *In addition to the above criteria where a development is within the Residential 2 Zone and involves a Comprehensive Development Plan the following will also be considered:*
 - (j) *Whether the overall building density (total number of dwellings over total land area) is consistent with the standards and terms under 5.5.12.1(h).*
 - (k) *Whether a sense of spaciousness and leafiness can be retained in higher density areas through the use of public or shared space, landscaping, tree planting, fencing restrictions, building design or other techniques as an alternative to large allotments and private gardens.*

Chapter 8 - Transportation

8.5 Assessment Criteria

(a) Traffic generation

- (i) Any adverse effects in terms of noise and vibration from vehicles entering or leaving the site or adjoining road;*
- (ii) Any adverse effects in terms of glare from headlights of vehicles entering or leaving the site which is an intrusion for residents or occupants of adjoining residential sites;*
- (iii) Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road;*
- (iv) Any cumulative effect of traffic generation from the activity in conjunction with the traffic generation from other activities in the area; and*
- (v) The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or the provision of screening.*

(b) Activities in road reserve

- (i) Current and likely future traffic volumes and patterns on the road and connecting roads;*
- (ii) Current and likely future traffic problems;*
- (iii) The ability of the road to accommodate effectively any changes in traffic volumes and patterns;*
- (iv) The potential for pedestrian, vehicle conflict;*
- (v) Vehicular access to and from adjoining sites, with particular regard to traffic sight distances, the ability to turn off and into sites, and the safety of pedestrians; and*
- (vi) The ability of roads to accommodate parking safely, without adverse impacts on the road's ability to accommodate through-traffic and adjoining sites' vehicular access.*

(e) Property accesses

- (i) Whether the access point is sufficiently removed from any intersection having regard to traffic volumes on the roads, and the 85th percentile speed of vehicles using the roads, to prevent conflict and confusion between vehicles turning at the access point or at the intersections;*
- (ii) ...*
- (iii) Whether the physical form of the road will minimise the adverse effects of access (e.g., whether the road offers good visibility, whether a solid median barrier will stop unsafe right hand turns or a flush median will assist right hand turns);*
- (iv) ...*
- (v) The design of the crossing will facilitate traffic exiting the site to safely enter the traffic stream;*
- (vi) Whether there is adequate queuing and parking space on the site so that vehicles do not queue over vehicle crossings or on roading network;*
- (vii) The design of the crossing in relation to pedestrian and cycle safety;*
- (viii) The effects of the location of the access on the amenity and safety of neighbouring properties;*
- (ix) Any cumulative effects of the introduction of extra access points in relation to access for other activities in the vicinity;*
- (x) ...*
- (xi) Whether the proposed activity contributes to ribbon development along the roading network; and*
- (xii) The potential for any increased risk to road user safety.*

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

Environment Canterbury's Listed Land Use Register (LLUR) identifies the site as having had a HAIL activity undertaken on it (Site number: 236238), namely A10 – potential for persistent pesticide use. This is based on a plot of fruit trees that were previously planted in the eastern corner of the site. The fruit trees are first visible in a 1995 aerial image from Canterbury Maps. Google Earth images indicate that the trees were removed between 2008 and 2009.

A detailed site investigation (DSI) was prepared by Davis Ogilvie for the application site (52 Amberley Beach Road) and the adjoining properties located at 187 and 193 Carters Road. Davis Ogilvie note that while the fruit trees were

identified on the LLUR, these were only present on the site from the late 1990s, which is considered to be after the time period in which persistent pesticides were applied. They note that soil samples analysed from this area confirmed this, with concentrations of metals being below background concentrations. Davis Ogilvie conclude that as contaminant concentrations at 52 Amberley Beach Road, were found to be generally at or below background concentrations, it is considered that the NES-CS Regulations do not apply to the proposed development of the site. A copy of the DSI was sent to the Contaminated Land Team at the Canterbury Regional Council. They agree with the findings for the application site noting that soil concentrations are at or below expected background values.

Given these matters, I am satisfied that the NES-CS regulations do not apply to the proposed development on the application site.

Has the applicant requested that the application be publicly notified? [Section 95A(3)(a)]

No

Does the application require public notification under section 95C? [Section 95A(3)(b)]

Yes – the applicant has provided sufficient information for Council to proceed with and process the application.

Has the application been made jointly with an application to exchange recreation reserve land under section 155AA of the Reserves Act 1977? [Section 95A(3)(c)]

No

Recommendation:

- That the application need not be publicly notified in accordance with Section 95A(2)(a) of the Resource Management Act 1991.

Is the application for an activity subject to a rule or national environmental standard that precludes (i.e. prevents or prohibits) public notification? [Section 95A(5)(a)]

No

Is the application for one or more of the following, but no other, activities:
- a controlled activity;
- a restricted discretionary, discretionary, or non-complying application for a boundary activity?

No – the proposal is for a non-complying subdivision activity.

Does a rule or national environmental standard require public notification of the application? [Section 95A(8)(a)]

No

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

No written approvals have been provided with the application.

Permitted baseline

Chapter 4 of the District Plan sets out those rules that are relevant to Settlements in the District. I note that temporary activities are permitted activities within Residential Zones provided they comply with the standards for

permitted activities. The only specified standards and terms for temporary activities that would be relevant to the proposed subdivision would be in relation to construction works. The standards for these are contained in Rules 4.6.7 and 4.6.8 as follows:

4.6.7 Noise

(d) Construction noise – construction noise shall not exceed the recommended limits in, and shall be measured and assessed in accordance with, the provisions of NZS 6803P:1999 “Acoustics – Construction Noise”.

4.6.8 Temporary activities

(a) Temporary activities ancillary or incidental to building and construction work are limited either to the duration of the project or for a period not exceeding 24 months, whichever is the lesser, except that the maximum duration of any temporary storage of building materials is 6 months.

Therefore, the District Plan provides for temporary construction effects as a permitted activity under Rule 4.6, subject to meeting the standards under Rule 4.6.7 and 4.6.8.

The proposed works will be required to proceed in accordance with the NZS 6803P:1999 “Acoustics – Construction Noise” and the construction works will not exceed a period of 24 months. Accordingly, I have disregarded any temporary construction effects when considering the effects on the environment or whether a person is an affected person.

Pursuant to Section 95D, will the activity for which consent is sought have, or is likely to have, adverse effects on the environment that are more than minor?

As a non-complying activity, Councils discretion in the matters that can be considered are not restricted. In considering the adverse effects on the environment, I have taken into account the matters of control, matters of discretion and the assessment criteria in section 5.7 of the District Plan. In summary, I consider that any adverse effects of the proposed subdivision would be in relation to landscape character / visual effects, amenity values, geotechnical and earthworks effects, servicing, roading / access / traffic, cultural effects and cumulative effects.

Landscape character / visual effects

In terms of landscape character, the site is currently comprised of undeveloped land used for pastoral grazing. The land to the west of the site is zoned Residential 3 which provides for larger residential lots (2,000 m² - 2,500 m²), containing existing dwellings along with a high degree of landscaping and vegetation. Land to the east and south is zoned Rural and consists of farmland and lifestyle block development. The land on the opposite side of Amberley Beach Road forms part of the Oakfields development and includes the intersection with Rosewood Drive, a preschool, a stormwater utility reserve and an 1,100 m² residential property. As such, the application site is located at the edge of established suburban residential areas with a rural interface to the east and south.

In terms of density, the Residential 1A Zone requires a minimum site area of 400 m² per dwelling or 700m² average for two or more dwellings on one site. Furthermore, Rule 5.5.9.1(a) requires that no more than 20% of the lots within a subdivision in the Residential 1A Zone shall be less than 700 m² in area. The proposed subdivision creates 123 lots ranging in area from 400 m² to 1,372 m² with an overall average area of 742 m². The proposal provides for 33% (or 41 lots) to be less than 700 m² in area. The District Plan also specifies that lots fronting onto Amberley Beach Road and the Rural Zone are required to be a minimum of 1,100 m² in area.

I note that in general the larger lots of 1,100 m² or greater will be located on the periphery of the site directly adjacent to the Residential 3 and Rural zoned properties. The exception to this is the lots fronting onto Amberley Beach Road (proposed Lots 2, 8, 9 and 10) which range in size from 700 m² to 739 m² and having an average area of 709 m². The rule requiring that lots adjoining Amberley Beach Road be a minimum of 1,100 m² in area were introduced to the District Plan as part of Plan Change 13 (PC13). The larger lot sizes required along the rural interface and Amberley Beach Road, were introduced to provide for an appropriate transition between these different zones i.e. from a low density area to a higher density area.

In considering the adverse effects of the smaller lots along Amberley Beach Road, I note that the proposal will result in a noticeable visual change from undeveloped pasture to a suburban development and as such there would be an effect on the character of the site and surrounding environment. However the site is zoned Residential 1A and as such the District Plan anticipates that the site be developed for residential purposes which would include elements of urbanisation such as streets, lighting, and dwellings. I note that residential development on the opposite side of Amberley Beach Road extends approximately 250 metres eastward to the intersection with Double Corner Road. In addition, the two properties to the east of the site consist of smaller properties of 2,300 m² and 8,500 m². As such, I consider that there is already a degree of visual transition from the rural to the urban interface.

In terms of the density of the overall development, I note that the provisions in the District Plan seek to ensure that the density of development does not detrimentally affect the existing character and amenity values of the area. I consider that the proposed development will have some adverse effects upon the immediate vicinity, as the overall density and scale of the proposal is not fully in character for this location as anticipated by the District Plan. However, the development is predominantly residential in character with an overall average density of 742 m² per lot. The proposal provides for a mix of open space and landscaping through the proposed utility reserves and street tree planting. In addition, I note that the interface between the Rural and Residential 3 zones will be comprised of lots a minimum of 1,100 m² in area, with the majority of the smaller lots located internally on the site.

Overall, given the above matters and the residential zoning of the site, I am satisfied that the density of the development would not detrimentally affect the existing character of the area and as such, any adverse effects on landscape character would be less than minor.

Amenity values

In terms of amenity values, the proposed subdivision would create 123 residential lots ranging in size from 400 m² to 1,372 m². I note that each lot complies with the 15 m by 15 m shape factor requirement and the minimum lot area for the Residential 3 Zone. I note that those lots that adjoin the Rural land to the east and the Residential 3 land to the west comply with the 1,100 m² minimum lot area requirement. Given the size and shape of the proposed lots, I am satisfied that each lot would be capable of supporting a future dwelling while complying with all bulk, height, and location rules.

I noted above that the eastern boundary of the site contains pine tree shelterbelt plantings which are located on the adjoining properties located at 88 and 94 Amberley Beach Road. The trees are in the process of being removed to make way for the proposed development. The trees were approximately 10-12 metres in height and as such had the potential to overshadow the proposed new lots and result in reduced sunlight and daylight admissions. I was previously concerned that the trees would have the potential for shading the proposed new lots particularly in the winter months when the sun is lower in the sky, however given that the trees are now being removed, this will no longer be relevant. I discuss the effects in further detail under Section 95E of my report.

The proposal incorporates a number of reserves including a large stormwater management area in the southeast corner of the site and a number of greenways which connect to various parts of the development. An initial landscape concept prepared by Novo Group notes that the stormwater ponds are to have naturalised edges and meandering borders to create a softer appearance and aesthetic with offset planting where possible. They note that informal pathways and tracks leading through or around the stormwater ponds will promote public movement and pedestrian flow through green spaces. The applicant has advised that fencing adjacent to the reserves will consist of permeable, open-style pool type fencing, with a surface treatment of a matt black finish. This fencing will have a maximum height of 1.8 m. I consider that the proposed reserve areas and treatment thereof will maintain the amenity values on the site and provide for pedestrian linkages within the site.

I further note that Rule 5.5.9.1(e) of the District Plan requires that landscaping be provided on any allotment adjoining the southern boundary of the Residential 1A Zone south of Amberley Beach Road. This rule seeks to ensure that the transition between the Rural and Residential Zones is softened and to provide a visual buffer between the two zones. The initial landscape concept plan notes that the existing planting along the southern boundary is to be extended and infilled to create a 3 metre wide planted buffer along the south boundary of the site. I note that this planting will need to be protected in perpetuity to ensure that it remains in place.

Overall, given the discussion above, I am satisfied that any adverse effects in terms of amenity values on the wider environment would be less than minor.

Geotechnical

A geotechnical investigation of the site was undertaken by Davis Ogilvie to assess the underlying ground conditions, assess geotechnical constraints, and provide geotechnical design criteria. Their investigation indicates a relatively uniform soil profile comprising topsoil underlain by silt and sand that generally showed an increase in consistency/density with depth, and then medium dense to very dense gravel with varying sand and silt content. Groundwater was encountered during six test pit investigations at 2.6 m to 3.1 m below existing ground level (EGL). Standing water was also noted in the lower reaches of Dry Gully.

The report concludes that the site is suitable for subdivision and subsequent development subject to the following conditions:

- Lot-specific geotechnical investigation at building consent stage will be required to determine the depth to an appropriate bearing capacity and foundation requirements at the location of each dwelling;
- Specific engineer designed foundations, observation and certification will be required on lots where Good Ground has not been confirmed;
- Appropriate stormwater control measures must be incorporated in the subdivision design to ensure that there is no undue flood risk to properties, particularly those adjacent to Teviots Drain.
- Finished floor levels are to be confirmed during the consenting process by Hurunui District Council and/or Environment Canterbury;
- An Erosion and Sediment Control Plan must be prepared for the proposed earthworks. This must ensure that surface water flow paths on the site are appropriately designed and managed to minimise potential erosion, particularly on the banks of Dry Gully.

I note that a geotechnical completion report will be provided by the applicant on completion of the earthworks and that this will include certification of fill on residential sites in accordance with NZS 4431:1989. Lot-specific testing will be required by the lot owners at building consent stage to determine foundation recommendations which may be NZS3604, or TC2-style foundations/other, depending on the size and location of dwelling being proposed. Given these matters, I am satisfied that any adverse effects in relation to geotechnical matters would be less than minor.

Earthworks

In terms of earthworks, some cutting, and filling will be required over parts of the site to allow for the stormwater secondary flow network to function correctly. In addition, earthworks will be required to establish the stormwater management area which will include a first flush basin and attenuation basin. The overall volumes comprise approximately 24,870 m³ of cut and 20,660 m³ of material fill. The maximum depth of excavation will be around 1.7 m (from existing ground level), with the site being raised around 1.8 m. The applicant notes that these figures are preliminary and will be confirmed prior to construction. In addition, they note that all earthworks will be undertaken in accordance with the requirements of NZS 4431:1989 (Code of Practice for Earth Fill for Residential Development) and the Council's Development Engineering Standard 2107.

The applicant notes that once the bulk earthworks are completed, the proposed allotments will be at the finished section level and roads at or close to sub-grade depth. Stockpiles will be required around the development area and will typically consist of stripped topsoil/vegetation and engineer approved imported fill material or unsuitable material unable to be reused. Different soil/material will be stockpiled individually to prevent cross contamination. The location and size of the stockpiles will be identified on the Erosion and Sediment Control Plans (ESCP) which will be prepared for each stage of earthworks.

The applicant notes the time taken to complete the earthworks will be dependent on the size of the stage and availability of a contractor. The proposal seeks that the earthworks operations and any transportation occur within the hours of 7am to 7pm Monday to Saturday inclusive, to ensure works are completed within the timeframe given above. The operation hours exclude public holidays and Sundays.

I note that earthworks will be carried out in accordance with the following documents to ensure that the best practicable options are used to achieve stable fill for the construction of residential dwellings and services without subsequent detrimental movement:

- Erosion and sediment control plans
- Site management and/or construction management plans
- Traffic management plan
- NZS4431: 1989 Code of Practice for Earthfill in Residential Development
- NZS6803: 1999 Acoustics - Construction Noise
- Environment Canterbury Regional Consents.

In addition, final design, volumes, plans and a detailed erosion and sediment control plan will be provided to Council during the engineering approval process for each stage of development. Where fill adjoins the boundary, levels will be appropriately battered to the existing ground level.

Given the above matters, I am satisfied that any adverse effects associated with earthworks would be less than minor.

Servicing

The Applicant has provided a Preliminary Services Report as part of the application documents. This report provides an assessment of the proposed water supply, waste water reticulation and stormwater disposal. The Preliminary Services Report outlines that all infrastructure will be designed in accordance with the New Zealand Building Code ("NZBC") and meet the guidelines of the Council's Development Engineering Standards (2017), NZS4404:2010 – Land Development and Subdivision Infrastructure and CRC082988 for the discharge of stormwater from Amberley Township.

Water supply

With respect to water supply, Council's Three Waters Team have confirmed in a letter dated 6 April 2022 that the water network can be extended to support stages 1 and 2 of the proposed development, subject to the following conditions:

1. An upgrade of the Carters Road watermain from Bank Street in Amberley to Kowai River Road Pump Station (minimum size DN200 MDPE).
2. An upgrade of the surface booster pumps at Kowai River Road Pump Station.
3. Modifications of pipework around SH1 pump shed are required to ensure treated potable water is supplied from this shed (this will include a bypass and sub main along the state highway verge).

It is my understanding that the proposed works will be carried out by Council, at the cost of the developer.

Wastewater

With respect to wastewater, the Three Waters Team have confirmed that the development can be accommodated, however an upgrade to the siphon at Hursley Terrace Road is required. These works will be carried out by Council, at the cost of the developer. Gravity sewer reticulation is proposed to be installed to service the proposed lots with the exception of proposed Lots 29-34 inclusive where low pressure sewer may be required due to lack of minimum cover over gravity mains. If required, low pressure sewer is proposed to be wholly located within private rights of way with outfall to a gravity main discharging to reticulation in road reserve.

Stormwater

Stormwater reticulation will be designed in accordance with the HDC Development Engineering Standards, CRC082988 for the discharge of stormwater from Amberley Township and engineering best practice.

Roof water is proposed to be discharged to ground with the remainder of the site to be drained via a traditional system of pipes and inlets to the stormwater management area, which is to be located in the south-eastern corner of the site (Lot 3001). The stormwater system provides for the first flush to be stored separately with the overall stormwater management area to be sized to attenuate flows from a 24-hour 50 year event as required by Hurunui District Council's global stormwater discharge consent (CRC082988).

Council's Consultant Engineer has reviewed the proposed stormwater provisions, and is satisfied that discharge from the site is able to meet the requirements of Council's global stormwater discharge consent. The discharge of roof water to individual soak pits will require a separate discharge consent from the Canterbury Regional Council. The applicant has advised that the individual soak pits for lots will be constructed during construction of the development. The location and design of the proposed soak pits will be provided during engineering approval along with the required discharge consent from the Regional Council.

Electricity / Telecommunications

MainPower New Zealand have confirmed that there is capacity in the network to supply the proposed subdivision with electrical reticulation and Chorus have confirmed that telecommunications connections are available.

Conclusion on servicing

Overall, based on the above, I am satisfied that the proposed development can be adequately serviced. As such, I consider the servicing effects on the environment would be less than minor.

Roading / Access / Traffic

An Integrated Transport Assessment (ITA) prepared by Novo Group was submitted in support of the application. The ITA identifies the roading environment noting that a cross-roads intersection will be provided at the existing Amberley Beach Road/Rosewood Drive intersection with the proposed new primary road forming the fourth arm. The primary road will commence at Amberley Beach Road and will run through the site. The new road will eventually link with a new intersection at the state highway (yet to be constructed) as subsequent stages of the development proceed. The primary road will maintain an 11 m wide carriageway, 1.5m footpaths and 1.5m grass berms on both sides. The reserve width will be 20 m, although this reduces to 18m approximately 200 m into the site from Amberley Beach Road. A secondary (narrower) loop road will serve the remainder of the site and will include a footpath along one side.

The ITA notes that although the SH1 / proposed road intersection does not form part of this application, the intent is that it will form an integral part of the future access. This has been assessed as part of the adjoining Amberley Retirement Village and is anticipated to operate safely and efficiently with at least 250 residential allotments on the application site.

The ITA considers that the site will be self-sufficient with regards to car parking, noting that each lot could provide car parking. Furthermore, car parking is provided along both sides of the primary road and there are opportunities to provide indented parking bays along the secondary loop road (if required). Any future development on any of the proposed lots will be able to comply with all the relevant transport related requirements of the District Plan. This includes adequate parking, access and manoeuvring for each residential dwelling on each new lot. Failure to comply with any of these standards would result in the requirement for additional resource consent approval.

The ITA notes that the effects on the wider transport network have been reviewed and it is considered that the network can satisfactorily accommodate the additional traffic generated by the proposed activity. This includes the existing Amberley Beach Road/SH1 intersection. Novo Group conclude that the proposal can be supported from a transport engineering perspective with the effects considered to be acceptable and less than minor.

In terms of traffic generation, the ITA estimates that the proposed development (stages 1 and 2) could generate around 992 vehicle trips per day, however this level of traffic generation would not occur immediately but over time as the site was developed. Initially, all site generated traffic would have to exit the site via the new intersection at Rosewood Drive / Amberley Beach Road. Eventually, once the later stages are completed, the wider site would have access to State Highway 1. The ITA notes that the anticipated level of traffic would not be significant in the context of existing traffic volumes.

Based on the conclusions in the ITA, I am satisfied that any adverse effects in terms of traffic generation and impacts on the roading network, would be less than minor.

Cultural effects

The site is not identified in the District Plan as containing any heritage sites, archaeological sites, wahi tapu or wahi taonga. The proposed development will need to comply with the Council's Global Amberley Stormwater consent and where this can't be complied with resource consent will be required from the Canterbury Regional Council who will determine whether there are any adverse cultural effects associated with the discharge of stormwater. An accidental discovery protocol condition can be included should any koiwi (human skeletal remains), taonga or artefact material be uncovered during the extraction activities.

Accordingly, I am satisfied that adverse effects on cultural values would be less than minor.

Cumulative effects

In respect of the cumulative impacts on the District's infrastructure, I am satisfied that the proposal would continue to promote its efficient use and development, and that there is capacity in the roading network, including the formation and vesting of the roads and utility services for this proposal to function efficiently. The proposed roads will eventually link up with the land to the west which is to be developed at a later stage.

Conclusion

In assessing the effects of the proposal, I have considered the relevant objectives and policies and assessment criteria, as outlined in the planning framework section, above. I am satisfied that the proposal will be consistent with these objectives and policies. Overall, given the zoning of the site for residential development and the matters discussed above, I am satisfied that any adverse effects of the proposed subdivision on the wider environment will be less than minor.

Notwithstanding the above, do any special circumstances exist in relation to this application which would lead you to conclude that the application should be notified? If the answer is yes, why? [Section 95A (9)]

No – The application seeks consent to subdivide into 123 residential lots, two roads to vest, two access lots, four local purpose reserves and balance land in two stages. There has been no known public interest in the application. I have not identified any factors that would bring the application outside the common run of things, unusual or abnormal or exceptional, but may be less than extraordinary or unique. Taking into account what the District Plan signal for this site, I consider the circumstances of this application are not outside the normal run of things, unusual, abnormal, or exceptional.

Recommendation:

- That the application need not be publicly notified in accordance with Section 95A of the Resource Management Act 1991.

Are there any affected protected customary rights groups or affected customary marine title groups? [Section 95B(2)]

No

Is the proposed activity on or adjacent to, or may affect, land subject to a statutory acknowledgment? [Section 95B(3)] If yes, is the person or party affected under Section 95E and if so why?

No

Does a rule or national environmental standard preclude limited notification of the application? [Section 95B(6)(a)]

No

**Is the application for a resource consent for the following, but no other, activities: [Section 95B(6)(b)]
- a controlled activity (but not a subdivision)?**

No – the proposal is for a non-complying subdivision.

Who may be considered an affected person in relation to this application?

A person is an affected person if the activity's adverse effects on the person are minor or more than minor (but are not less than minor). [Section 95E]

Under section 95E, a person is an affected person if the activity's adverse effects on the person are minor or more than minor (but are not less than minor). As noted earlier, no written approvals have been provided with the application. I have also referred to the permitted baseline in terms of temporary construction effects and as such these effects are not considered when considering who may be an affected person.

I note the site is zoned Residential 1A and as such the District Plan anticipates that the site be developed for residential purposes. I note that the proposed lots that are located around the periphery of the site directly adjacent to adjoining properties, will all be 1,100 m² in area and as such these comply with the minimum area requirement for this zone. In this regard, I am satisfied that any adverse effects on amenity values on adjoining property owners would be less than minor.

As noted earlier in my report, the eastern boundary of the site contained a pine tree shelterbelt which was located on the adjoining properties at 88 and 94 Amberley Beach Road. The trees were approximately 10-12 metres in height and as such had the potential to overshadow the proposed new lots and result in reduced sunlight and daylight admissions. While any future lot owners would have been aware of the presence of the trees, there was the possibility that they may have complained about the effects of shading, root intrusion, and dropping branches which may have the potential for damage to their homes and personal safety. As such, there is the possibility that future lot owners would want the trees removed or trimmed as has occurred in other recent subdivisions in Amberley. As such, I considered that there was the potential for reverse sensitivity effects¹ on the adjoining property owners at 88 and 94 Amberley Beach Road which may be minor.

In response to my concerns, the applicant has obtained the written approval of the adjoining property owners at 88 and 94 Amberley Beach Road. As part of discussions with the affected parties, the applicant has negotiated the removal of the pine trees which is currently being undertaken. The applicant has confirmed that a 1.8 m high solid timber fence is to be installed along the boundary in agreement with the affected parties. I note that the proposed fence will be located along the interface of the rural and residential zones however, consider that any adverse landscape and visual effects of the fence would be mitigated due to existing intervening landscape screening along Amberley Beach Road.

For completeness, I note that the trees on the adjoining property located at 128 Amberley Beach Road, will predominantly adjoin that part of the site that will be taken up by the stormwater management area and as such, any shading and overshadowing would not potentially be affecting a sensitive activity and therefore reverse sensitivity effects would not apply.

I note that an existing right of way easement (shown as ZA on the scheme plan) is to be surrendered. This easement provides access to the adjoining property at 62 Amberley Beach Road (Lot 1 DP 490410). The applicant has advised that they have negotiated with the landowner whereby, it has been agreed a new access will be provided via the new road. I note that there is a separate legal process by which the easement is to be extinguished whereby both parties have to agree to the extinguishment. Given that the property at 62 Amberley Beach Road will directly adjoin the new road reserve, I am satisfied that both physical and legal access can be provided. Given these matters, I am satisfied that any adverse effects on the owners and occupiers of 62 Amberley Beach Road, will be less than minor in this regard.

¹ Reverse sensitivity is the vulnerability of an established land use to complaint from a newly establishing, more sensitive land use.

Given the above, I consider that the property owners / occupiers of 88 and 94 Amberley Beach Road, are affected persons in relation to this application.

Has the written approval of every person who may be considered an affected person in relation to this application been obtained? [Section 95E (3)(a)]

Yes the written approval of the owners / occupiers of 88 and 94 Amberley Beach Road, have been provided.

If the answer to the above question is no, is it unreasonable in the circumstances to require the obtaining of every such approval? [Section 95E (3)(b)]

N/A

Notwithstanding the above, do any special circumstances exist in relation to this application that warrant notification of the application to any other persons not already determined to be eligible for limited notification? If the answer is yes, why? [Section 95B(10)]

No – I consider my explanation to section 95A(9) is applicable.

Recommendation:

- **That the application need not be limited notified in accordance with Section 95B of the Resource Management Act 1991.**

Statutory Requirements

Section 104B states that after considering an application for a **non-complying activity** the consent authority may grant or refuse the consent and impose conditions under Section 108 if granted. Section 104D states that the consent authority may grant consent for a non-complying activity only if it is satisfied that either—

- (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or
- (b) the application is for an activity that will not be contrary to the objectives and policies of—
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

Section 104 states that subject to Part II, the consent authority must have regard to –

- (a) any actual and potential effects on the environment of allowing the activity; and
- (b) any relevant provisions of—
 - (i) a national environmental standard;
 - (ii) other regulations;
 - (iii) a national policy statement;
 - (iv) a New Zealand coastal policy statement;
 - (v) a regional policy statement or proposed regional policy statement;
 - (vi) a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Section 104(3)(a)(ii) states the consent authority must not consider any effects on any person who has given written approval to the application.

When considering an application for resource consent the consent authority shall have regard to Section 104(1) of the Resource Management Act 1991. What are the actual and potential effects on the environment of allowing the activity?

As a non-complying activity I can consider any relevant matter. I consider the actual or potential effects relate to landscape character / visual effects, amenity values, geotechnical and earthworks effects, servicing, roading / access / traffic, cultural effects, and cumulative effects. I considered the adverse effects in my section 95D and 95E assessments above and I consider this assessment covers off the actual and potential effects in sufficient detail except for any actual and potential positive effects and factors to be mitigated through conditions of consent.

Landscape and visual amenity

The landscaping concept design provided details and location of the street trees, boundary plantings, gateway entrance, reserve, and stormwater management areas. I consider that on maturity of the landscape plantings, combined with the other urban design features, this will provide sufficient mitigation of the additional density of the proposed subdivision above that which the Residential 1 Zone provides for. Conditions of consent will require that landscaping is provided in accordance with an approved landscape plan prepared to be prepared by a suitably qualified and experienced landscape architect. The plan will need to be submitted for approval along with the engineering plans and before works commence onsite.

To maintain a sense of open space and passive surveillance, a condition of consent, will require open style pool fencing along the boundaries with any reserves. In addition, I consider that any fencing along the road boundary with Amberley Beach Road should consist of open style rural fencing to maintain a sense of open space, rural character, and cohesiveness with the fencing along the road boundaries of Oakfields and Tekoa Estate subdivisions. The Council will not be subject to the cost of any fencing along the boundary of any reserve. I am satisfied that there should be no restriction on solid fencing between the residential lots.

Temporary construction effects

The proposal has the potential to result in construction effects such as noise, dust, sediment and erosion associated with proposed earthworks on the site. I note the proposal would need to proceed in accordance with NZS 4404:2010 Land Development and Subdivision Infrastructure which sets out good practice measures in this regard. Conditions of consent will require a sediment, erosion and dust management plan be submitted to the Council for certification prior to any works commencing on site, and that any earthwork filling over 300 mm deep is carried out in accordance with the requirements of NZS 4431:1989 Earthfill for Residential Development.

With regards to earthworks, an accidental discovery protocol will be included as a condition of consent to cover any accidental discovery of koiwi or taonga.

Servicing

With respect to servicing, I note all the proposed lots are capable of connecting to Council's reticulated services, however some upgrades will be required to Council's water and sewer networks in order to be able to provide for the new connections. In addition, water and sewer services will need to be extended along the proposed new roads to service the proposed lots including the provision of fire hydrants within the road reserve to meet the requirements in the New Zealand Fire Service Code of Practice. Reticulated telephone and power services will also be provided. Conditions of consent require the consent holder to construct the services in accordance with the Council's relevant standards and requirements and subject to the provision of engineering plans prior to works onsite commencing. Conditions of consent also require certificates from the relevant providers where the service is not provided by the Council. Provided the services are constructed according to the guiding documents, I am satisfied the health and wellbeing of the community will be maintained, and the allotments can be suitably serviced.

Stormwater management

The overall stormwater management philosophy for the site is to discharge stormwater runoff onto or into land in accordance with the Council's global stormwater consent for Amberley. Roof water is proposed to be discharged to ground with the remainder of the site to be drained via a traditional system of pipes and inlets to the stormwater

management area. The stormwater system provides for the first flush to be stored separately with the overall stormwater management area to be sized to attenuate flows from a 24-hour 50 year event as required by Hurunui District Council's global stormwater discharge consent (CRC082988).

It is proposed that individual dwellings will discharge to on-site soakpits sized and constructed at the time of the development. Conditions of consent require site specific design and a stormwater management plan to be provided at the time of engineering plan approval. The location and design of the proposed soak pits will be provided during engineering approval along with the required discharge consent from the Regional Council.

Roading and access

The proposed subdivision creates proposed Lots 1000 and 1001 to be vested with the Council as road. The principal road will commence at Amberley Beach Road and will run through the site, and a cul-de-sac. The new road will eventually link with a new intersection at the state highway (yet to be constructed) as subsequent stages of the development proceed. The primary road will maintain an 11 m wide carriageway, 1.5m footpaths and 1.5m grass berms on both sides. The reserve width will be 20 m, although this reduces to 18m approximately 200 m into the site from Amberley Beach Road. A secondary (narrower) loop road will serve the remainder of the site and will include a footpath along one side. With regard to the access lots and rights of way, I consider the design will be capable of supporting the lots to be serviced by these easements and will provide sufficient legal access to the Council's roading network.

Council's Consultant Engineer notes that the intersection of the proposed new road with Amberley Beach Road may need further widening than shown in the application plans in order to provide for a minimum 11.0 m radii at the boundary of the corners of proposed Lots 2 and 8. This seeks to ensure that visibility splays can be provided should a future roundabout be required as the remainder of the site is further developed (Stages 3-5). I note that this would result in a minor reduction in the size of proposed Lots 2 and 8.

The ITA notes that it is envisaged that the kerb and channel and a footpath would at least be extended from the existing urban boundary and along the frontage of the application site to align with what is already provided on the northern side of Amberley Beach Road, and the western side of Rosewood Drive. The proposed development would result in the volume of traffic on Amberley Beach Road almost doubling (current counts estimated at 1,200 vehicle movements per day). In addition, I consider that the proposed development would also result in an increase in pedestrian movements particularly to the west of the application site towards the town centre. As such, I consider that the kerb and channel and footpath should not only be extended to the existing urban boundary but to the existing road junction with Teviot View Place to the west to ensure that adequate connectivity is provided between the application site and the existing pedestrian and roading network.

Given the above matters and provided the roading infrastructure is constructed in accordance with the Council's Development Engineering Standard 2017 (DES), I consider that the road design will have a negligible effect on the safe and functional management of the Council's roading network.

Each allotment will be provided with either direct access to the roading network or alternatively via a right of way easement to the new roads. For the lots accessed via a right of way, a condition of consent will require the construction of a vehicle crossing. The construction of vehicle crossings to all other lots will be deferred to building consent stage, which is in line with the DES.

All allotments are of a size capable of providing carparking onsite. I consider the sealed widths of the road will provide sufficient room for on-street parking where required.

The proposed subdivision also creates proposed Lots 3000-3003 which are to be vested with the Council as reserves. Proposed Lots 3000 and 3003 will provide pedestrian / cycle linkages between the proposed new road and balance land to the east. Proposed Lot 3002 will provide pedestrian access to the stormwater management area located on proposed Lot 3001. In addition the concept landscape plan shows informal pathways and tracks leading through or around the stormwater ponds which will promote public movement and pedestrian flow through these green spaces. I consider the pedestrian linkages and footpaths will provide for alternative modes of transport reducing

the reliance of cars to access services and activities within Amberley. I also note that the Councils Amberley Infrastructure Strategy 2017 promotes a single footpath on one side of the road as a minimum, therefore the subdivision will be consistent with the Strategy.

A condition of consent will require LED streetlighting to be installed with the relevant New Zealand Standard and included in the engineering plans for approval prior to works commencing onsite.

Cumulative effects

In respect of the cumulative impacts on the district's infrastructure, I am satisfied the proposal would continue to promote its efficient use and development, and that there is capacity in the roading network, including the formation and vesting of the roads and utility services for this proposal to function efficiently. The proposed roads are generally in keeping with the Amberley Infrastructure Strategy 2017.

Conclusion

Overall, I consider that any actual and potential effects on the environment from the proposed activity are able to be mitigated through compliance with the conditions of consent.

Relevant provisions of a national environmental standard, other regulations, national policy statement, New Zealand coastal policy statement, regional policy statement, proposed policy statement, regional plan or proposed regional plan [Section 104(1)(b)]

The District Plan was made operative on 21 June 2018 and gives effect to the higher order instruments referred to in section 104(1)(b), including the Canterbury Regional Policy Statement and regional plans. I have no reason to consider there is any illegality, uncertainty, or incompleteness in the District Plan. Accordingly, I have not addressed the higher order instruments specifically in this decision.

Are there any other matters which are relevant and reasonably necessary to determine the application (including Part II matters)?

With respect to Part II of the Act, the proposal will continue to promote the sustainable management of natural and physical resources. Section 5 requires the promotion of the sustainable management of natural and physical resources. This means ensuring that the use and development of physical resources is managed in such a way as to enable people and communities to provide for their social and economic well-being while meeting the reasonably foreseeable needs of future generations and avoiding, remedying, or mitigating the adverse effects of the proposal on the environment.

If the application is for a non-complying activity, does it meet at least one of the provisions of Section 104D (1)?

Section 104D(1) requires one of the following two tests to be met:

- (a) Whether the adverse effects on the environment will be minor; or
- (b) Whether the application for an activity will not be contrary to the objectives and policies of relevant plans and proposed plans.

In my section 95D assessment above I determined the adverse effects of the proposed activity on the environment would be less than minor and that the proposal is in accordance with the objectives and policies of the District Plan. As such I am satisfied that the proposal passes the section 104D(1)(a) test and therefore a determination is able to be made pursuant to sections 104 and 104B.

Recommendation: That for the above reasons the application **be approved** pursuant to Sections 104 / 104B of the Resource Management Act 1991, subject to the following conditions:

CONDITIONS OF CONSENT

General

1. *The activity shall proceed in general accordance with the plans prepared by Davis Ogilvie (reference no: 41793/300, Revision F, dated 04/22) and details submitted with the application and referenced as RC210185 in Council records. In particular, the activity shall proceed in two stages as follows:*

Stage 1

- *75 fee simple allotments (Lots 1 to 75);*
- *Two local purpose (utility) reserves to be vested in Council (Lot 3000 and 3001);*
- *Part of two roads to be vested in Council (Lot 1000);*
- *One access lot (Lot 600); and*
- *Balance land.*

Stage 2

- *48 fee simple allotments (Lots 76 to 123);*
- *The remaining part of the two roads to be vested in Council (Lot 1001);*
- *Two local purpose (utility) reserves (Lots 3002 and 3003);*
- *One access lot (Lot 601); and*
- *Balance land (Lot 4000).*

2. *Design and construction shall be in accordance with the requirements of the Hurunui District Plan and the Hurunui District Council Development Engineering Standard 2017 unless otherwise agreed by Hurunui District Council.*

Easements

3. *All services and accessways serving more than one lot, or traversing lots other than those being served and not situated within an existing or proposed public road, shall be protected by easements shown in a memorandum on the survey plan and duly granted and reserved. Easements over wastewater lines to be vested in Hurunui District Council and located within private rights-of-way, shall cover the entire width of the right-of-way.*

Construction management

4. *The Consent Holder shall appoint a single representative who shall be responsible for liaising with Hurunui District Council, submitting information required for consent, preparing engineering plans, monitoring, and supervising construction works, and certifying the works and as-built information. The Consent Holder's representative shall be suitably qualified and experienced and hold the relevant insurances. The person's name and contact details shall be provided to Hurunui District Council.*
5. *The hours of operation for construction activities shall be limited to 7am to 7pm Monday to Saturday (excluding public holidays).*
6. *All construction works shall proceed in accordance with the construction noise standard NZS 6803:1999 'Acoustics – Construction Noise'.*

Earthworks

7. *Measures shall be taken to minimise soil erosion and sediment discharge during all works associated with the development.*
8. *Windblown sand and dust associated with activities on the site shall not cause particulate material which is offensive and objectionable beyond the boundary of the site on which the consent is exercised. For the purposes of this condition, "offensive or objectionable" is to be determined having regard to intensity and duration of dust normally expected in a residential environment.*

9. *All earthworks filling over 300 mm deep shall be carried out in accordance with the requirements of NZS 4431:1989 Earthfill for Residential Development, with clean fill and controlled compaction.*
10. *In the event of accidental discovery of any disturbance of koiwi (human skeletal remains), taonga or artefact material, the consent holder shall:*
 - a) *Cease any further excavation for a period of at least 24 hours.*
 - b) *Immediately advise the New Zealand Police, Hurunui District Council, Te Rūnanga o Ngāi Tahu, Te Ngāi Tūāhuriri Rūnanga, and the New Zealand Historic Places Trust of the disturbance.*
 - c) *The consent holder shall in conjunction with the Te Rūnanga o Ngāi Tahu and Te Ngāi Tūāhuriri Rūnanga, arrange a site inspection by the appropriate tangata whenua and their advisers, including statutory authorities, who will determine whether the discovery is likely to be extensive and whether a thorough site investigation is required. Materials discovered will be handled and removed by iwi responsible for the tikanga appropriate to their removal or preservation.*

Engineering Plans

11. *Prior to commencement of any works the following shall be provided to and certified by Hurunui District Council:*
 - a) *Plans, specifications, and calculations showing all works including standard details.*
 - b) *A sediment and erosion control and dust management plan (including associated drawings showing proposed stockpile locations).*
 - c) *Traffic Management plans.*
 - d) *A Surface Water Report / Surface Water Planning Assessment demonstrating how the requirements of Hurunui District Council's global stormwater discharge consent (Canterbury Regional Council reference: CRC082988) will be met. The report shall include:*
 - (i) *Proposed attenuation system design.*
 - (ii) *Proposed surface water pipe network design.*
 - (iii) *Proposed soakage sites, and soakage calculations.*
 - e) *A copy of Canterbury Regional Council consent for the proposed surface water report.*
 - f) *A design certificate in the form of NZS 4404:2010 Schedule 1A.*
 - g) *A quality management plan setting out construction and materials testing methodologies and inspection frequencies.*
 - h) *A landscaping plan (refer to Council's Tree Management Policy). The landscape plan shall also include the existing and proposed planting along the southern boundary of the site to ensure that a 3 m wide planted buffer is provided.*
 - i) *A street lighting proposal and plan (as prepared in consultation with Hurunui District Council and the power supply authority).*

Stormwater

12. *A stormwater treatment and attenuation system shall be provided that complies with Hurunui District Council's Amberley global stormwater discharge consent (Canterbury Regional Council reference CRC082988).*
13. *The stormwater system shall include a treatment chain of vortex type gross pollutant trap device(s), an offline first flush treatment basin, and an attenuation pond.*
14. *The stormwater system shall include control structures/devices that attenuate developed site discharges to the requirements of CRC082988. Pond design shall provide for all weather vehicular access to control structures for maintenance.*
15. *Where the discharge of stormwater to ground is within 1 m of groundwater, the Consent Holder shall obtain a discharge consent from the Canterbury Regional Council and provide a copy to Hurunui District Council.*
16. *Where the Consent Holder proposes discharge of roof water to ground, on-site soakpits shall be designed and installed at the time of subdivision and shall include for:*
 - a) *Design for roof catchment based on 35% of total lot areas.*

- b) *Construction in accordance with the certified engineering plans including measures to prevent any surface water entering the soakpit prior to completion of each house build.*
 - c) *An overflow pipe discharging to roadside kerb and channel.*
17. *Each roadside lot shall be provided with a kerbside inspection box and kerb outlet and a 100 mm lateral terminating 1.0 m inside the main body of the lot to receive hardstanding run-off and soakpit overflow discharge.*
 18. *The Consent Holder shall provide similar detail for certification for surface water discharge from lots served by rights of way.*
 19. *A management plan illustrating the operation of the stormwater network including the attenuation pond, as well as the maintenance regime required, shall be submitted to the Hurunui District Council for certification along with the engineering plans. The maintenance regime shall include the requirement that the attenuation pond system is inspected at least once every six months and any accumulated sediment and/or litter is removed to prevent blockages from occurring.*
 20. *The Consent Holder shall be responsible for all maintenance and operating costs of the stormwater attenuation pond for a minimum period of two years following the issue of the 224 certificate or when 90% of all residential lots within the subdivision have dwellings constructed and compliance certificates issued under the Building Act 2004, whichever is the shorter period. The operation and maintenance of the utility areas shall be transferred to the Hurunui District Council following this period and approval of the performance and condition of the sites.*

Wastewater

21. *Each lot shall be connected to the Amberley wastewater network in accordance with the certified engineering plans.*
22. *Gravity connection shall be provided to each lot with the exception of Lots 29 – 34 (as detailed in **condition 38**).*
23. *Gravity connections shall be 100 mm diameter, laid to a point at least 1m inside the lot and at least 1.2m deep.*
24. *All wastewater infrastructure laid under proposed roads, vehicle crossings, or rights-of-way shall be hardfill backfilled to subgrade level (with GAP65, pit run or similar approved granular material).*
25. *A CCTV survey shall be carried out on all new wastewater lines to be vested in Hurunui District Council.*

Water

26. *Each lot shall be connected to the Amberley water supply network in accordance with the certified engineering plans. Connections shall be 20 mm diameter and include associated meter boxes and fittings (excluding meters). Meter boxes within rights-of-way shall be located adjacent to the lot boundary.*
27. *All water infrastructure laid under roads, vehicle crossings or rights-of-way shall be hardfill backfilled to subgrade level (with GAP65, pit run or similar approved granular material), and ducted where necessary.*

Deferment

28. *The section 224 certificate shall not be issued until the relevant upgrades to the Amberley water and wastewater networks have been completed.*

Roading

29. *Roads shall be constructed in accordance with the certified engineering plans, generally as follows:*
 - a) *General*

- i) Road and right of way widths and layout shall be in general accordance with submitted drawing 41793/300 issue F dated 04/22.
 - ii) Centreline radii shall be an absolute minimum of 20 m and shall provide for a minimum stopping sight distance of 40 m.
 - iii) Right of way 'K' shall be provided with a turning head in accordance with Hurunui District Council Development Engineering Standard 2017 drawing R20.
 - iv) Road and right of way cross-sections shall be in general accordance with submitted drawing 41793/C105 Rev P3 dated 27/01/22.
 - v) Road gradients shall be no flatter than 1:250 (0.4%).
- b) Footpaths
- i. Footpaths shall be a minimum of 1.5 m width.
 - ii. Mobility crossings including tactile pavers shall be provided at intersections.
 - iii) Footpaths shall be constructed with a 100 mm thick layer 20 MPa concrete on a minimum of 50 mm AP20 on a suitable subgrade, unless otherwise approved by Hurunui District Council.
 - iv) Concrete construction shall be in accordance with NZS 3109:1997 Concrete Construction
 - 1. Surface finish shall be Class U5 (screeded, floated, then hard or soft broomed to provide shallow texture).
 - 2. Concrete shall have a black oxide additive at a rate of 2kg/m³ of concrete unless noted and agreed otherwise with the Hurunui District Council.
 - 3. Path edges and expansion/contraction joints shall have a 50 mm width smooth trowelled finish.
- c) Berms
- i) Grass berms shall consist of screened topsoil lightly compacted and raked to a minimum depth of 75 mm. The topsoil shall be free of clods, stones, and other debris. The areas shall be evenly sown with grass seed mix at a rate of 30 grams grass seed / square metre. The seeded surface shall be lightly rolled and watered.
 - ii) Grass seed shall consist of Chewings Fescue 'Dawson Ref 70% and Brown Top NZ Certified 30%
- d) Vehicle crossings
- i) Rights of way and access legs shall be provided with a vehicle crossing in accordance with the certified engineering plans.

30. Benkelman Beam testing shall be carried out on all roads and rights of way prior to surfacing. Tests shall comply with the Hurunui District Council Development Engineering Standard 2017.

Street Lighting

31. Approved LED street lighting shall be installed in accordance with AS/NZS1158 and the certified engineering plans.

Power and telephone

32. Each lot shall be provided with the ability to connect to a telecommunications and electrical supply network at the road boundary of the lot.

Landscaping

33. Landscaping shall be established in accordance with the certified landscaping plans.

Works inspections

34. Works inspections will be carried out to ensure the work is completed in accordance with the certified plans and specifications and to Hurunui District Council standards. These inspections will be undertaken by Council engineering staff for a fee as defined in Council's Schedule of Fees and Charges, payable by the Consent Holder. The Consent Holder shall notify Council at least two working days prior to commencing various stages of the works to enable inspections to be carried out. Any other works directly associated with the development shall also be charged at the rates defined in Council's Schedule of Fees and Charges. The minimum level of inspection shall be as follows:

- Engineering/landscaping plan checking and certification – prior to commencement of works.
- Roads, rights of way and vehicle crossings:

- following excavation to subgrade / prior to placement of sub-base metal.
- following placement of sub-base metal / immediately prior to pouring of kerbs.
- following compaction of basecourse metal / immediately prior to surfacing.
- Footpaths:
 - following excavation to subgrade / prior to placement of sub-base metal.
 - following compaction of basecourse metal / immediately prior to surfacing.
- Wastewater and water reticulation:
 - water or air pressure testing of pipes including laterals and manholes.
 - bedding / prior to backfilling of trenches.
 - disinfection and flushing of lines.
- Power and telecom trenches:
 - bedding / prior to backfilling of trenches.
- Whole of works – prior to issue of a section 224(c) certificate.

Where additional inspections are required because of faulty workmanship or work not being ready contrary to the receipt of a notification, such inspections will be carried out for an additional fee, in accordance with Council's Schedule of Fees and Charges.

Engineering Completion

35. On completion of works the following shall be provided to Hurunui District Council:
- a) Completion certificates in the form of NZS 4404:2010 Schedules 1B, 1C, and (for any filling over 300mm deep) 2A;
 - b) Dimensioned A3 hard copy as-built plans (and an electronic copy in suitable format) showing all works and information as detailed in NZS 4404:2010 Schedule 1D and using NZTM2000 projection with levels to NZGD2000 (Lyttleton 1937) datum. Plans shall be certified by a suitably-qualified person stating that they are a true and accurate record of what has been constructed.
 - c) Written confirmation from telecommunications and electrical suppliers that each lot has been connected to the respective networks.
 - d) Copies of all quality assurance testing and inspection records, including CCTV footage of the new wastewater lines to vest in Hurunui District Council; and
 - e) A schedule of quantities for all completed works to be vested in Hurunui District Council (to enable valuation of assets to vest and maintenance bonds).

Maintenance Period

36. The Consent Holder shall be responsible for the maintenance of all subdivision and associated works for a period of 12 months following the date of the issue of the section 224(c) certificate. A bond equal to 5% of the cost of construction works as calculated under **condition 35(e)** shall be lodged with Hurunui District Council for the same period, and maintenance shall include repair of any damage or defects in any of the works or services, however caused, associated with the development of the subdivision.

STAGE 1 – Lots 1-75, Lots 3000-3001, Lot 1000, Lot 600, and balance land

Amalgamation condition

37. That Lot 600 (legal access) hereon be held as to six undivided one-sixth shares by the owners of Lots 29, 30, 31, 32, 33, and 34 hereon as tenants in common in the said shares and that individual Records of Title be issued in accordance therewith (LINZ ref: 1766703).

Wastewater

38. Lots 29-34 shall have gravity connections provided as per **condition 22**, or have provision for a low pressure pumping system to discharge to the main gravity network. A pumped sewer discharge chamber shall be installed at the intersection of right of way 'K' and the proposed public road reserve, and individual LPS sewer laterals shall be provided from 1m inside the main body of Lots 29 – 24 to the discharge chamber.
39. The owners of Lots 29 - 34 shall be advised that should a gravity connection not be provided to the lot:

- a) *At the time of building on the lot, an approved private in-ground wastewater pump unit (consisting of a heavy duty E/One submersible grinder pump in an underground polyethylene tank, or similar system as approved by Hurunui District Council) shall be installed and connected to the lot's lateral to cater for wastewater disposal from the lot; and*
- b) *The owner of the lot shall be responsible for all costs associated with the installation and on-going operation, repairs, and maintenance of the wastewater system.*

40. **Condition 39** shall be secured by consent notice registered on the records of title for Lots 29 - 34.

Roading

41. *Lot 1000 shall be vested in Hurunui District Council as road.*
42. *Amberley Beach Road shall be widened to provide a carriageway width of 12 m with kerb and channel and a footpath formed on the south side. The widening shall extend from the eastern extent of the site to the existing road junction with Teviot View Place.*
43. *The intersection of the road reserve (Lot 1000) with Amberley Beach Road shall provide for a minimum 11.0 m radii at the boundary of the corners of Lots 2 and 8.*

Reserves

44. *Lots 3000 and 3001 shall be vested in the Hurunui District Council as local purpose reserves (utility).*

Fencing

45. *Open pool type fencing, including a mowing strip shall be constructed along the boundaries of Lots 48-49 and 54-55, where they adjoin the reserve (Lot 3000).*
46. *Open pool type fencing, including a mowing strip shall be constructed along the boundaries of Lots 31-32 where they adjoin the reserve (Lot 3001).*
47. *Any fencing along the boundary of Amberley Beach Road and Lots 1-2 and 8-11 shall consist of open rural style fencing comprising post and rail.*
48. *Condition 47 shall be secured by consent notice registered on the records of title for Lots 1-2 and 8-11.*

STAGE 2 – Lots 76-123, Lot 1001, Lots 3002-3003, Lot 601, and balance land (Lot 4000)

Amalgamation condition

49. *That Lot 601 (legal access) hereon be held as to four undivided one-quarter shares by the owners of Lots 80, 81, 82 and 83 hereon as tenants in common in the said shares and that individual Records of Title be issued in accordance therewith (LINZ ref: 1766703).*

Roading

50. *Lot 1001 shall be vested in Hurunui District Council as road.*

Reserves

51. *Lots 3002 and 3003 shall be vested in the Hurunui District Council as local purpose reserves (utility).*
52. *Open pool type fencing, including a mowing strip shall be constructed along the boundaries of Lots 112 and 113 where they adjoin the reserve (Lot 3002) and Lots 119 and 120 where they adjoin the reserve (Lot 3003).*
53. *Open pool type fencing, including a mowing strip shall be constructed along the boundaries of Lots 108-113 where they adjoin the reserve (Lot 3001).*

Landscaping

52. *The 3.0 metre wide landscaping buffer along the southern boundary of Lots 113-118 shall be maintained by the lot owners with any dead, damaged, or diseased plants being immediately replaced with the same or similar species on failure.*
53. **Condition 52** shall be secured by consent notice on the records of title for Lots 113-118.

ADVICE NOTES

Works inspections

Works inspections are an important component of the works. Please ensure contractors are aware of the inspection requirements outlined in this consent.

Works Access Permit

A Works Access Permit needs to be obtained prior to any works commencing within the road reserve. This can be applied for online at www.beforeudig.co.nz or by ringing 0800 248 344. Part of this process involves preparation and approval of a Traffic Management Plan.

Water Supply

The water supply application has been approved with the following conditions (Ref: WS21294)

- 1. An upgrade of the Carters Road watermain from Bank Street in Amberley to Kowai River Road Pump Station (minimum size DN200 MDPE).*
- 2. An upgrade of the surface booster pumps at Kowai River Road Pump Station.*
- 3. Modifications of pipework around SH1 pump shed are required to ensure treated potable water is supplied from this shed (this will include a bypass and sub main along the state highway verge).*

No water connections will be deemed completed until these upgrades have been undertaken.

Wastewater

Council have identified the wastewater syphon at Hursley Terrace Road is required to be upgraded. No wastewater connections will be deemed completed until this upgrade has been undertaken.

Building consent

A building consent may be required for aspects of this project. Please contact Hurunui District Council's building department on 03 314 8816 for further information and advice.

High Speed Broadband Readiness

It is recommended that allowance is made for high speed broadband connections as part of this development (the cost of installing the necessary ducting, cabling and other infrastructure for this is significantly higher if retrofitted instead of being installed at subdivision stage).

Power and Telephone

There are often significant delays with getting telecom and power service provider approvals and signoffs. The consent holder is advised to contact the relevant service providers early on in the process.

Development Contributions

Development Contributions are required to be paid for each new lot on the plan of subdivision or for each new unit of demand constructed. Development Contributions must be paid prior to the issue of a certificate pursuant to section 224 of the Resource Management Act 1991 for Development Contributions charged as part of a resource consent. These contributions are currently:

Reserves

\$590 for the Queen Mary Development

\$1750 for Amberley Township Reserves

\$1640 for Amberley Rating Area Reserves

Network Infrastructure

\$3060 for District Sewer

\$1540 for District Urban Water

\$1040 for Amberley Stormwater

Please note that a separate connection fee applies in addition to the above costs.

Community Infrastructure

\$620 for Amberley Walking & Cycling Routes

resulting in a total of \$10,240 for each new unit of demand and a total of \$768,000 for Stage 1 (75 new units of demand) and \$491,520 for Stage 2 (48 new units of demand).

Note: The development contributions payable are those shown in the current Hurunui Long Term Plan (The Long Term Council Plan developed by the Hurunui District Council in compliance with the Local Government Act 2002).

While development contributions are not required to be paid until immediately prior to the issue of a certificate pursuant to section 224 of the Resource Management Act 1991, please note the following:

- If a 224 certificate is applied for within 2 years of the subdivision approval, or the development contributions are paid within the above period, the development contributions payable are those indicated in the subdivision decision above.
- If the development contributions are not paid within the two year period, then the development contributions payable are those indicated in the Hurunui Long Term Community Plan current at the time the 224 certificate is applied for. These may vary from those indicated above.

Reported and Recommended by:


Helga Bennett, Senior Planner

Date: 28 April 2022

DECISION:

I have read and considered the above report and recommendation by the Council's officer, Helga Bennett, and the information available to Council in respect of the application for consent to subdivide into 123 residential lots, two roads to vest, two access lots, four local purpose reserves and balance land in two stages. I agree with the recommendations made and decide that the Council officer's recommendations should be adopted.


Judith Batchelor, Chief Strategy and Community Officer

Date: 28 April 2022