

## COUNCIL 22. 3. 2012

### 7. NOBLE VILLAGE SUBDIVISION

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	Resource Consents and Building Policy Manager
<b>Author:</b>	John Higgins, Manager Resource Consents

#### PURPOSE OF REPORT

1. This report has been prepared in response to the following Riccarton/Wigram Community Board resolution of 14 February 2012:  
  
*"That the Riccarton/Wigram Community Board urgently request that the Christchurch City Council call for a judicial review of the process for the granting of the Noble Village Subdivision original consent and the subsequent variation RMA92009135."*
2. The purpose of this report is to provide background to matters to assist in informing Council on making a decision on the Community Board's resolution on a judicial review of the subdivision consent and variation.
3. Separately in the public excluded section of this meeting there is attached legal advice to the Council regarding the Board's recommendation for a judicial review. As Councillors will be aware from the many emails they have received from members of the public there are a number of detailed issues that have been raised regarding this subdivision. This report will focus on the issues regarding the Board's recommendations and provide background information below to give context to the Board's recommendation as there was no staff advice before the Board when it passed its resolution.

#### EXECUTIVE SUMMARY

4. In August 2006 a final decision was issued by the Environment Court in relation to a reference on the notified Christchurch City Plan. This decision established the Living G (Yaldhurst) Zone which included a set of rules and an Outline Development Plan.
5. In May 2009 land use and subdivision resource consents were granted by the Consent's Resource Management Officer Subcommittee to Noble Investments Limited (NIL) for the land at 473-475 Yaldhurst Road, which is situated within the Living G (Yaldhurst) zone, for the creation of 304 residential lots. Physical works commenced on the site in the latter part of 2009.
6. In addition to land use and subdivision consents granted from the Council in 2009, NIL was also required to obtain approvals from relevant landowners to enter onto their land to carry out physical work in terms of those subdivision and land use consents. For this reason, staff understand that NIL has entered into contracts with adjoining landowners, which is not uncommon, to enable the subdivision to proceed.
7. NIL applied for a variation to the subdivision consent in December 2009.
8. Complaints were received by the Council from neighbouring landowners in August 2010, that NIL was carrying out physical works in reliance of the variation application before the application had been considered by the Council. Unfortunately it was not until April 2011 that NIL was required by the Council to stop physical works that were in accordance with the variation application. The General Manager Regulation and Democracy Services has publicly apologised in October 2011 for this lapse in the Council staff processes that enabled unauthorised work to be continued for some eight months from August 2010 until April 2011.
9. The variation application was considered and granted by an independent commissioner in July 2011. (notification and substantive decisions are attached at **Attachment 1 and 2**). The commissioner held a meeting where the parties involved were given limited speaking rights. At the meeting with the commissioners the neighbouring landowners were represented by a solicitor and traffic engineer. Plans of the subdivision layout approved as at July 2011 are attached at **Attachment 3**.

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10. Due to further concerns being raised, a legal review of the July 2011 decision was undertaken by an in-house solicitor. That review did not consider there were grounds available for the Council to initiate a judicial review of the decision.
11. Initially the concerns being raised by residents related to the width of the spine road (and as a consequence no dedicated cycle lanes); queue space for residential units on the side lanes; and site sizes.
12. Following the commissioner's decision those concerns were expanded to include the accuracy of information provided to the commissioner.
13. The concerns continued to remain and following a deputation to the Council a resolution was passed to hold a public workshop. This public workshop was held in October 2009 and chaired by Deputy Mayor Ngaire Button. A subsequent public meeting was organised and chaired by independent facilitator, Gay Pavelka in January 2012. A number of action items resulted from this meeting which are attached at **Attachment 4**. A staff update is also provided with respect to those action items.
14. Subsequent to the meetings above, another issue has been raised by residents relating to the widening of the State Highway on Lot 22 (land owned by neighbouring properties not by NIL). Advice has been given that for NIL to undertake physical works on private land they must obtain landowner approval. As such the issue is a civil matter and not one that Council can resolve. On this point it needs to be remembered that any statutory approval by the Council, be it a land use consent, a subdivision consent or a building consent is never an approval for access to private land. The consents granted by the Council are only for the purpose of the particular statute they are granted under. Often there can be the need to obtain other approvals (from other landowners or another statutory body, (e.g. DOC) before a project can proceed. Such access approval needs to be separately obtained by the person making the application to the Council. Staff understand that with this subdivision separate landowner consents are required and a question as to whether such consents have been obtained has arisen with regard to intersection work by NZTA on Yaldhurst Road which the subdivider will need to resolve.
15. The Council deals with many subdivision approvals each year (including others where the subdivision consent has not been in accordance with an outline development plan in the City Plan) and there is nothing different about this subdivision. A number of statements (some very close to being defamatory of individual staff) have been made by third parties to Councillors in relation to this particular subdivision approval. Below are a number of these third party statements and the staff's response to them:
  - (a) *It was the council that permitted the gross departures from the City Plan rules, including "key elements" set by the Environment Court, by allowing the subdivision to be constructed without a resource consent.*

While the Environment Court set this part of the City Plan, this is not an uncommon situation where the City Plan when notified was appealed. In this particular case, an urban zoning was sought by a group of developers. In the end, the Environment Court agreed the zoning should be urban subject to an outline development plan and a number of rules. As with just about any part of the City Plan, there is provision for a resource consent to be applied for to depart from the rules. Council process around 1,500 applications each year for this very reason. Each application is assessed on its merits. The reasons why resource consent was granted in this case will be discussed below but are outlined in detail in the Commissioner's July 2011 decisions (attached).

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It has been accepted previously that the developer proceeded with unconsented work while the variation was being processed. Council processing staff had knowledge of this and advised that any work outside the original subdivision approval was undertaken completely at the developer's risk. The reason the developer sought to continue was due to availability of contractors. The processing of the variation was protracted due to a combination of outstanding information and the earthquakes. Works aligned with the original subdivision approval were allowed to continue as they were considered to be consented works. It is accepted that unconsented works should not have been allowed to occur. Since the unconsented works were stopped, the variation was progressed and a course of action which would ensure a fair and robust process going forward.

- (b) *The commissioner was used afterwards as a puppet and given corrupt, flawed and false "evidence" to retrospectively consent the illegal works.*

Because concerns were raised about Council staff involvement in the processing of the application it was therefore decided that outside consultants be used so as there would be a high degree of independence from the Council.

For the planning side, Mr Graham Taylor a director at Resource Management Group was engaged. He was employed by Council some 15 years ago but is now a very experienced planning consultant. For the traffic engineering, Ms Shelley Perfect was engaged. She is a Senior Traffic Engineer employed by Opus International Consultants. She has never been an employee of Council. An independent Commissioner from Auckland was also employed. He is an experienced RMA Barrister.

All of the information Council had was made available to the consultants and commissioner. The commissioner also held a meeting where members of the public their solicitor and traffic engineer were able to make submissions to the commissioner. This is an opportunity where they were able to inform and raise concerns about the variation to the commissioner.

- (c) *The two other major developers, Delamain and Enterprise, party to the Environment Court agreement and ruling also opposed the gross departures, not just "some residents". It was the entire community that opposed and was treated with contempt by the council.*

The Council have no information that the other major developers are opposed to the variation. We have only heard once from one of the developers who signalled that while they had been approached by Mr Stokes they would not be attending the original workshop.

- (d) *The bad precedent set is that it allows council staff to override the City Plan, as they can eliminate those adversely affected just by saying they aren't affected even when they clearly are.*

As discussed above, the Resource Management Act provides a process to depart from rules in the City Plan. This is the resource consent process. Every resource consent is a departure from the City Plan. When the Resource Management Act was made requiring the City Plan, Parliament realised a City Plan could not contemplate every situation on an individual property that would arise during the life of the Plan. So Parliament provided for resource consent in the RMA that could 'depart' from the plan's rules for particular circumstances. Such "departures" have been part of planning in New Zealand for at least 35 years.

Section 95 of the RMA sets out the criteria for when persons are adversely affected or not, or if notification of an application is required. In this case, the commissioner considered there were no grounds under the RMA to consider persons adversely affected or for notification. He received advice from three different expert traffic engineers and in the end considered the traffic aspects of the application would be acceptable.

- (e) *This is what they did to this entire community and the public that will use the non-complying roads that don't meet NZ Standards.*

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While the road width of the spine road departs from the City Plan rule, two of the expert traffic engineers considered it to be an acceptable solution.

- (f) *The “approval” stated by Justin Prain was only granted due to a flawed process and resultant upon flawed, wrong and corrupt “evidence”. Importantly, the applicant in this saga is NIL driven by Director Tom Kain, not Yaldhurst Village or Justin Prain.*

As staff understand this situation, Mr Stokes and a number of others are involved in the greater subdivision as land developers. Staff also understand there is a contract between NIL and them to provide certain works at particular timing. Staff understand there are parts of the contract under dispute.

- (g) *Council’s John Gibson, who is pivotal in illegally allowing the construction of the non-complying works, personally engaged the “independent” traffic engineer and another “independent” former council colleague (at the council’s expense) to write reports to support his own errors and the councils errors. The reports are not written from an “independent” perspective at all, nor from one of critique.*

Mr Gibson did not allow the unconsented works. While Mr Gibson was involved in engaging independent consultants for the processing of the variation, they were not engaged to support the Council. They were engaged because they were experienced professionals and independent. These consultants are not at a cost to the ratepayers as costs associated with the processing of a resource consent application are on charged to the applicant.

- (h) *Many breaches were not identified or assessed at all, including ones that put the safety of the public at risk. 300 percent increases in site density (85 metres squared sites in lieu of the City Plan minimum 250 metres squared) and two storey dwellings built right on road boundaries in lieu of City Plan required three metres landscaped setbacks were deemed by the “independent” planner to “generally comply” so as to justify what the council had illegally permitted to be built.*

Staff understand Mr Stokes raised these particular issues at the meeting in front of the commissioner. In the end, the commissioner was either of the view that they were not breaches or that the breaches were acceptable.

- (i) *The council was required under the Resource Management Act to notify affected parties. They had a time frame to do that but with bias refused to; they had already permitted the illegal construction of the grossly non-complying subdivision therefore had a vested interest in its approval. They effectively became co-applicants and used a corrupt scheme to get the puppet commissioner to further deny the entire affected community and the public their rights to oppose the major and “key element” departures from the City Plan.*

The commissioner’s decision does not agree with Mr Stokes. The decision concludes after applying the statutory tests in the RMA that there were no affected parties. As previously discussed, the commissioner was independent. The fact that some unconsented works had occurred is not something that the commissioner can take into account when considering a resource consent application.

- (j) *For the sake of Christchurch’s future I hope our Elected Council is strong enough to rise above the bullying and dictating tactics of senior players, management and staff and do the right thing by fixing this via the only means possible, a Judicial Review.*

As discussed above, it is accepted some unconsented works occurred in 2010 and early 2011 when they should not have. A process was subsequently put in place which ensured a fair and robust process for all parties involved. Legal advice to Council regarding a judicial review is on the Public Excluded section of this agenda.

**STAFF RECOMMENDATION**

That the Council receive this report for information.

**CHRISTCHURCH CITY COUNCIL****APPLICATIONS BY  
NOBLE INVESTMENTS LIMITED****CHANGE OF CONDITIONS OF LAND USE AND SUBDIVISION CONSENTS  
FOR DEVELOPMENT AT 473 – 479 YALDHURST ROAD****DECISION WHETHER APPLICATIONS NEED BE NOTIFIED  
BY COMMISSIONER DAVID KIRKPATRICK****Introduction**

1. I have been asked by the Christchurch City Council and given delegated authority to make a decision whether these two applications need be notified pursuant to sections 93-104D of the Resource Management Act 1991 (“RMA”).
2. I have also been given delegated authority to hear and determine the applications, but obviously I must determine the issue of notification first.

**Relevant Background Information**

3. I have received and perused:
  - (i) Application dated December 2009;
  - (ii) Amended application dated May 2011;
  - (iii) Report and decision on original application for subdivision consent dated 25 May 2009;
  - (iv) Report and decision on earlier application for change of conditions dated 26 August 2009;
  - (v) Letter from Traffic Design Group (Andrew Metherell) dated 23 April 2009 in relation to cycle path and spine road provision;
  - (vi) Letter from the Council’s Road Corridor Operations Manager (Paul Burden) dated 12 May 2011 in relation to spine road roadway width;
  - (vii) Letter from Opus International Consultants (Shelley Perfect) dated 2 June 2011 in relation to spine road provision;
  - (viii) Legal submissions for applicant dated 10 June 2011 with annexure containing relevant district plan provisions;
  - (ix) Legal submissions for group of neighbours dated 10 June 2011 with annexures including letters from members of the group, relevant district plan provisions and letters from Abley Transportation Consultants (Paul Durdin) dated 11 May and 9 June 2011;
  - (x) Letters from Canterbury Cyclists Association (Spokes Canterbury) (Keith Turner) dated 17 June 2011 and received on 29 June 2011, and Lane Neave Solicitors (Amanda Dewar) on behalf of Enterprise Homes Ltd dated 17 June 2011;

- (xi) Various plans, elevations and drawings of the development;
- (xii) A report pursuant to s42A of the Act in relation to the applications prepared by Graham Taylor, a consultant planner and dated 20 June 2011;
- (xiii) Decisions of the Environment Court:
  - (a) Relating to the zoning of the subject land in *Canterbury RC & Apple Fields Ltd v Christchurch CC* Decision Nos C169/2002; C 61/2006 and C 105/2006; and
  - (b) Relating to the application of the Living G zone to Belfast in another part of the City in *Johns Road Horticulture Ltd v Christchurch CC* Decision No. [2011] NZEnvC 185;
- (xiv) Letters from Wynn Williams, Solicitors (Amanda Douglas) and Pru Steven, Barrister, both dated 5 July 2011 and both making further submissions based on the decision in *Johns Road Horticulture Ltd* case.

At the request of the Council I held a meeting on Monday 4 July 2011 with the applicant represented by Ms Pru Steven, barrister and a number of neighbours represented by Ms Amanda Douglas, solicitor. The Council's consultant planner, Mr Graham Taylor attended and assisted me.

The meeting was not a hearing, as the Act does not provide for any hearing process prior to a decision being made as to whether an application need be notified. In this case, given the representations which had been made to the Council by the neighbours, the Council (through its officers Mr John Gibson and Ms Catherine Elvidge) had asked if I was willing to participate in such a meeting and I agreed. At that meeting I was able to ask questions of a number of those present and to hear from both lawyers. During the course of the meeting I was advised that the Environment Court had just delivered its decision in the Johns Road Horticulture case, which concerns the application of the Living G zone at Belfast in the northern part of the City, and I was able to ask both Ms Steven and Ms Douglas to provide their submissions in relation to the application, if any part of it were relevant, of that decision to the present case.

After the meeting Mr Taylor took me to see the site. We drove along the partially formed roadway from its intersection with Yaldhurst Road to the barrier with the existing road, Jarnac Boulevard, to the south. We then drove around to travel north on Jarnac Blvd through the existing Delamaine subdivision. We also viewed the various existing parts of that development of the adjoining land to the south.

After that site visit, Mr Taylor then showed me another recent residential development in Northwood which, the parties and he felt, might give me some sense of comparable roading provision in another relatively recent residential development.

Mr Taylor then kindly showed me other parts of eastern and central Christchurch that have been severely affected by the earthquakes. While not directly relevant to the matters which I have been commissioned to deal with, I was very moved to see at first hand some of the damage suffered by the city and its citizens.

## Site Details and Planning Framework

The s42A report prepared by Graham Taylor is comprehensive and its recital of background facts (as distinct from its conclusions and recommendations) did not appear to give rise to any dispute. For the purposes of keeping this decision reasonably concise, I will cross-refer to its Introduction and Planning Framework sections which should be read in conjunction with this decision.

The application is for subdivision and land use consents to make various changes to the existing consents for the residential subdivision and development of land at 473 – 479 Yaldhurst Road being Lots 4 – 9, 11 – 19 and 22 on DP 323203.

The relevant land amounts to 25.23ha (inclusive of roading and reserves) within a larger area of land (approximately 89ha) zoned Living G (Yaldhurst) in the operative district plan. The block of land lies between Yaldhurst Road (State Highway 73) to the north and Buchanans Road to the south. The area which is the subject of these applications is approximately in the centre of this block: to the north is an area which is owned by this applicant and which I understand is intended to be developed as a commercial centre; to the east is land owned by Enterprise Homes Ltd for which consents have been granted and is partially developed; to the south is an area of medium density residential housing already developed by Delamaine and used for residential purposes; and to the west is land presently occupied by low density residential properties and vacant large lots.

The Living G zone is a technique used in the Christchurch district plan to provide for new areas of urban development. It is described in section 1.14 of the district plan as offering the opportunity to plan and develop a mixed density and mixed use residential neighbourhood in an integrated and comprehensive way, allowing a flexible response to the treatment of the urban rural interface. The plan provisions in relation to it include an outline development plan which provides for bands of residential development at a range of densities with corresponding network plans for the movement, green and blue networks.

It is important to record my observation that the text of the district plan in relation to this zone clearly contemplates that any particular development proposal is likely to involve at least some elements that do not accord with the particular diagrams and provisions set out in the district plan. As anyone familiar with the resource management regime in this country will appreciate, this reflects the fact that in the absence of provisions for prohibited activities (and there are none relevant here) the Act contemplates that a person may apply for resource consent to do things which are not fully permitted by the rules in a district plan, and such an application will be assessed in terms of the relevant provisions of the Act. Importantly, there is no provision of the Act which makes compliance with particular rules in a district plan determinative of the outcome of an application.

As noted above the subject land is presently in the course of being developed. I have visited the site and seen the infrastructure works including the spine road being built. There is apparently some issue that these works are not in accordance with the existing consents and may be based on the proposed amendments to consents which I have been asked to consider and determine. As I explained during the meeting, those

are enforcement issues and do not form part of what I have been commissioned to consider and determine.

### **Scope of Applications**

The changes sought by the applicant include:

- (a) altering the width of the spine and loop roads within the development area;
- (b) various alterations to the allotment layout, sizing and staging;
- (c) various alterations to the number, distribution and areas of allotments within the low, medium and high A and B density bands;
- (d) various amendments to the size, design and layout of the proposed dwellings in the high density band areas;
- (e) deletion of provision for a cycle path on a section of the spine road and reliance instead on a cycle path along the green network area to the east of that road; and
- (f) realignment of the Yaldhurst Road intersection with the spine road.

### **Relevant law**

The applications are stated to be applications to vary conditions of consent under section 127 of the Act. In the s42A report there is some discussion of the scope of the application and the question whether the applications may properly be considered as a change of conditions or whether they ought to be considered as fresh applications under section 88.

From my review of the original consent and the earlier decision changing conditions of that consent, I agree with the analysis set out at page 6 of the s42A report and conclude that the applications may be considered under s127. I note that this question was not raised by the applicant or by counsel for the neighbours during my meeting with them.

The law governing the decision whether to notify an application for resource consent is now set out in sections 95 – 95F of the Act, as amended by the Resource Management Simplifying and Streamlining Amendment Act 2009.

This application was originally lodged in December 2009 shortly after the commencement of those amendments and the application is accordingly to be considered in accordance with those amendments rather than the prior statutory provisions governing notification. The 2009 amendments are different in a number of significant respects from the provisions they replaced, and it does not appear to me that I am able to take any guidance from earlier caselaw which was based on the law as it stood prior to those amendments.

### **Consideration of whether to notify**

Having considered all of the application material, and with the benefit of the reports of the experts for the applicant and the council, I have considered the application in terms of the relevant statutory provisions and the following sets out my analysis and conclusions.

## **Public notification**

Section 95A states in subsection (1) that the decision whether to publicly notify an application is within the consent authority's discretion and then goes on to set out a number of exceptions where the application either must (if within the exceptions in subsection (2)) or must not (if within subsection (3)) publicly notify the application, including where a rule or national environmental standard requires either outcome, or where the applicant requests public notification. In the present case, the applicant has not requested notification and there is no rule or NES which either requires or precludes public notification.

There is also provision for public notification where special circumstances exist (subsection (4)). There was considerable argument during the meeting I held with the applicant and neighbours as to whether there were any special circumstances in this case that would justify public notification. I return to this later in this decision.

The remaining issue arises under s95A(2)(a), which requires that an application be publicly notified where the consent authority decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor.

Turning to s95D, that section requires (in paragraph (a)) that I must disregard any effects on persons who own or occupy the subject site or any land adjacent to it. These people are to be notified, if at all, only if they are affected in terms of section 95B, which governs the limited notification of particular persons. It appears that a number of the neighbours may own land that is adjacent to this site in the strict sense of having contiguous boundaries with it, while there are others who own land which is close to but not contiguous with the subject site. For the purposes of this assessment I will only disregard effects on the applicant itself as it is the owner and occupier of the subject site.

I may disregard any adverse effects if a rule or NES permits an activity with that effect (s95D(b)). This retains the "permitted baseline" assessment for the purposes of public notification. In the present case, the application is not advanced on the basis that there is any relevant permitted baseline. Given the complex nature of the provisions of the Living G (Yaldhurst) zone, I consider it more appropriate not to disregard any possible "permitted baseline". However, the consideration of the nature and degree of adverse effects must still be undertaken in the context of relevant plan provisions and other aspects of the existing environment. As well, as the applications are under s127, they are to be treated as discretionary and in terms of the effects of those matters which are changed by the application.

As this application is to be considered as discretionary in terms of s127(3), the provision in s95D(c) relating to relevant matters for controlled and discretionary activities is irrelevant to my consideration in this case.

I must disregard trade competition and its effects (s95D(d)). Some (perhaps slight) suggestion was made as to the effects of increasing the number of units to be developed by the applicant which might diminish the opportunities of other landowners in the zone to undertake residential development. This is because the intersection to the north is with a state highway and the plan rules impose a cap on

development of 1100 units. I note that in *Queenstown Property Holdings Ltd v Queenstown Lakes DC* [1998] NZRMA 145 (decided prior to the commencement of Part 11A of the Resource Management Act 1991) the Environment Court held that dealings in property could give rise to trade competition issues. The ramifications of that may be complex. Ultimately, I have decided that the issue of any cap on development potential and consequent allocation of development rights is not relevant to my main decision on notification and so I do not need to pursue those ramifications further.

I must also disregard any effect on a person who has given written approval to the application (s95D(e)). In this case, there is a written approval from NZTA which relates to its interest in the state highway network. This is directly relevant to that part of the application seeking to relocate the intersection of the spine road with Yaldhurst Road and indirectly relevant to other issues relating to the location and dimensions of the spine road.

Applying s95D to my consideration of adverse effects in terms of section 95A(2)(a), the relevant adverse effects are those of:

- (a) The amended intersection design;
- (b) The location, dimensions and design of the spine and loop roads;
- (c) The provision for cycle lanes;
- (d) The relocation, intensification and reduced lot areas for the High Density A sites in stages 3 – 8 of the subdivision; and
- (e) The design non-compliances for the proposed units on such High Density A sites as a consequence of the changes to the lot areas.

Dealing with these aspects of the application in turn, I note first that the amended intersection design is the subject of written approval from NZTA. I note further that any work on the intersection can only occur by agreement with NZTA as the control and management of state highways is the responsibility of that agency. I can see nothing to indicate that there will be any wider effects of this aspect of the proposal that would create effects that are more than minor.

In relation to the location, dimensions and design of the spine and loop roads, this was one of the principal issues raised by the neighbours and discussed at the meeting. The proposed design will not include dedicated cycle lanes or provision for a central median (flush or raised) and by removing those elements it will be reduced from 25m road width (with a carriageway of 19m made up of 2.5m for parallel parking, 1.5m for a cycleway and 3.5m carriageway (in one direction) one both sides and a 4m median) to an 18.8m road reserve with an 11.5m total carriageway. It is the focus of the various reports from traffic engineers which I have studied. The issue, albeit in another location and therefore in somewhat different circumstances, occupies a significant part of the Environment Court's decision in *Johns Road Horticulture Ltd v Christchurch CC*.

After carefully considering all of that material, I am satisfied that the proposed changes to the spine and loop roads do not have more than minor effects. I have reached this conclusion in light of the relevant provisions in the district plan, being satisfied that the amended road design will still achieve the key structuring elements

set out in Appendix 3n.1. I am also satisfied that the proposed amended width of the spine road will still be sufficient to provide for its function as a collector road between Yaldhurst and Buchanans Roads catering for public transport, private vehicles, cyclists and pedestrians. Importantly, I consider that the principal concern about route consistency expressed by Mr Durdin, the traffic engineer relied on by Ms Douglas for the neighbours, is not of significance in the present context because it is not apposite to the changing character of the spine road as it goes from the existing medium density development to the south through the higher density environment anticipated in the outline development plan for the zone to the area adjacent to Yaldhurst Road which is intended for commercial development. It appears to be common ground that reducing the width of the road, coupled with its curved layout, is likely to be a better approach to controlling vehicle speed with consequential benefits for the residential environment. I am fortified in my assessment by my reading of the Environment Courts decision in the *Johns Road Horticulture* case which, while dealing with a different location, analyses the factors relevant to the provision of a spine road in another Living G zone in what appears to me, with respect, to be a similar way to the approach I have followed.

In relation to the provision for cycle lanes, this is an important part of the overall consideration of the roading design. As well as the advice of the traffic engineers, I have carefully considered the submission from the Canterbury Cyclists Association and the comments of its representative at the meeting, Mr Merritt Smith. I conclude that cyclists, like other road users, will act in a way that appears best to them in their own circumstances, so that generalisations about their behaviour and route choices are of limited usefulness. I note that an off-road cycle path is to be provided in any event along the green network area under the existing power pylons. While accepting that this cycleway may not be attractive to all cyclists, especially those seeking the most efficient route (it is a little distance away from the spine road and behind blocks of houses, so is not visible from the road at all points, and users of it will have to cross local roads connecting with the spine road in four places) I also conclude that the spine road will remain of sufficient width to be available for cyclists, albeit without dedicated cycle lanes. As for other road users, the changed width and design of the spine road as it goes through the high density area of the zone will signal a different road environment and call for different road user behaviour. Seen in the totality of the proposed development and the relevant provisions of the district plan, I do not consider that to amount to adverse effects that are more than minor.

The issues of changes to lot areas and potential non-compliance with development controls are closely related. The issue as it was put to me is that the district plan provisions set ranges and averages that should not be departed from, as to do so would have adverse effects generally on the character of the area. I do not think that is so in the context of public notification for two reasons. The first is that I do not read the district plan provisions as placing such emphasis on the density and bulk and location provisions. Rather, the relevant provisions appear to be more concerned about making provision for a range of housing typologies with emphasis on achieving higher densities. While the range will be greater than indicated in the plan provisions (one of the lots will be 85m<sup>2</sup> and consequently any building on it will likely infringe certain development controls) in overall terms the residential development will be consistent with the key principles and structuring elements. The second is that the likely effects of such density and built environment will be localised to the site itself

or to immediately adjacent properties, which are excluded from consideration at this stage by s95D(a).

For the purposes of deciding whether the applications should be publicly notified, I conclude that the adverse effects of the proposal would not be more than minor, and accordingly I decide that the application need not be publicly notified.

### **Special Circumstances**

Under section 95A(4) I may consider whether there are any special circumstances in relation to these applications which would lead me to decide that they should be publicly notified. Given the emphasis laid on this provision by Ms Douglas for the neighbours, I have considered this.

The proposal is not out of keeping with the nature of the relevant district plan provisions or the existing amended resource consent. Mr Taylor, at page 12 of the s42A report, advises that the relevant rule for subdivision applications provides for them to be considered on a non-notified basis and as noted above the proposed amendments to development standards have localised effects. The material presented to me during the meeting did not affect my understanding of those matters and I agree with his analysis. I do not see how these applications give rise to effects or other resource management concerns having any wider implications which would merit being treated as special circumstances under s95A(4).

### **Limited notification**

The next consideration is whether, as I have decided that the application is not to be publicly notified under s95A, the application should be notified on a limited basis to affected persons or affected order holders under s95B, by reference to the requirements of section 95E and 95F.

There is no rule in the District Plan nor any NES that precludes limited notification pursuant to section 95B(2). There is no relevant customary rights order in respect of the site, and so I do not need to consider ss 95B(3) and 95F further.

Turning to section 95E, the test for whether a person is an affected person is whether the proposed activity's adverse effects are minor or more than minor (but are not less than minor). This is a significant change from the previous law, under which any person who would be affected by a proposed activity to a degree that was more than de minimis was entitled to be served with a copy of an application.

I may disregard any adverse effects if a rule or NES permits an activity with that effect (s95E(2)(a)). This retains the "permitted baseline" assessment for the purposes of limited notification. For similar reasons to those that also apply to my consideration of whether the application need be publicly notified, this provision is not of any determinative consequence in this case.

As these applications are for activities which are discretionary in terms of s127(3), the provision in section 95E(2)(b) relating to relevant matters for controlled and discretionary activities is irrelevant to my consideration in this case.

I must have regard to every statutory acknowledgement in Schedule 11, but those all appear to be irrelevant to this application.

I must also disregard any effect on a person who has given written approval to the application (section 95E(3)) and repeat what I have said above in relation to NZTA.

The potential effects that would appear capable of constituting an adverse effect that would be at least minor on particular persons are the same as those considered above in relation to public notification.

In relation to the issues relating to the intersection with the state highway, the location and design of the spine and loop roads and the cycle way provision, I do not consider that those matters will result in effects on particular persons beyond the site. While I acknowledge that concerns were raised during the meeting about how the neighbours (including their children) might use or feel like using the spine road for cycling, I do not see any reason why there would be any particular effects on any person that would result in the need for notification under s94E.

Similarly, the effects in relation to density and building design do not extend beyond the site. The applicant wishes to pursue a development of such lots and residential units. I must assume that it has determined that this development will be saleable. Any purchaser will be able to determine whether the design is acceptable. Beyond that, I must be clear that it is not appropriate for neighbours to seek to design such a development as this. To the extent that I perceived that the neighbours' concerns related to the effects of juxtaposing high density units with low intensity or even large lot residential properties, I have concluded that this is an anticipated result of the application of the Living G (Yaldhurst) zone to the land.

For those reasons, I conclude that there is no affected person, for the purposes of sections 95B and 95E, to whom the application should be notified.

### **Other issues**

Section 95C provides for notification where a request for further information has not been met or where an applicant has not responded to a proposal by the consent authority to commission a report. Neither of those circumstances is applicable here and so I do not need to consider s95C.

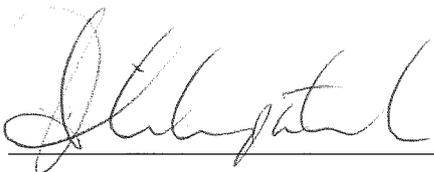
### **Conclusion**

For the foregoing reasons I decide:

1. under section 95A that the applications by Noble Investments Ltd are not to be publicly notified; and
2. under section 95B that the applications by Noble Investments Ltd are not to be notified on a limited basis.

In reaching these decisions, I note that the applications must be considered as discretionary activities and therefore must still be assessed in terms of s104 of the Act, including in terms of the relevant objectives and policies of the District Plan. Nothing in this decision prejudices that assessment.

Dated at Auckland this 12<sup>th</sup> day of July 2011.



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David Kirkpatrick  
Commissioner for Christchurch City Council

**CHRISTCHURCH CITY COUNCIL****APPLICATIONS BY  
NOBLE INVESTMENTS LIMITED****CHANGE OF CONDITIONS OF LAND USE AND SUBDIVISION CONSENTS  
FOR DEVELOPMENT AT 473 – 479 YALDHURST ROAD****DECISION ON APPLICATIONS  
BY COMMISSIONER DAVID KIRKPATRICK****Introduction**

I have been given delegated authority by the Christchurch City Council to hear and determine these applications by Noble Investments Limited to change certain conditions of a subdivision consent and a land use consent in respect of a development which is presently being undertaken at 473 – 479 Yaldhurst Road.

I have already decided that these applications need not be notified. That decision covers a number of matters which are relevant to the substantive consideration of whether to change certain conditions of the consents and may be read in conjunction with this decision. I have however repeated certain background passages of that decision in this one so that this decision is comprehensible on its own.

**Site Details**

The relevant land is situated at 473 – 479 Yaldhurst Road being Lots 4 – 9, 11 – 19 and 22 on DP 323203. It amounts to 25.23ha (inclusive of roading and reserves) within a larger area of land (approximately 89ha) zoned Living G (Yaldhurst) in the operative district plan. The block of land lies between Yaldhurst Road (State Highway 73) to the north and Buchanans Road to the south. The area which is the subject of these applications is approximately in the centre of this block: to the north is an area which is owned by this applicant and which I understand is intended to be developed as a commercial centre; to the east is land owned by Enterprise Homes Ltd for which consents have been granted and which is partially developed; to the south is an area of medium density residential housing already developed by Delamaine and used for residential purposes; and to the west is land presently occupied by low density residential properties and vacant large lots.

**Scope of Applications**

The application is to make changes to the existing subdivision and land use resource consents for the residential subdivision and development of the land.

The changes to conditions sought by the applicant include:

- (a) realignment of the Yaldhurst Road intersection with the spine road;
- (b) altering the width of the spine and loop roads within the development area;

- (c) deletion of provision for cycle paths on a section of the spine road and reliance instead on a cycle path along the green network area to the east of that road;
- (d) realignment of a cul de sac to the west of the spine road and the provision of parking bays along the northern side of the road;
- (e) various alterations to the allotment layout, sizing and staging;
- (f) various alterations to the number, distribution and areas of allotments within the low, medium and high A and B density bands; and
- (g) various amendments to the size, design and layout of the proposed dwellings in the high density band areas.

### **Summary of Evidence**

As noted in my decision on notification, I have received and perused:

- (i) Application dated December 2009;
- (ii) Amended application dated May 2011;
- (iii) Report and decision on original application for subdivision consent dated 25 May 2009;
- (iv) Report and decision on earlier application for change of conditions dated 26 August 2009;
- (v) Letter from Traffic Design Group (Andrew Metherell) dated 23 April 2009 in relation to cycle path and spine road provision;
- (vi) Letter from the Council's Road Corridor Operations Manager (Paul Burden) dated 12 May 2011 in relation to spine road roadway width;
- (vii) Letter from Opus International Consultants (Shelley Perfect) dated 2 June 2011 in relation to spine road provision;
- (viii) Legal submissions for applicant dated 10 June 2011 with annexure containing relevant district plan provisions;
- (ix) Legal submissions for group of neighbours dated 10 June 2011 with annexures including letters from members of the group, relevant district plan provisions and letters from Abley Transportation Consultants (Paul Durdin) dated 11 May and 9 June 2011;
- (x) Letters from Canterbury Cyclists Association (Spokes Canterbury) (Keith Turner) dated 17 June 2011, Lane Neave Solicitors (Amanda Dewar) on behalf of Enterprise Homes Ltd dated 17 June 2011 and received on 29 June 2011;
- (xi) Various plans, elevations and drawings of the development;
- (xii) A report pursuant to s42A of the Act in relation to the applications prepared by Graham Taylor, a consultant planner and dated 20 June 2011;
- (xiii) Decisions of the Environment Court:
  - (a) Relating to the zoning of the subject land in *Canterbury RC & Apple Fields Ltd v Christchurch CC* Decision Nos C169/2002; C 61/2006 and C 105/2006; and
  - (b) Relating to the application of the Living G zone to Belfast in another part of the City in *Johns Road Horticulture Ltd v Christchurch CC* Decision No. [2011] NZEnvC 185;

- (xiv) Letters from Wynn Williams, Solicitors (Amanda Douglas) and Pru Steven, Barrister, both dated 5 July 2011 and both making further submissions based on the decision in *Johns Road Horticulture Ltd* case.

I visited the site on 4 July 2011, as recorded in my decision on notification.

While some of the evidence referred to above was prepared and presented to me for the purposes of assisting me in making a the decision on notification, much of it is also relevant to the substantive issues and I have taken it into account accordingly.

The s42A report prepared by Graham Taylor is comprehensive. As in my decision on notification, I will cross-refer to this report which should be read in conjunction with this decision.

### **Relevant statutory provisions**

The applications are stated to be applications to vary conditions of consent under section 127 of the Act. The relevant parts of that section provide:

**127      *Change or cancellation of consent condition on application by consent holder***

(1)      *The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following:*

*(a) the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*

*(b) no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*

(3)      *Sections 88 to 121 apply, with all necessary modifications, as if—*

*(a) the application were an application for a resource consent for a discretionary activity; and*

*(b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*

In the s42A report there is some discussion of the scope of the application and the question whether the applications may properly be considered as a change of conditions or whether they ought to be considered as fresh applications under section 88. From my review of the original consent and the earlier decision changing conditions of that consent, I agree with the analysis set out at page 6 of the s42A report and conclude that the applications may be considered under s127.

The site has been the subject of two relevant resource consents: the original grant of consent dated 25 May 2009 and the first set of changes to conditions by a decision dated 26 August 2009. These consents are very relevant to this decision, as pursuant to section

127(3)(b), the consideration of this application pursuant to sections 88 – 121 is to be undertaken as if *the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively*. The use of the word “only” means that this application is not to be assessed on a stand-alone basis, but on the basis of the previous consents and by means of assessing the changes sought.

The other relevant statutory provisions in relation to considering whether to grant consent are sections 104 and 104B, as well as Part 2 of the Act.

Under section 104, I may disregard any adverse effects if a rule or NES permits an activity with that effect (s104(2)). This provision retains the opportunity to make a “permitted baseline” assessment and disregard any effects which are within that baseline. In the present case, the application is not advanced on the basis that there is any relevant permitted baseline. Given the complex nature of the provisions of the Living G (Yaldhurst) zone, I consider it more appropriate not to disregard any possible “permitted baseline” effects. I should clarify that this is the same approach that I took in relation to whether the applications needed to be notified, although I regret to note that my expression of that was not as clear as I would have wished.

In any event, the consideration of the nature and degree of adverse effects must still be undertaken in the context of relevant plan provisions and other aspects of the existing environment. As well, as the applications are under s127, they are to be treated as discretionary and in terms of the effects of those matters which are changed by the application.

I must disregard trade competition and its effects (s104(3)(a)(i)). Some (perhaps slight) suggestion was made during the meeting about notification as to the effects of increasing the number of units to be developed by the applicant which might diminish the opportunities of other landowners in the zone to undertake residential development. This is because the intersection to the north is with a state highway and under Rule 6.2.15 there is a cap on development of 1100 units to avoid adverse traffic effects on that intersection. I note that in *Queenstown Property Holdings Ltd v Queenstown Lakes DC* [1998] NZRMA 145 (decided prior to the commencement of Part 11A of the Resource Management Act 1991) the Environment Court held that dealings in property could give rise to trade competition issues. The ramifications of that may be complex. Ultimately, I have decided that the issue of any cap on development potential and consequent allocation of development rights is not relevant to my decision and so I do not need to pursue those ramifications further.

I must also disregard any effect on a person who has given written approval to the application (s104(3)(a)(ii)). In this case, there is a written approval from NZTA which relates to its interest in the state highway network. This is directly relevant to that part of the application seeking to relocate the intersection of the spine road with Yaldhurst Road and indirectly relevant to other issues relating to the location and dimensions of the spine road.

In terms of Part 2 of the Act, there is no suggestion and I do not perceive that there is any matter of national importance under section 6 which might be relevant to these applications, nor any matter related to the principles of the Treaty of Waitangi that could be relevant under section 8.

In relation to the other matters listed in section 7, I consider that the following paragraphs are relevant:

- (b) *The efficient use and development of natural and physical resources:*
- (c) *The maintenance and enhancement of amenity values:*
- (f) *Maintenance and enhancement of the quality of the environment:*
- (g) *Any finite characteristics of natural and physical resources:*

The purpose of the Act as set out in section 5 is clearly relevant as the over-arching basis on which the relevant statutory and plan provisions must be considered and in light of which an overall judgment on the applications must be made.

### **Relevant Planning Provisions**

There are neither any relevant national environmental standards nor any relevant national policy statements in this case. I was not advised of any particular provisions of the Canterbury Regional Policy Statement to which I should give particular attention. I note that given the operative nature of the Living G (Yaldhurst) zoning and its associated provisions in the District Plan, I may assume that those provisions give effect to the RPS and therefore I ought not to second guess the district plan provisions by reference to the RPS.

The Living G zone is a technique used in the Christchurch district plan to provide for new area of urban development. It is described in section 1.14 of the district plan as offering the opportunity to plan and develop a mixed density and mixed use residential neighbourhood in an integrated and comprehensive way, allowing a flexible response to the treatment of the urban rural interface.

It is important to record that the text of the district plan in relation to this zone at Yaldhurst clearly contemplates that any particular development proposal is likely to involve at least some elements that do not accord with the particular diagrams and provisions set out in the district plan. As anyone familiar with the resource management regime in this country will appreciate, this reflects the fact that in the absence of provisions for prohibited activities (and there are none relevant here) the Act contemplates that a person may apply for resource consent to do things which are not fully permitted by the rules in a district plan, and such an application will be assessed in terms of the relevant provisions of the Act. Importantly, there is no provision of the Act which makes compliance with particular rules in a district plan determinative of the outcome of an application for resource consent.

The plan provisions in relation to the Living G (Yaldhurst) zone include an outline development plan (“ODP”)(Appendix 3N to Part 2 of Volume 3) which provides for bands of residential development at a range of densities with corresponding network plans for the movement (Appendix 3Q), green (Appendix 3O) and blue (Appendix 3P) networks. Conformity with those plans is a requirement of Rule 18.2.1(a). It is pertinent to note that the density proportions required under that Rule are not to be “frustrated” by a proposed subdivision and that subdivision not in accordance with Appendix 3N is contemplated by sub-rule (b) on the basis that overall compliance may still be achieved. The assessment matters for subdivision are set out in Rule 18.5, which are largely

qualitative criteria. The wording of these criteria also indicates an expectation that particular proposals will not necessarily be in strict accordance with Appendices 3N - 3Q. Further, each Appendix includes, as well as the plans, text setting out Key Structuring Elements at 3N.1 and Aims and Key Principles in each of 3O, 3P and 3Q which indicate that the ODP and the layers below it are not to be treated as fixed and immutable.

I have carefully read those provisions and considered the nature and extent of the changes sought in these applications against those provisions.

The particular district plan rules which are relevant to the changes sought by these applications are set out in detail under the heading “Planning Framework” at pages 4 – 6 in the s42A report. I will not repeat them here. I have checked and agree with the analysis in that report. I note that the analysis of the activity status of individual elements of the proposed changes is overtaken by s127(3)(a) which makes any and all of these changes a discretionary activity.

### **Principal Issues**

The principal issues to be considered in relation to these applications are those arising from the changes sought in respect of:

- (a) The amended Yaldhurst Road intersection design;
- (b) The location, dimensions and design of the spine and loop roads;
- (c) The provision for cycle lanes;
- (d) The realignment of the cul de sac;
- (e) The relocation, intensification and reduced lot areas for the High Density A sites in stages 3 – 8 of the subdivision; and
- (f) The design non-compliances for the proposed units on such High Density A sites as a consequence of the changes to the lot areas.

The changes are for the most part related to the plans which form part of the terms of the consents by virtue of being specifically identified in certain conditions. There are a number of consequential changes to conditions as a result of the re-numbering of lots and because of some re-ordering of the staging of particular elements within the overall development. The section 42A report sets out a full set of the changes to conditions in tracked change format.

The issues that arise are both policy-related, in terms of whether the proposed changes comply or otherwise are consistent with the purpose of the relevant plan provisions, and related to the effects that may result from these proposed changes.

### **Main Findings on Principal Issues**

Dealing with these aspects of the application in turn, I note first that the amended Yaldhurst Road intersection design is the subject of written approval from NZTA. I note further that any work on the intersection can only occur by agreement with NZTA as the control and management of state highways is the responsibility of that agency. I am satisfied that this proposed change is appropriate and that the control exercised by NZTA as the road controlling authority for the State Highway is likely to be at least sufficient to ensure that the effects of the change and its implementation will be appropriately avoided, remedied or mitigated.

In relation to the location, dimensions and design of the spine and loop roads, this is an important issue, as reflected in the concerns expressed about it at the meeting in relation to notification. The proposed design will not include dedicated cycle lanes or provision for a central median (flush or raised) and by removing those elements it will be reduced from 25m road width (with a carriageway of 19m made up of 2.5m for parallel parking, 1.5m for a cycleway and 3.5m carriageway (in one direction) on both sides and a 4m median) to an 18.8m road reserve with an 11.5m total carriageway. It is the focus of the various reports from traffic engineers which I have studied. The issue, albeit in another location and therefore in somewhat different circumstances, occupies a significant part of the Environment Court's decision in *Johns Road Horticulture Ltd v Christchurch CC*.

After carefully considering all of that material, I am satisfied that the proposed changes to the spine and loop roads should be granted. As at the notification stage, I have reached this conclusion in light of the relevant provisions in the district plan, being satisfied that the amended road design will still achieve the key structuring elements set out in Appendix 3N.1 and meet the aims and are consistent with the principles of the movement network plan in Appendix 3Q. I am also satisfied that the proposed amended width of the spine road will still be sufficient to provide for its function as a collector road between Yaldhurst and Buchanans Roads catering for public transport, private vehicles, cyclists and pedestrians. Importantly, I consider that the principal concern about route consistency as expressed by Mr Durdin, one of the traffic engineers whose reports I have been shown, is not of significance in the present context because it is not apposite to the changing character of the spine road as it goes from the existing medium density development to the south through the higher density environment anticipated in the outline development plan for the zone to the area adjacent to Yaldhurst Road which is intended for commercial development. Reducing the width of the road, coupled with its curved layout, is likely to be a better approach to controlling vehicle speed with consequential benefits for the residential environment.

I am fortified in my assessment by my reading of the Environment Court's decision in the *Johns Road Horticulture* case which, while dealing with a different location, analyses the factors relevant to the provision of a spine road in another Living G zone in what appears to me, with respect, to be a similar way to the approach I have followed.

In relation to the provision for cycle lanes, this is an important part of the overall consideration of the roading design. As well as the advice of the traffic engineers, I have carefully considered the issue from the perspective of cyclists. I conclude that cyclists, like other road users, will act in a way that appears best to them in their own circumstances, so that generalisations about their behaviour and route choices are of limited usefulness. I note that an off-road cycle path is to be provided in any event along the green network area under the existing power pylons. While accepting that this cycleway may not be attractive to all cyclists, especially those seeking the most efficient route (it is a little distance away from the spine road and behind blocks of houses, so is not visible from the road at all points, and users of it will have to cross local roads connecting with the spine road in four places) I also conclude that the spine road will remain of sufficient width to be available for cyclists, albeit without dedicated cycle lanes. As for other road users, the changed width and design of the spine road as it goes through the high density area of the zone will signal a different road environment and call for different road user behaviour. Seen in the totality of the proposed development and the relevant provisions of the district plan, I consider that the overall provision for transport, roading and access (including the various functions of the roads and the provision of on-road and off-road amenity for road users as well as adjoining property

owners and occupiers) is satisfactory and that the changes sought may accordingly be granted.

The cul de sac in fact is designed to enable access not only to adjoining properties within this development, but also as a link to an existing private lane which serves neighbouring properties to the west. The proposed change alters the alignment to make provision within the existing area for parking bays to serve adjoining land to the north. These changes are very minor and should be granted.

The issues of changes to lot areas and potential non-compliance with development controls are closely related. The potential issue is that the district plan provisions set ranges and averages for lot sizes that should not be departed from, as to do so may have adverse effects generally on the character of the area. I do not think that is so in terms of the overall effect on the environment. I do not read the district plan provisions as placing such emphasis on the density and bulk and location provisions. Rather, the relevant provisions appear to be more concerned about making provision for a range of housing typologies with emphasis on achieving higher densities. While the range will be greater than indicated in the plan provisions (one of the lots will be 85m<sup>2</sup> and some others are also reduced in size, so that consequently any buildings on them are likely to infringe certain development controls) in overall terms the residential development will be consistent with the key principles and structuring elements of the ODP.

I have considered these proposed changes carefully and from both an internal perspective (the effects on future owners and occupiers of development within this subdivision) and externally (the effects on neighbouring owners and occupiers and on people who may travel to and through this area). I am satisfied that the changes are appropriate from both perspectives. While acknowledging that the proposed intensity of development is higher than has traditionally been provided for on the periphery of urban centres in New Zealand, I must take careful note of the clear policy inherent in the Living G (Yaldhurst) plan provisions which seek to achieve higher density residential development on this land.

## **Conclusion**

Looking at these applications to change conditions of consent both on an individual basis and in an overall way, and exercising an overall judgment in terms of the discretion under section 104C (subject to Part 2), I conclude that consent should be granted to the changes as sought in the applications. The changes maintain the consistency of the existing consents with the guiding principles of the Living G Yaldhurst zone. While the changes result in differences with the specific boundaries shown in the ODP and the layer plans, and create some discrepancies with the anticipated proportions in the density bands, in overall terms those differences and discrepancies are within the scope of the results anticipated by the Plan provisions.

These differences represent options within the range of choices of housing which the Living G provisions expressly seek to provide. Whether the development will be successful in terms of the choices that prospective purchasers will make is not a relevant matter for me to consider. I expect that the applicant understands these issues and would not be making these applications unless it thought that there was value in them, which in turn depends on the value that future owners and occupiers place on the style of the proposed development. As noted in the amended application, there are positive effects in terms of housing variety and affordability associated with providing high intensity

residential development. The purpose of the RMA is not to second guess those choices but to address matters within the scope of the Act and the relevant plan provisions, including whether these choices create inappropriate adverse effects on the wider environment.

I do not consider that the changes sought will result in differences in the effects of the proposed residential development or its associated transport network which would justify refusing consent; rather, they are within the scope of changes that will enable the consent holder and subsequent owners and occupiers to choose how best to provide for their well-being while appropriately avoiding, remedying or mitigating the adverse effects of this development on the environment. I have carefully considered the likely effects of these changes, both within the development site and on neighbouring properties and future users of the transport network, and am satisfied that the differences in effects do not result in adverse effects that are inappropriate in the context of the Living G (Yaldhurst) zone.

For the foregoing reasons I decide that the applications are approved pursuant to section 127 of the Resource Management Act 1991, so that the conditions of consent shall now read as set out in the schedule to this decision. These conditions are the same as recommended in the s42A report, but with the tracked changes removed.

Dated at Auckland this 29<sup>th</sup> day of July 2011.

A handwritten signature in black ink, appearing to read 'D. Kirkpatrick', written in a cursive style.

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David Kirkpatrick  
Commissioner for Christchurch City Council

## SCHEDULE

The conditions of consent for the subdivision and land use consents under Christchurch City Council reference RMA 92009135 shall now read as follows:

### Land Use

1. The development shall proceed in accordance with the information submitted and the plans lodged, and entered into Council records as RMA92009135/2B 1 – 29.
2. That dwelling platforms on Lots 266, 267, 275 and 276 shall be restricted to the areas of Living G zoned land within these lots.

### Subdivision

#### 1. Compliance with Application Information

The survey plan, when submitted to Council for certification, is to be substantially in accordance with the enclosed approved application plans labelled RMA92009135/2A 1 – 5.

#### 2. Staging

The subdivision may be carried out in stages as indicated in plans PS-01 Rev AA and PS-02 Rev V (Attached as RMA92009135/2B 1 and 2) although each stage need not be completed in numerical sequence and more than one stage may be completed concurrently. If staged, each stage is to include all lots (including road and reserve) shown within that staging plan.

#### 3. Allotments to Vest as Reserve

Lot 501 shall vest as Local Purpose (Landscape) Reserve. Lots 503, 505, 506, 507, 511, 512 shall vest as Local Purpose (Drainage) Reserve. If the consent holder and the Council agree on other allotments of a specified size, shape and location within the subdivision being provided as a Reserve, the allotment shall be shown on the survey plan as Reserve to Vest.

#### 4. General Engineering

##### 4.1 Asset Design and Construction

All infrastructure assets to be vested in the Council are to be designed and constructed in accordance with the Christchurch City Council's Draft Infrastructure Design Standard July 2007 (the IDS) and the Construction Standard Specifications 2007 (the CSS).

- 4.2 The design and construction of all assets is to be subject to a project quality system in accordance with Part 3: Quality Assurance of the IDS.

- 4.3 Submit a Design Report and Design Certificate complying with IDS clause 3.3.1. The Design Report and engineering plans are to provide sufficient detail to

confirm compliance with the requirements of the IDS and in particular the following key achievement criteria.

- Conditions 9.2, 9.8 – 9.10, 9.13 – 9.15, 9.24 – 9.25 and 9.31 of this consent.
  - Confirmation that minimum gradients in accordance with IDS Clause 6.5.5 have been met.
  - Confirmation that the design speed environment has been obtained for each road within the subdivision in accordance with IDS Clause 8.9 of the IDS.
- 4.4 Submit a Contract Quality Plan for review by the Council and an Engineer's Review Certificate complying with IDS clause 3.3.2. The contract quality plan and engineers review certificate are to provide sufficient detail to confirm compliance with the IDS and in particular the following key achievement criteria.
- Conditions 9.16, 9.17 & 9.18 of this consent.
  - Benkleman Beam Criteria in accordance with IDS clause 8.16.1 have been met.
  - The road surfacing criteria in IDS clause 18.16.4 have been met.
- 4.5 Submit an Engineer's Report complying with IDS clause 3.3.3 and an Engineer's Completion Certificate complying with IDS clause 3.3.3 but in the form of the template attached.

*Note: Part 3 of the IDS sets out the Council's requirements for Quality Assurance. It provides a quality framework within which all assets must be designed and constructed. It also sets out the process for reporting to Council how the works are to be controlled, tested and inspected in order to prove compliance with the relevant standards. It is a requirement of this part of the IDS that the applicant provides certification for design and construction as a pre-requisite for the release of the 224c certificate. The extent of the documentation required should reflect the complexity and/or size of the project.*

- 4.6 The sewer, stormwater and water supply works that will remain on private land must be installed and inspected under a building consent obtained from the Environmental Policy and Approvals Unit.

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

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

A list of **Council authorised drainlayers** is available on request or online at website

<http://www.ccc.govt.nz/WasteWater/AuthorisedDrainLayers/>

For further information the applicant is advised to contact either Tony Borkus (941-8376) or Gordon Taylor (941-8375.)

4.7 A CCTV (Video) inspection using a pan and tilt camera for all gravity pipelines of 150mm diameter and above as per the recently updated Christchurch City Council Standard Specifications CSS: Part 3:2007 Section 14.2.6. This shall only apply to pipes being vested in Council ownership which cover more than one manhole length. This is to be done after all construction works have been completed. The DVDs/tapes shall be labelled with the RMA consent number and address of the development and accompanied by CCTV log sheets which show a schematic layout of the pipeline videoed.

4.8 All pipelines shall be free of debris and cleaned with a High Pressure cleaner within 24 hours prior to inspection. Any gravel and stones shall be taken out of the pipeline; it is not acceptable to flush stones and gravel further down the line.

The CCTV/video footage of the pipeline being vested shall be forwarded to the Subdivision Engineer in DVD format with log sheets, engineering plan and a copy of the consent conditions at least 10 working days prior to the CCC Final Drainage Inspection. Asset and Network Planning Unit staff will review a maximum of 1,000 metres of footage within 10 working days and respond accordingly.

4.9 The applicant's consultant shall provide the Council with 'As-Built' data for all manholes which are to be vested in Council ownership.

## **5. New Road to Vest**

The new roads, being lots 600 - 615 are to be formed and vested in the Council to the satisfaction of the Subdivision Engineer. All proposed legal roads shown on the application plan are to be formed and vested in the Council in accordance with the Infrastructure Design Standard 2007 (Draft) with underground wiring for electricity supply and telecommunications.

Road connections to the "Delamain Block" are to be made at stages 1 and 15 at the latest (road lots 601 and 607 as indicated on PS-01 Revision AA).

## **6. Water Supply**

6.1 The points of supply for this development are listed below:

Masham Road/Neathwest Avenue (West): 300mm diameter A.C. main  
Delamain Spine Road (South): 300mm uPVC main

A 300mm diameter ring main shall be installed from the point of supply in Masham Road, west along Neathwest Avenue and through the Enterprise block to the adjacent Delamain development to the South.

The existing 200mm diameter PVC main in Neathwest Avenue shall be abandoned and the 200mm uPVC main in Kintyre Drive connected into the new 300mm diameter ring main with a sluice valve on the tee branch. The existing cross over supply pipe feeding the submain on the northern side of Neathwest Avenue shall also be reconnected to the new 300mm main.

*The wording of this condition reflects the fact that at present there is no vested water infrastructure between the development site and Neathwest Avenue & Kintyre Drive.*

- 6.2 The water supply shall be designed in accordance with the Draft Infrastructure Design Standard and in general accordance with the SNZ PAS 4509:2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice to the satisfaction of the Asset & Network Planning Team, City Environment Group.
- 6.3 All lots shall be served with a water supply to the boundary and submains shall be installed to 10m past each lot boundary or to the middle of the lot, whatever is the greater.
- 6.4 All lots in private Rights of Way shall be served with individual private water supply laterals with “dummy water connections” located at the legal street boundary.
- 6.5 All private water supply laterals shall be installed under a single global Building Consent by a Registered Plumber and the Code of Compliance Certificate forwarded to Council’s Subdivision Team as part of the Sec 224c application.
- 6.6 As part of this redevelopment the Council will, at no charge to the consent holder, remove all existing water connections except those required to serve the development.
- 6.7 This development will require full high pressure water reticulation to the Council’s specifications and approval at the consent holder's expense. Engineering drawings and a set of hydraulic calculations shall be sent to the Subdivision Engineering Team for approval by Ian Johnson of the Asset & Network Planning Team.

This work shall be carried out by a Council approved water supply installer at the expense of the applicant. Refer to:  
<http://www.ccc.govt.nz/Water/AuthorisedInstallers/WaterSupplyAuthorisedInstallerRegister.pdf> for a list of contractors.

The water reticulation shall be designed by a suitably qualified person using the parameters set out in the attached form “Parameters for the Design of Mains Reticulation for Subdivisions”.

- 6.8 Where water supply mains are outside legal road, an easement shall be created over the new water supply pipeline in favour of the Council.

## **7. Sewer**

- 7.1 The approved sanitary sewer outfall for this development is the 300mm diameter RCRR gravity sewer main located in the Northwestern corner of Broomfield Common.

The route for connection to the application site may be either along the southern boundary of the site below Lot 357 (unless a stormwater detention/first flush

basin is required in this location) or at the first loop road connection with the “Enterprise Block”.

- 7.2 Sanitary sewer laterals shall be laid to at least 600mm inside the net site area of all residential lots at the subdivision stage. The laterals shall be installed at a sufficient depth to ensure that adequate fall is available to serve the furthest part of the lot (or the furthest buildable part of the lot where restrictions apply to setbacks from high voltage lines).
- 7.3 All private sewer laterals shall be installed under a single global Building Consent by a Registered Drain Layer and the Code of Compliance Certificate forwarded to Council’s Subdivision Team as part of the Sec 224c application.
- 7.4 Where the number of lots exceeds the Building Act drainage discharge requirements for a 100mm common sewer pipe, a 150mm private common sewer pipe shall be installed.
- 7.5 Network sewers to be vested in Council shall be a minimum of 150mm diameter and where they are outside the road reserve shall be covered by easements in gross in favour of Council.
- 7.6 The existing dwellings on Lots 273 and 284 may retain the existing on site sewage disposal systems until such time as a reticulated sewer facility is available to serve these lots.

## **8. Living G (Yaldhurst) Surface Water Management System Operation and Maintenance Management Plan**

The consent holder shall supply such plans, calculations and reports considered necessary for the formulation of the "*Living G (Yaldhurst) Surface Water Management System Operation and Maintenance Management Plan*" as set out in the City Plan Appendix 3p - Layer diagram Blue Network and key principles as follows:

### ***PROVISION OF 'LOCAL' STORM WATER DETENTION / SOAKAGE FACILITIES***

*The local storm water detention and soakage facilities will be in general accordance with the Living G (Yaldhurst) Surface Water Management System Operation and Maintenance Management Plan. This Management Plan is a 'Living' document held by the Christchurch City Council that will evolve with the development of the site. Issues such as operations requirements, treatment maintenance, monitoring (including of stormwater), planting for amenity, and planting to dissuade bird species that are a risk to safe operation of the Christchurch International Airport and to ensure groundwater will not be degraded will be incorporated in the management plan as development progresses.*

## **9. Stormwater**

- 9.1 All stages of the subdivision and the surface water management system for the development shall be generally in accordance with the indicative plan titled

“Overall Stormwater Treatment Scheme prepared for Tribro Construction Limited.” (Reference number C07001 Revision B Sheets SW-01 to SW-03)

- 9.2 The surface water management system for residential catchments only, shall rely on stormwater disposal to ground in accordance with the consent conditions of CRC981968.1, held in the name of the Christchurch City Council. The system shall be comprised of a system of channels, sumps, pipes, swales, first flush soil absorption basins, detention basins and rapid infiltration chambers/trenches. The system shall meet the requirements of the CCC Waterways, Wetlands and Drainage Guide (CCCWWDG), excepting that rainfall runoff volume shall be determined from either hydrological and hydraulic modelling, or by calculation using the Rational Method. Should the Rational Method be used for final engineering design, Council will provide specific runoff coefficients to the Developer’s Consultants when required for final engineering design. These coefficients shall be used in all final stormwater runoff rate and volume calculations.

*Note that no approval is given with these conditions for any stormwater system which seeks to provide for areas which may be zoned (or consented) for Business or Commercial purposes, as stormwater runoff from such areas is not approved under Council’s current discharge consent, CRC981968.1*

- 9.3 Final engineering stormwater design shall optimise the integration of the development’s stormwater management system between stages, and, where directed by Council, with adjoining developments (in accordance with the Blue Layer Diagram – Appendix 3P to Volume 3 Part 2 of the City Plan). Works in Lot 501 for stormwater detention for greater than 50 year return events are to be carried out as part of stage 14.

The Balance lots (described as Lots 350 – 356 and 357) will be required to provide stormwater treatment and storage facilities to cater for all stormwater runoff from these lots if they are developed in the future for a use other than residential. Should the future zoning (or consented use) of the balance lots be Business/ Commercial, a specific discharge consent from Environment Canterbury will be required also for all stormwater runoff.

- 9.4 Final design of the stormwater facilities for the development, which is broken down into four subcatchments, shall be in general accordance with the concept plan provided on Cardno TCB Plan C07001 Drawing No. PS-01 and PS-02 Revisions AA and V, “Noble Village, Yaldhurst Road, Christchurch,” Some limited additional flood storage volume is available within the southern stormwater depression should Catchments 3 and 4 require this to meet the stormwater storage volume requirements.
- 9.5 The consent holder shall provide easements in gross over all stormwater infrastructure that is located outside of legal road.
- 9.6 Stormwater laterals are to be laid from their respective street out-falls to at least 600 mm inside the building area of all proposed residential allotments at the time of subdivision. The laterals shall be installed at a sufficient depth to ensure both protection and that adequate fall is available to serve the furthest part of the

lot (or the furthestmost buildable part of the lot where restrictions apply to setbacks from high voltage lines).

- 9.7 Discharge to ground shall be in accordance with the consent conditions of CRC981968.1, held in the name of the Christchurch City Council. Prior to any works commencing, the applicant is to confirm to the Asset and Network Planning Manager that they have complied with all of these conditions, and provide written acknowledgement from Environment Canterbury that they are satisfied that any pre construction conditions have been met.
- 9.8 As a design standard the first flush volume to be captured shall be the runoff from the first 25mm of rainfall within the catchment. The consent holder's consultant shall confirm with Council staff the appropriate choice of runoff coefficients for the catchments' peak stormwater flow calculations and critical stormwater volume calculations prior to final engineering design.
- 9.9 The surface water management system (i.e. pipes, swales, first flush, detention basins and rapid infiltration trenches/chambers) shall be designed to ensure complete capture and retention of all stormwater runoff from the site for all rainfall events up to and including 50 year return period storms. This will require internal reticulation and conveyance to meet Council's inundation standards as specified in the CCCWWDG. Further, the conveyance and inlet system to the first flush detention areas shall be designed to ensure that even for events where the critical peak stormwater runoff flow rate occurs that all resulting runoff shall actually reach the first flush detention areas. A combination of the primary and secondary conveyance system may be used to ensure this level of service is achieved. In determining the detention storage volume and rapid infiltration trenches/ chambers sizing, the required detention storage should typically be sized as equivalent to the stormwater runoff volume generated by a 10 year ARI, 18 hour duration storm from the contributing catchment.
- 9.10 The extreme wetted surface of stormwater basins shall not be located closer than 6 metres of Pylon foundation bases and the slope of basin banks adjacent to Pylon bases shall be no steeper than 1 in 6, vertical to horizontal. No Rapid Infiltration trenches/ chambers shall be located closer than 20 metres of Pylon foundation bases.
- 9.11 The design of the swale and basin areas shall allow sufficient space from property boundaries backing on the Transmission Line Corridor to allow for the inclusion of a public cycleway and appropriate buffers.
- 9.12 The designer of the surface water management system shall provide a report which identifies all secondary flow paths proposed and any adverse effects from storms greater than a 50 year return period event (up to 100 year return period). Should overland secondary flows of stormwater occur from the site during such extreme events, those flows shall be directed to the existing well defined natural waterway at the southern boundary of the site via roads, utility lots or reserve lots.
- 9.13 Prior to the commencement of engineering works, the consent holder must demonstrate, by means of appropriate site testing (by a suitably qualified professional) that the 'design' soakage rates for any final infiltration to ground

system can be achieved onsite (note that actual soakage rates, determined by test, shall be reduced by a factor of three in the final design of the soakage systems).

- 9.14 At the time of excavation of the actual infiltration site/s during the construction phase of the development, the consent holder shall confirm by suitable test(s) that the initial assumptions of infiltration rates, derived from the preliminary testing, are appropriate. Subject to this testing, the Council may review this condition pursuant to Section 128 of the Act to require the consent holder to adjust the engineering design.
- 9.15 The proposed soakage areas are not to be used for major construction sedimentation control sites, unless the designer can demonstrate that their use will not compromise in any way the basin's future capacity as a long term infiltration basin. The sediment control management plan for the development works shall be designed such that any sediment accumulation within the proposed soakage areas is avoided. Care is to be taken during construction to ensure that the natural permeability of the soils is not compromised by heavy machinery use or other construction procedures.
- 9.16 Before Council accepts maintenance responsibility of the first flush soakage areas, the consent holder shall test them for surface infiltration rates either within 12 months following the issue of the Section 224 Certificate or when 70% of the development of each stage is complete, whichever is longer, but no longer than 24 months after the issue of the 224 Certificate.
- 9.17 The median of the soakage test results required under condition 9.17 shall be within the range of 40 mm – 50 mm per hour, with no individual test result above 50 mm per hour, or less than 25 mm per hour. Should that range not be achieved, the consent holder shall undertake all necessary works to achieve the required infiltration rate, at no cost to the Council.
- 9.18 To ensure compliance with the above condition, the value of any possible soakage basin restoration work shall be assessed by Council Officers and the consent holder shall bond that sum with the Council, prior to the issue of the section 224 certificate.
- 9.19 A planted landscape buffer of average width 5 metres is to be established between all stormwater swale/detention and proposed residential allotments as mitigation for the utility works. The Council may at its discretion allow some variance to this buffer width and planting requirements alongside some of the basin areas to allow for the future construction of a public pedestrian/ cycle accessway. Planting of the buffer zones shall be a cost of the development. *Note: Buffer zones are considered as part of the utility network when total reserve area assessments are made, however credit may be given for the area likely to be occupied by any future public pedestrian/ cycle accessway.*
- 9.20 Access for maintenance vehicles to each of the stormwater treatment and storage basins is to be clearly shown on the engineering plans. The access gradient of the maintenance ramps into the basins is to be no steeper than 1 in 12. This provides an adequate gradient for a long wheel base truck to drive down in to and out of the basin.

- 9.21 Prior to works commencing a landscape plan of the proposed stormwater facilities and landscape buffers is to be submitted to the Council's Asset and Network Planning Unit (Attn. David Sissons) for approval. All landscaping is to be carried out in accordance with the approved plan at the consent holder's expense as a mitigation measure. The consent holder shall maintain planting for 12 months from the time of issue of the section 224c certificate.
- 9.22 Council staff shall inspect the planting after the first 6 months of the maintenance period. Should replacement plantings be required, the maintenance period shall be extended by a further 12 months for the replacement plants. This obligation shall be secured by the Consent holder by entering into a bond to the value of 50% of the Landscape planting for the duration of the maintenance period.
- 9.23 All first flush detention areas shall be designed to avoid re-suspension of sediments and contaminants during storm events. This will require storm bypass swales/ splitter boxes/ pipelines. For the more extreme storm events, greater than 10 year return period events 'over flooding' of first flush areas is permitted provided floodwater velocities are less than 0.1 m/sec, and 'over flooding' depth does not exceed 300 mm.
- 9.24 Invert levels of any first flush basin shall be set at a level at least 500 mm above the maximum seasonal groundwater level determined for the site from analysis of ground water levels and site recordings. Where a basin does not rely on site invert soakage this depth may be reduced to 300 mm. Supporting evidence of groundwater levels at the site shall be provided at the time of engineering approval.
- 9.25 An operation and maintenance manual for all stormwater facilities is to be prepared for the Christchurch City Council. This manual is to include a maintenance schedule and details of the construction and operation system. Monitoring requirements for the first flush basins are to be outlined in the maintenance manual. (Council can make available an example of an acceptable manual; if required).
- 9.26 The consent holder shall operate and maintain the swales for a period of 12 months following the issue of the 224 certificate, and maintain the basins in accordance with the appropriate clauses above.
- 9.27 The applicant shall provide as-built plans of the stormwater facility and confirm that it has been constructed in accordance with the approved plans.
- 9.28 The consent holder shall obtain and submit to the Council a compliance monitoring report from Environment Canterbury for all stormwater infrastructure constructed under CRC981968.1, All stormwater infrastructure is to comply with CRC981968.1 to the satisfaction of the Asset and Network Planning Manager.
- 9.29 The stormwater system is to be designed so as to have a low bird strike risk. A bird strike mitigation plan is to be prepared for the stormwater management system, proposed street planting and general site landscaping and is to be submitted as part of the approval of the engineering plans for the physical works. The report is to detail the design considerations and discussions with CIAL to limit bird strike risk.

- 9.30 Inlet swales to all first flush basins shall be not less than 1.8% of the total development area. Note, these areas will be assessed as utility areas in the final assessment of reserve contribution liability.

## **10. Access Construction Standards**

- 10.1 The access to rear sites is to be constructed in accordance with Rule 14 5.2.2(b) and (c) of the City Plan to the standards embodied in Council's Metropolitan Code of Urban Subdivision.  
Where the minimum requirement states "formed and metalled", the minimum standard of formation required is as follows:
- A minimum formed width of 2.7m.
  - A minimum depth of 150mm of compacted metalcourse.
  - 100x40 H4 treated timber battens on both sides of the formation.
  - The formation is to be adequately drained.
- 10.2 The consent holder shall construct access for rear lots from the road carriageway to the road frontage in accordance with the Council's Construction Standard Specification Part 6, Clause 6 and Standard Details SD606, SD607, SD608, SD611, SD612, SD615 & SD616. For new formation, Clegg hammer test results complying with CSS clause 6.5 'Metalcourse' are to be supplied with the 224c Conditions Certificate request.

## **11. Street Lighting**

Street Lighting is to be installed in the new roads in compliance with Council's "Design Guide and Installation Requirements of Road Lighting in Subdivisions."

## **12. Street Tree Planting**

The consent holder shall submit for approval by the Transport and Greenspace Manager, a landscaping plan for all trees proposed to be planted in legal roads. All legal roads are to be planted in accordance with the approved plans.

## **13. Engineering Plans**

Engineering plans for the construction of the new road(s), access to rear lots, street lighting, drainage, sediment control, water supply, earthworks, landscaping and tree planting shall be lodged with the Subdivisions Engineer and approved prior to the commencement of any physical works. All works are to be in accordance with Council's 'Metropolitan Code of Urban Subdivision'.

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

## **14. Health of Land**

As part of the engineering plan approval application the consent holder is to provide a report from a suitably qualified person to determine whether the site has been contaminated from activities related to previous uses of the land. In particular, the report is to state whether the land meets the soil health requirements for those activities anticipated by the zoning. If necessary, the report is to detail the remediation measures that are to be undertaken to decontaminate the land.

Investigations relating to contamination are to be carried out prior to the approval of the engineering plans and contamination containment measures are to be detailed on the engineering plans.

The consent holder is to provide evidence to the satisfaction of the Councils Senior Environmental Health Officer that the site is not contaminated from the former rural/orcharding activities carried out on this site.

**15. Plans for Geodata Plot**

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

**16. As Built Plans**

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

**17. Filled Land**

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

The construction details of any retaining wall required to retain the fill are to be submitted to the Subdivisions Engineer for approval. The wall construction and materials are to be certified in addition to the NZS 4431 certification.

The consent holder is to submit a report and calculations detailing any filling proposed against existing boundaries and the mitigation proposed to avoid adverse effects on adjoining properties.

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

**18. Telecommunications and Energy Supply**

All lots shall be provided with the ability to connect to a telecommunications and electrical supply network at the boundary of the net area of each lot.

**19. Right of Way Easements (Private Ways)**

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

The registered users of the right of way shall maintain the access and the liability and apportionment of the costs of maintenance shall be written into the legal document granting or reserving the right of way easement.

**20. Service Easements**

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

Easements over adjoining land or in favour of adjoining land are to be shown in a schedule on the Land Transfer Plan. A solicitor's undertaking will be required to ensure that the easements are created on deposit of the plan.

**21. Existing Easements over areas of Road to Vest**

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

**22. Easements over Reserves**

Easements over land that is to vest in Council as reserve are to be surrendered or consent obtained from Council to retain the easements. If Council consents to the retention of existing easements over land that is to vest as reserve a certificate pursuant to Section 239(2) of the Resource Management Act 1991 is to be endorsed on the survey plan.

**23. Easements in Gross**

The legal documents creating the easements in gross are to be prepared by Council at the consent holder's expense. Council's Legal Services Unit (ph 941 8508) will, upon request, arrange for the documents to be prepared.

**24. Road and/or Lane Names**

The new roads are to be named.

A selection of names in order of preference is to be submitted for each new road. For historical purposes a brief explanation of the background for each submitted name is preferred.

The allocated names **once approved** are to be shown on the survey plan submitted for certification.

Post and nameplate fees of \$300/nameplate and \$150/post are to be paid.

*Note: Nameplates are not ordered from the manufacturer until the fee has been paid and usually take six weeks to manufacture.*

**25. Public Utility Sites**

Any utility site and associated rights of way easements and/or service easements required by a network operator are approved provided that they are not within any reserves to vest in Council shown on the approved application plan.

**26. Consent Notice**

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

**Density Bands**

**Low Density**

Lots 1, 2, 18 - 20, 62, 104 – 107, 108, 127, 255 - 276

*This lot is within the Low Density band for the Living G (Yaldhurst) Zone and is subject to the relevant rules in the Christchurch City Plan.*

**Medium Density**

Lots 4, 5, 8, 9, 18, 21, 47, 60, 61, 68, 82, 83, 88, 114, 115, 118, 128, 130, 131, 138, 139, 140, 161, 221, 228, 240.

*This lot is within the Medium Density band for the Living G (Yaldhurst) Zone and is subject to the relevant rules in the Christchurch City Plan.*

**High Density B**

Lots 3, 6, 7, 10, 11, 12, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 44, 45, 46, 53, 55, 56, 57, 63, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 84, 86, 87, 89, 94, 109, 110, 111, 112, 113, 116, 117, 119, 124, 125, 126, 129, 132, 133, 134, 135, 136, 137, 148, 157, 158, 159, 160, 277 – 283, 284 – 288.

*This lot is within the High Density ‘B’ band for the Living G (Yaldhurst) Zone and is subject to the relevant rules in the Christchurch City Plan.*

**High Density A**

Lots 13 – 17, 22 – 30, 40, 43, 48 – 52, 54, 58, 59, 64 – 67, 85, 90 – 93, 96 – 103, 120 – 123, 143 – 147, 149 – 156, 162 – 170, 171 – 220, 222 – 227, 229 – 238, 241 – 254.

*This lot is within the High Density ‘A’ band for the Living G (Yaldhurst) Zone and is subject to the relevant rules in the Christchurch City Plan.*

**Dwelling Location**

***Building/Dwelling Platforms***

*Lots 266, 267, 275 and 276*

*Any dwelling on this lot shall be restricted to the areas of Living G zoned land within the lot.*

Council will prepare the Consent Notices. When requesting the issue of the Consent Notice please supply an A4 copy of the survey plan for Lots 266, 267, 275 & 276 with the extent of Living G zoned land on each site shown thereon together with the allocated numbers for that survey plan and the new Certificate(s) of Title.

**27. Goods and Services Taxation Information**

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

**DURATION OF THIS CONSENT**

The period within which this consent is given effect to shall be 5 years.

**DEVELOPMENT CONTRIBUTIONS**

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

#### **INFORMATION FOR THE CONSENT HOLDER**

##### **Rights of Objection and Appeal**

The consent holder may lodge an appeal with the Environment Court or an objection with Council to the whole or part of this consent within 15 working days of the receipt of this letter. Sections 120 and 357 of the Resource Management Act 1991, respectively, refer.

##### **Council Site Characteristic Information**

The Council's Site Characteristics Information on this site is as follows:

##### **ECAN LIQUEFACTION ASSESSMENT**

ECan holds indicative information on liquefaction hazard in the Christchurch area. Information on liquefaction can be found on the ECan website at [www.ecan.govt.nz/liq](http://www.ecan.govt.nz/liq) or by calling ECan customer services on ph 03 353 9007. The Christchurch City Council may require site-specific investigations before granting future subdivision or building consent for the property, depending on the liquefaction potential of the area that the property is in.

##### **ECAN NATURAL RESOURCES REGIONAL PLAN**

There may be policies or rules within Environment Canterbury's Natural Resources Regional Plan that regulate land use on this site. Queries regarding the impact of the NRRP on the property should be made to ECan customer services on ph 03 353 9007.

##### **PROPERTY OR PART OF PROPERTY WITHIN URBAN AREA**

##### **PROPERTY LOCATED WITHIN AIRPORT NOISE CONTOUR**

This property is situated (either partially or completely) within the: 50 dba air noise boundary for aircraft noise.

##### **POWER PYLONS**

This site is traversed by or is adjacent to high tension overhead power lines and pylons. Minimum clearance distances apply to buildings, structures and trees. It is recommended that Orion be contacted for further information.

##### **POWER PYLONS**

This site is traversed by or is adjacent to high tension overhead power lines and pylons. Minimum clearance distances apply to buildings, structures and trees. It is recommended that Transpower be contacted for further information.

### **RESTRICTED RURAL WATER SUPPLY**

A restricted rural water supply only is available to this property. On a restricted rural supply you can apply for up to 3 units of water (1 unit = a maximum of 1000 litres per day). The minimum supply available is 1 unit and the maximum is 3 units, although this is dependant on water availability as determined by council. The cost of connection to this system is the standard connection fee. Please contact the customer centre on 941 8666 to confirm the capacity for new connections.

### **RESTRICTED RURAL WATER SUPPLY**

The conditions for the supply of water are set out in part 1 of the Christchurch City Council water related services bylaw 2008.

### **WATERWAY**

In addition to the current City Plan information the Council is currently updating its data base in relation to waterways. Revised data shows that there is a waterway affecting this property. Waterway set backs may apply

### **Reserve Allotments**

Lot **501** has been largely accepted as reserve, but questions remain over other reserve lots which are envisaged by Council as utility reserve with some limited credit available for pedestrian and cycle-ways within those lots.

### **Stormwater Valley Feature**

The cost of works required in Stage 8 (at the latest) will be borne by the Noble and Delamain developments in accordance with their share of storage within the proposed “valley” feature.

### **Filling on Subdivisions**

Chapter 9 Rule 5.5 refers to filling and excavation on other land. Table 1 on page 39 refers to a maximum depth of excavation and fill of 0.5 metres. There is no exemption for subdivisions. Therefore any excavating or filling over that figure will require a land use consent.

### **Limited Access Road Frontage**

The frontage road to the subdivision is a declared Limited Access Road to which Section 93 of the Transit New Zealand Act 1989 applies.

### **Special Setback Provisions**

Rule 6.4.6 (Special set back provisions - residential and other activities) in Volume 3 Part 2 of the City Plan requires a minimum building setback from Yaldhurst Road of 80 metres except where noise reduction is achieved through bunding and/or other noise dampening mechanism. Exempt from this rule is any commercial development that does not include living accommodation.

This application shows the area within 80 metres of Yaldhurst Road as balance land without indication of proposed use. Other applications are before Council to expand commercial use of this area, and the issue of noise and setback reduction will be considered as part of any future development proposal involving this part of the site.

Please note that the outline development plan requires provision of pedestrian and cycle linkages along a 20 metre setback along with landscaping and any noise reduction mitigation for development within the site proper.

**New Street Numbers**

The lots created by this subdivision have not yet been allocated street addresses.

**Payments to Council**

If any payments to Council are to be made through internet banking or direct credit please make prior arrangements with Council's Subdivision Team. At that time a tax invoice will be raised and you will be advised of the specific bank account details that will enable Council to identify and process the payment.

**Lighting in Private Ways**

Council does not require lighting within private ways. Council will not accept the ongoing maintenance or running costs associated with the lighting within the private way. Any proposal to light the private way shall include a method of payment of the ongoing costs by the benefiting owners.

**Section 223 Resource Management Act 1991 Certificate**

When submitting the survey plan to Council for certification pursuant to Section 223 of the Resource Management Act 1991 please ensure that the appropriate certificate has been endorsed in the Approvals panel on the plan.



Type	NO OF LOTS (STAGES 12-18)	TOTAL AREA	AVG LOT AREA	LIVING 'G' AVG LOT AREA RANGE
High density A (250-329m <sup>2</sup> )	50	13,895m <sup>2</sup>	277.9m <sup>2</sup>	275 - 325m <sup>2</sup>
High density B (330-549m <sup>2</sup> )	65	29,690m <sup>2</sup>	456.8m <sup>2</sup>	450 - 500m <sup>2</sup>
Medium density (550-799m <sup>2</sup> )	22	13,040m <sup>2</sup>	592.7m <sup>2</sup>	600 - 650m <sup>2</sup>
Low density >800m <sup>2</sup>	11	9,195m <sup>2</sup>	835.9m <sup>2</sup>	-
Balance	2	10,840m <sup>2</sup>	-	-
Roading	6	19,470m <sup>2</sup>	-	-
Reserve	11	33,805m <sup>2</sup>	-	-

AMENDMENTS		
ISSUE	DATE	REVISION
B	10.12.07	Boundary layout revision.
C	17.12.07	Boundary layout revision.
D	20.12.07	Stormwater ponds added.
E	13.02.08	Boundary layout revision.
F	19.02.08	Boundary layout revision.
G	04.04.08	Road layout revision.
H	08.05.08	Boundary revision. Stage boundaries added, prop. stream realignment added.
J	16.05.08	Noise contour location amended.
K	12.06.08	Boundary Layout Revision
L	04.07.08	Boundary Layout Revision
M	14.07.08	Boundary Layout Revision
N	24.07.08	Boundary Layout Revision
O	12.08.08	Boundary Layout Revision
P	13.08.08	Amend stage boundaries
Q	05.09.08	Amend stage boundaries and numbering
R	12.12.08	Amend stage boundaries and numbering
S	03.03.09	Stage Numbering Corrected.
T	19.03.09	Amend basin shapes & route of walkway.
U	04.05.09	Amend alignment of stream & update southern pond shape, add easement schedule.
U1	03.12.09	Reduce Spine Road width to 18m and amend adjoining lots, dimensions and areas
U2	Same as U1	except for width of Road 10.
U3	29.07.10	Delete various lots to make up the total allowable.
X	22.10.10	Amend spine road width and number of lots.
Y	03.02.11	Add cycleway/pedestrian access. Layout changes, add density & re-number lots.
Z	10.05.11	Amend lots 126-128 & area density table.
AA	27.05.11	Layout amendments.

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**LEGEND**

- Existing pylons (to be relocated).
- No build setback (20m)(no swing allowance).
- No build setback (3m swing allowance).
- Stage Boundary
- Staging Number

**NOBLE VILLAGE  
YALDHURST ROAD  
CHRISTCHURCH**

PREPARED FOR  
NOBLE INVESTMENTS LTD

LOTS 1 - 142, 166-170, 239,  
246, 357, 500-510, 604-609 &  
707 - 721 BEING SUBDIVISION  
OF LOTS 12 - 19 DP 323203.

**Cardno**

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FIELDWORK	DESIGNED	APPROVED
	URBANISM +	
	GWM	
	JUN 2007	JUN 2007

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SCALE 1: 1000 @A1 1: 2000 @A3

PROJECT	DRAWING No.	REVISION
C07001	PS-01	AA

**Schedule of Proposed Easements**

Nature	Shown	Serv. Ten.	Dom. Ten.
Right of way, right to drain stormwater and sewage, right to supply water, gas, telecommunications and electricity	H	Lot 707	Lots 64-67 & 174-178
	J	Lot 708	Lots 70-73
	K	Lot 709	Lots 74-77
	L	Lot 710	Lots 78-81
	M	Lot 711	Lots 48-59
	N	Lot 712	Lots 13-17 & 42-47
	O	Lot 713	Lots 11 & 12
	P	Lot 714	Lots 7-10
	Q	Lot 715	Lots 3-6
	R	Lot 716	Lots 39-41
	S	Lot 717	Lots 33-38
	T	Lot 718	Lots 86-103
	U	Lot 719	Lot 117-129
	V	Lot 720	Lots 113-116
Pedestrian Right of way in gross	AD	Lot 506	Grantee Christchurch City Council
	AE	Lot 505	
	AF	Lot 503	
	AG	Lot 501	

- NOTE:**
- Areas and dimensions are subject to final land transfer survey.
  - Land held in Cs.T. 93049 - 93058.
  - Easements are to be created over services where required.
  - Lots 707-721 are access lots only to be held by Village Infrastructure Limited.

XREFS: C07001 XREF Cycleway Pedestrian Access. C07001 XREF Master Scheme for PS-02Y.

ISSUE	DATE	REVISION
B	10.12.07	Boundary layout revision.
C	17.12.07	Boundary layout revision.
D	20.12.07	Lots 172-190 revised. Stormwater Ponds added.
E	07.02.08	Lot 311 amended.
F	19.02.08	Boundary layout revision.
G	29.04.08	Road layout amended (Lot 610).
H	08.05.08	Boundary & road layout amended (Lot 608).
J	07.07.08	Boundary layout revision.
K	14.07.08	Lot Density Table Updated.
L	24.07.08	Lot Numbers Amended. Lot Density Table Updated.
M	13.08.08	Stage Boundaries Amended.
N	05.09.08	Stage Boundaries and Numbering Amended.
O	19.03.09	Amend basin shape & update St geometry. (DF)
P	04.05.09	Easement Schedule added.
P1	04.12.09	Lot changes
P2	05.08.10	Update stage 1 and 2 area to latest layout.
Q	31.08.10	Spine road roundabout adjusted.
R	21.10.10	Road widths and commercial lots adjusted.
S	02.02.11	Boundary layout revision on ROW's A & E. Amend stage boundaries. Re-number lots and add density.
T	19.04.11	Amend stage body.
U	10.05.11	Amend area density table.
V	27.05.11	Layout amendments.



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**LEGEND**

	Existing pylons (to be relocated).
	No build setback (20m)(no swing allowance).
	No build setback (3m swing allowance).
	Stage Boundary
	Staging Number

**NOBLE VILLAGE  
YALDHURST ROAD  
CHRISTCHURCH**

PREPARED FOR  
NOBLE INVESTMENTS LTD

LOTS 143 - 165, 171 - 254,  
350 - 356, 511 - 514, 600 - 603 &  
700 - 706 & 722 BEING  
SUBDIVISION OF LOT 401  
CARDNO SCHEME C07001 PS-01

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FIELDWORK	
DESIGNED	
DRAWN	DF
APPROVED	RJG
	DEC 2009
	DEC 2009

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SCALE 1: 1000 @A1 1: 2000 @A3

PROJECT (A1 original)	DRAWING No.	REVISION
C07001	PS-02	V

Schedule of Proposed Easements			
Nature	Shown	Serv. Ten.	Dom. Ten.
Right of way, right to drain stormwater and sewage, right to supply water, gas, telecommunications and electricity	A	Lot 700	Lots 208-227
	B	Lot 701	Lots 228, 234-239 & 240-247
	C	Lot 702	Lots 240 & 248-254
	D	Lot 703	Lots 191-207
	E	Lot 704	Lots 171-174 & 181-190
	F	Lot 705	Lots 171 & 175-179
Pedestrian Right of way in grass	G	Lot 706	Lots 162-165
	I	Lot 722	Lots 148-157
	AA	Lot 354	Christchurch City Council
	AB	Lot 356	
	AC	Lot 513	

- NOTE:
- Areas and dimensions are subject to final land transfer survey.
  - Land held in Cs.T. 93049 - 93058.
  - Easements are to be created over services where required.
  - Lots 700-706 & 722 are access lots only to be held by Village Infrastructure Limited.
  - Lot 300 is a Garage Lot to be held in 1/2 shares by Lots 235-238.
  - Lot 301 is a Garage Lot to be held in 1/2 shares by Lots 241-245 and 247.

Type	NO OF LOTS (STAGES 1-11)	TOTAL AREA	AVG LOT AREA (STAGES 1-11)	AVG LOT AREA (ALL STAGES)	LIVING 'G' AVG LOT AREA RANGE	TOTAL LOTS IN ALL STAGES	TOTAL ALLOWED
High density A (250-329m <sup>2</sup> )	96	17,190m <sup>2</sup>	179.0m <sup>2</sup>	212.9m <sup>2</sup>	275 - 325m <sup>2</sup>	146	148
High density B (330-549m <sup>2</sup> )	5	2220m <sup>2</sup>	444.0m <sup>2</sup>	455.9m <sup>2</sup>	450 - 500m <sup>2</sup>	70	90
Medium density (550-799m <sup>2</sup> )	4	625m <sup>2</sup>	625.0m <sup>2</sup>	594.1m <sup>2</sup>	600 - 650m <sup>2</sup>	23	60
Low density >800m <sup>2</sup>	-	-	-	835.9m <sup>2</sup>	> 800m <sup>2</sup>	11	81
Balance	10	65,585m <sup>2</sup>	-	-	-	12	-
Roading	4	26,960m <sup>2</sup>	-	-	-	-	-
Reserve	3	9795m <sup>2</sup>	-	-	-	-	-





ISSUE	DATE	REVISION
B	10.12.07	Boundary layout revised based on CCC request for further information (10.10.07).
C	07.02.08	Lots 314 and 315 removed.
D	08.04.08	Lots 270,271 & 272 altered
E	16.05.08	Noise contour location amended. Stage boundaries added.
F	14.07.08	Lots 269-277 moved to C07001 PS 04.
G	24.07.08	Lots 253-261 amended.
H	04.05.09	Easement Schedule Added.
I	17.02.11	Reduce Road width, amend dims and areas and title information.
J	12.05.11	Update density table.
K	27.05.11	Update density table.

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NOBLE INVESTMENTS LTD  
 YALDHURST ROAD  
 CHRISTCHURCH

PREPARED FOR  
 NOBLE INVESTMENTS LTD

LOTS 255-259, 261-269, 401, 402 & 612  
 BEING SUBDIVISION OF LOTS 6, 7 & 22  
 DP323203, LOT 1 DP414863 & LOT 1000  
 DP411480



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HASTINGS  
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Nature	Shown	Serv. Ten.	Dom. Ten.
Right of way, right to drain stormwater and sewage, right to supply water, gas, telecommunications and electricity	V	Lot 260 RMA92013812	Lots 259 261, 262
	W	Lot 266	Lots 263-265 267, 269

- NOTE:
1. Areas and dimensions are subject to final land transfer survey.
  2. Land held in Cs.T. 93049 - 93057, 261108 & 261109.
  3. Easements are to be created over services where required.
  4. The existing houses shown have been digitised from an ECAN aerial photograph and are approximate only.

Type	NO OF LOTS (STAGE 8-11)	TOTAL AREA	AVG LOT AREA (STAGE 8-11)	AVG LOT AREA (ALL STAGES)	LIVING 'G' AVG LOT AREA RANGE	TOTAL LOTS IN ALL STAGES	TOTAL ALLOWED
High density A (250-329m <sup>2</sup> )	-	-	-	212.9m <sup>2</sup>	275 - 325m <sup>2</sup>	146	148
High density B (330-549m <sup>2</sup> )	-	-	-	455.9m <sup>2</sup>	450 - 500m <sup>2</sup>	72	90
Medium density (550-799m <sup>2</sup> )	-	-	-	594.1m <sup>2</sup>	600 - 650m <sup>2</sup>	23	60
Low density >800m <sup>2</sup>	14	15,175m <sup>2</sup>	1083.9m <sup>2</sup>	974.8m <sup>2</sup>	> 800m <sup>2</sup>	25	81
Balance Parcels	2	13,910m <sup>2</sup>	-	-	-	-	-
Roading	1	9095m <sup>2</sup>	-	-	-	-	-
Reserve	-	-	-	-	-	-	-

FIELDWORK	DESIGNED	DRAWN	APPROVED
	URBANISM +	GWM	RJS

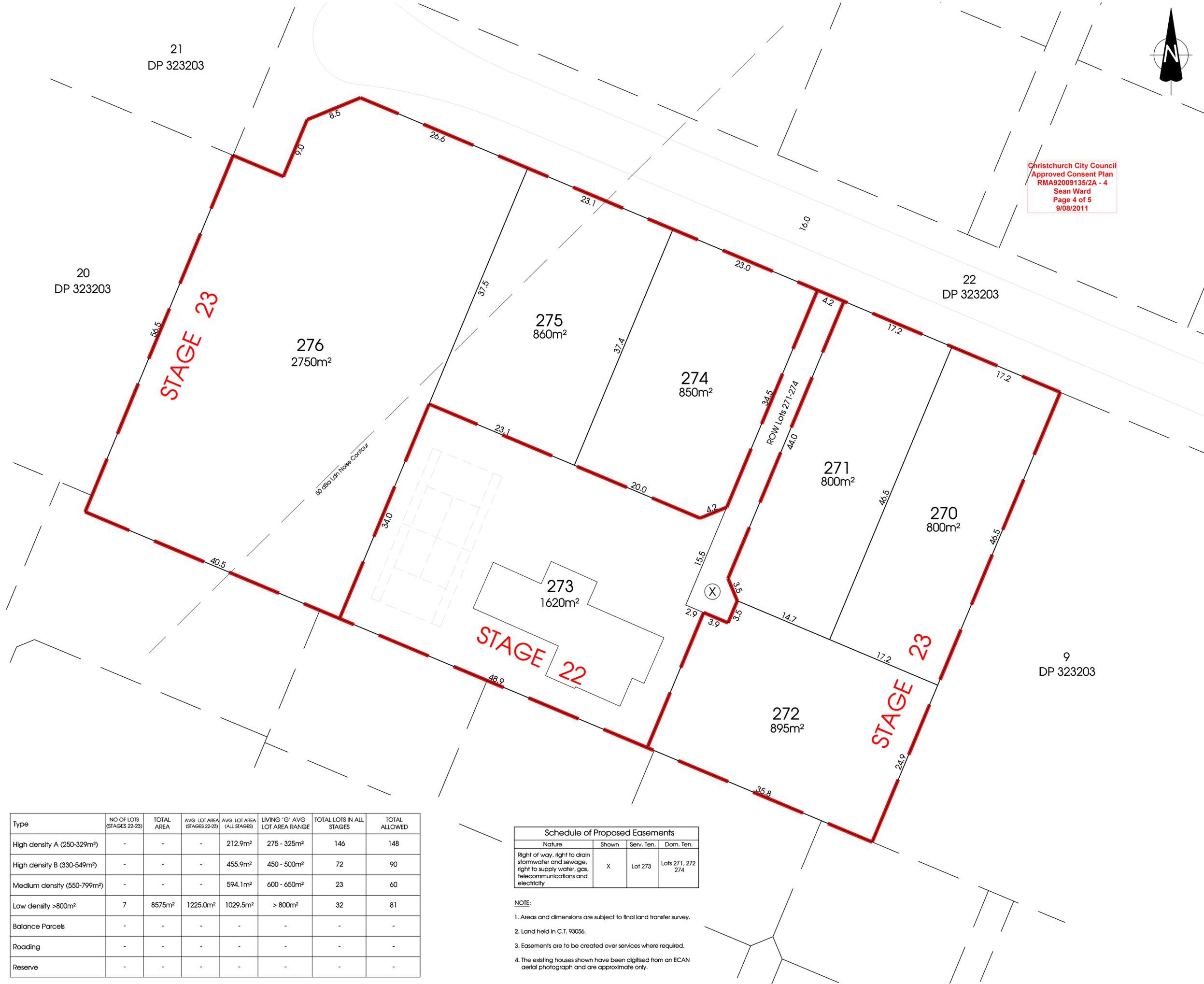
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SCALE 1: 1250 @A1 1: 2500 @A3

PROJECT (A1 original)	DRAWING No.	REVISION
C07001	PS-03	K

ISSUE	DATE	REVISION
A	24.07.08	Density table revised
B	4.05.09	Lots 277 & 278 removed. Density table updated and Easement Schedule added.
C		See separate plan for update.
D		See separate plan for update.
E		Amend Road width to 16.0m from 18.0m.
F	12.05.11	Density table updates.
G	27.05.11	Density table updates.

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NOBLE INVESTMENTS LTD  
YALDHURST ROAD  
CHRISTCHURCH

PREPARED FOR  
NOBLE INVESTMENTS LTD

LOTS 270 - 278 BEING PROPOSED  
SUBDIVISION OF LOT 8 DP 323203



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FAX (07) 376 9241

HASTINGS  
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Type	NO OF LOTS (STAGES 22-23)	TOTAL AREA	AVG. LOT AREA (STAGES 22-23)	AVG. LOT AREA (ALL STAGES)	LIVING 'G' AVG LOT AREA RANGE	TOTAL LOTS IN ALL STAGES	TOTAL ALLOWED
High density A (250-329m²)	-	-	-	212.9m²	275 - 325m²	146	148
High density B (330-549m²)	-	-	-	455.9m²	450 - 500m²	72	90
Medium density (550-799m²)	-	-	-	594.1m²	600 - 650m²	23	60
Low density >800m²	7	8575m²	1225.0m²	1029.5m²	> 800m²	32	81
Balance Parcels	-	-	-	-	-	-	-
Roading	-	-	-	-	-	-	-
Reserve	-	-	-	-	-	-	-

Schedule of Proposed Easements			
Nature	Shown	Serv. Ten.	Dom. Ten.
Right of way, right to drain stormwater and sewage, right to supply water, gas, telecommunications and electricity	X	Lot 273	Lots 271, 272, 274

- NOTE:
- Areas and dimensions are subject to final land transfer survey.
  - Land held in C.T. 93056.
  - Easements are to be created over services where required.
  - The existing houses shown have been digitised from an ECAN aerial photograph and are approximate only.

FIELDWORK		
DESIGNED	URBANISM +	JUN 2007
DRAWN	GWM	JUN 2007
APPROVED	RJG	JUN 2007

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SCALE 1: 250 @A1 1: 500 @A3

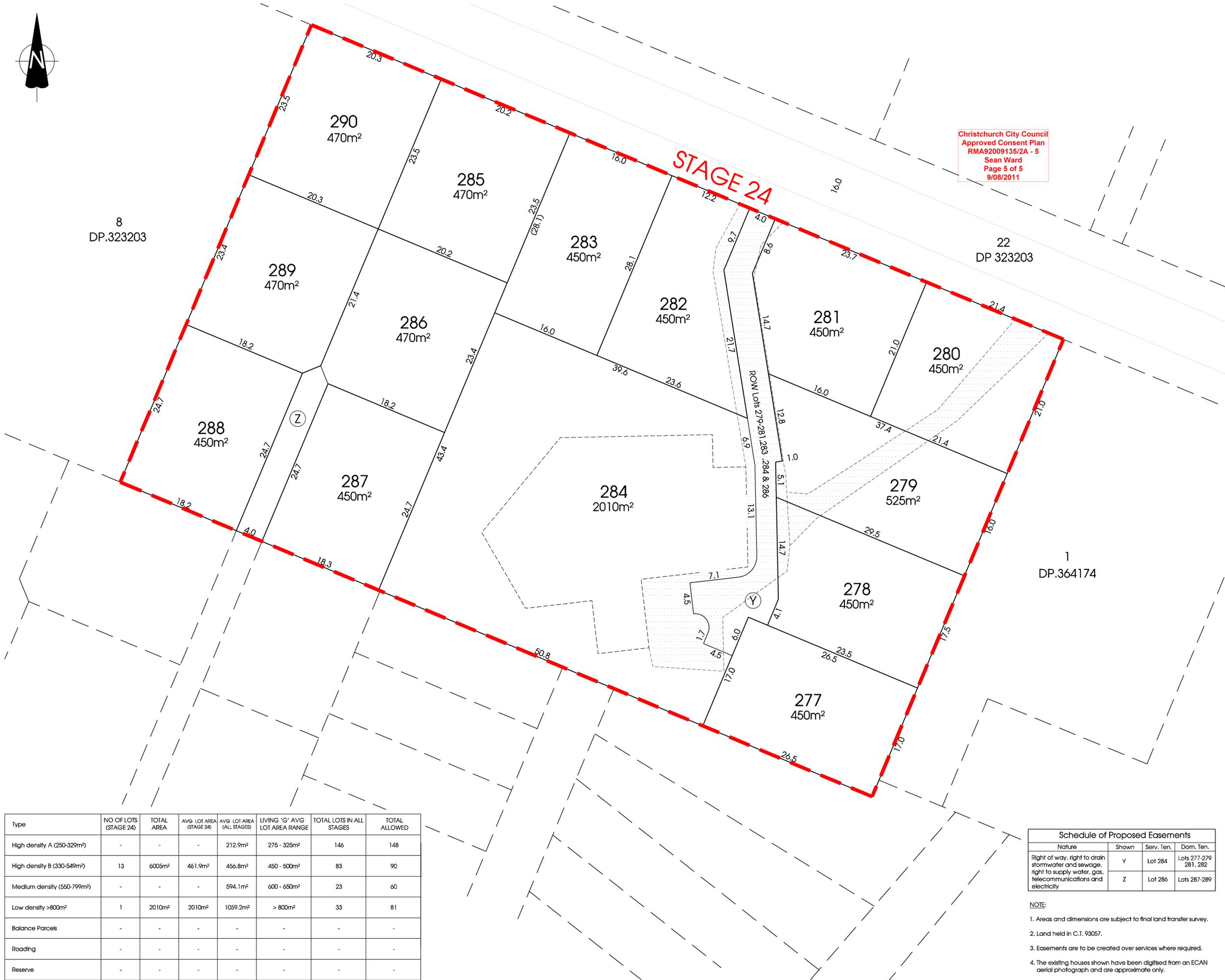
PROJECT (A1 original)	DRAWING No.	REVISION
C07001	PS-04	G



8  
DP.323203

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9/08/2011

**STAGE 24**



1  
DP.364174

ISSUE	DATE	REVISION
A	24.07.08	Lots 285-291 revised
B	4.05.09	Easement Schedule Added
C	18.02.11	Road width changed and scale settings. Re-number lots.
D	12.05.11	Density table updated.
E	27.05.11	Density table updated.

**NOBLE INVESTMENTS LTD**  
YALDHURST ROAD  
CHRISTCHURCH

PREPARED FOR  
NOBLE INVESTMENTS LTD.

**LOTS 277 - 290 BEING  
PROPOSED SUBDIVISION  
OF LOT 9 DP 323203**



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FAX (06) 876 4000

FIELDWORK		
DESIGNED	URBANISM+	JUNE 2007
DRAWN	GWM	JUNE 2007
APPROVED	RJG	JUNE 2007

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SCALE 1:250 @A1 1:500 @A3

PROJECT (A1 original)	DRAWING No.	REVISION
CO7001	PS-05	E

Type	NO OF LOTS (STAGE 24)	TOTAL AREA	AVG LOT AREA (STAGE 24)	AVG LOT AREA (ALL STAGES)	LIVING 'G' AVG LOT AREA RANGE	TOTAL LOTS IN ALL STAGES	TOTAL ALLOWED
High density A (250-329m <sup>2</sup> )	-	-	-	212.9m <sup>2</sup>	275 - 325m <sup>2</sup>	146	148
High density B (330-549m <sup>2</sup> )	13	6005m <sup>2</sup>	461.9m <sup>2</sup>	456.8m <sup>2</sup>	450 - 500m <sup>2</sup>	83	90
Medium density (550-799m <sup>2</sup> )	-	-	-	594.1m <sup>2</sup>	600 - 650m <sup>2</sup>	23	60
Low density >800m <sup>2</sup>	1	2010m <sup>2</sup>	2010m <sup>2</sup>	1059.2m <sup>2</sup>	> 800m <sup>2</sup>	33	81
Balance Parcels	-	-	-	-	-	-	-
Roading	-	-	-	-	-	-	-
Reserve	-	-	-	-	-	-	-

Schedule of Proposed Easements			
Nature	Shown	Serv. Ten.	Dom. Ten.
Right of way, right to drain stormwater and sewage, right to supply water, gas, telecommunications and electricity	Y	Lot 284	Lots 277-279, 281, 282
	Z	Lot 286	Lots 287-289

- NOTE:**
- Areas and dimensions are subject to final land transfer survey.
  - Land held in C.T. 93057.
  - Easements are to be created over services where required.
  - The existing houses shown have been digitised from an ECAN aerial photograph and are approximate only.

**Action items identified at facilitated meeting****1. The road could be widened – hooking up the cycle lane.**

NIL are not prepared to do this voluntarily

**2. (\*) Focus on the transition/integration of the zones between wider and narrower roads – eg. ‘gateway’, slow traffic down.**

A gateway has been designed (see attached plan at **Appendix 4**)

**3. Clarify the traffic volume and the integration with the wider area given future activity in the area.**

Still in progress. We are engaging a peer review of the applicant’s traffic assessment for the commercial village. The intention was to review the traffic volumes as part of that work.

**4. Consult with the neighbouring subdivisions over road design, routes, traffic volume effects and density. Check the Transit approval/decision.**

With respect to the resource consent process, Council are required to apply the statutory tests set out in the Resource Management Act (Section 95). In the case of NIL, the commissioner applied those tests and did not consider the local residents or cyclist community affected by the variation. The NZTA approval was for the intersection design at Yaldhurst Road that would ultimately be vested in NZTA as state highway.

**5. Keep private lane (Lot 22) open with the objective of avoiding queuing to get onto Yaldhurst Road.**

NZTA require the private lane closed once the spine road is operational.

**6. (\*) Creation of a joint walkway/cycle lane that is separated in some way so as to increase safety for cyclists being squeezed off the road. Connect to existing cycle paths.**

This is physically feasible and NIL have tentatively indicated that they will support it. The Council standard is 2.5-3.0 where the width would be constrained in parts to a minimum width of 2.4m. City Environment traffic engineers are of the view that 2.4m is adequate in this case and point to other examples at Wigram Skies and Prestons Road (Alpine View) where the width of a shared walkway/cycle path is 2.2m.

**7. Look at solutions for traffic backing from properties and having good sight.**

This has been raised this with NIL but they do not see this as an issue.

**8. Option for CCC to get a judicial review to re-examine the variation order.**

To be decided by Council.

**9. (\*) Reduce the speed to 30km/h within the village and enforce it.**

The spine road does not meet the criteria for a reduced speed limit. City Environment traffic engineers advise that there would need to be vertical elements installed in the road which would not be appropriate for a collector road.

**10. The Council to commit to consultation with cyclists/community before decision making. Recognise locals are affected by the variation.**

Council are required to apply the statutory tests in the Resource Management Act. In the case of Noble, the commissioner applied those tests and did not consider the local residents or cyclist community affected by the variation.

**11. Internal CCC review of its processes.**

No decision on this as of yet.

**12. The process could be reviewed by an independent QC (by agreement).**

No decision on this yet.