

Report / Decision on a Resource Consent Application

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

Application number:	RMA/2023/629
Applicant:	Duncans Lane Limited
Site address:	228 Tuam Street, 230-232 Tuam Street, 255 St Asaph Street, 144-155, 177 and 181 High Street
Legal description:	Lot 1 DP 527970 (228 Tuam Street) and others.
Zone:	
District Plan:	Commercial Central City (South Frame) Mixed Use; Designation V5 The Frame - South
Proposed Plan Change 14:	Central City Mixed Use (South Frame)
Overlays and map notations:	
District Plan:	Central City Building Height 17m; Central City Frame; Central City Innovation Precinct; Central City Inner Zone; Category 2 – Lower Noise Level Entertainment and Hospitality Precinct; and CMUA – Outer Noise Insulation Area; Flood Management Area (FMA); Liquefaction Management Area (LMA)
Proposed Plan Change 14:	Central City Building Height 21m
Road classification:	Main Distributor (Tuam Street)
Activity status:	Restricted Discretionary
Description of application:	At grade carparking to service commercial activity on site

Proposed activity

The application is for consent to establish and operate an at grade car parking area in association with other activity on the site (being the “Little High” and “Duncans Buildings” developments). The nominated site includes more land than just the land parcel at 228 Tuam Street. The Tuam Street land parcel has an area of 405m², the wider site some 9300m². The addresses and legal descriptions are set out above.

The nominated site includes extensive hospitality provision with a relatively short stay, retail, and office activity.

The site is subject to a designation, V5 The Frame -South, in the Plan. The requiring authority was Ōtākaro limited, this organisation is now known as Rau Paenga Limited. The designation remains in force. The applicant obtained an approval from the requiring authority for the proposed use of the land in early-mid June 2023.

The proposal is described in detail in paragraphs 11-14 of the application report and the plans attached to that report as Appendix 2 of the application. The key aspects are:

- Access one directional from west to east from and to Tuam Street
- Sixteen parking spaces
- A 2.0 metre wide landscape strip at the road frontage (planted with three specimen trees and underplanting) and a 1.72 metre wide strip at the rear of the site (planted with 4 trees and underplanting)
- Pontoon lighting is proposed along the eastern and western boundaries of the site (228 Tuam in this context)
- The applicant has volunteered several conditions.

Description of site and existing environment

The application site and surrounding environment are described in paragraphs 4 - 8 of the application. I adopt the applicant’s description and note the following additional points:

Immediately west bordering Memory Lane is a link strip (a 0.1m wide land parcel) that prevents legal access to 228 Tuam street from Memory Lane. The applicant has been advised of this situation and that an easement from the land owner (Christchurch City Council) will be required before access can be taken over this parcel of land. This situation is not a consideration here as it is not a District Plan matter but a property law one. I have sought and received confirmation from Council's Property Unit staff that an easement is required.

The applicant has chosen not to begin consultation or to request an easement prior to the issue of the consent. Access to the car park as proposed will however rely on that easement.

I note also that the land either side of the application site proper at 228 Tuam Street is owned by the Christchurch City Council. It is not legal road although it serves an access function for vehicular and pedestrian traffic. In October of 2021 Council resolved to implement no stopping requirements on the land either side of 228 Tuam Street (as it forms part of the South Frame laneway network).

I have included an advice note regarding access and easements below.

I include below an image from the application report indicating the wider site and showing 228 Tuam Street – the grassed area at the top left of the outlined red site. Access is proposed at the left of the site from Memory Lane and out to Tuam Street over the land at about the location of the numbers 232 and 230 on the image.



Figure 1: Application site (Source: Canterbury Maps)

Activity status

Christchurch District Plan

The site is zoned Commercial Central City (South Frame) Mixed Use in the Christchurch District Plan. This zone has the following purpose:

The Commercial Central City (South Frame) Mixed Use Zone's development should provide a clear delineation between the Commercial Central City Business Zone and the Commercial Central City Mixed Use Zone and also enable a compatible mix of activities within a connected, safe and attractive open space landscape; enable a range of activities that do not compromise consolidation of the Commercial Central City Business Zone; and provide for precincts that will accommodate technology based businesses and research and health related activities.

The proposal requires resource consent for a restricted activity under the following rules:

Activity status rule	Standard not met	Reason	Matters of control or discretion	Notification clause
7.4.3.1 RD1	7.4.3.1 b. Minimum and maximum number and dimensions of car parking spaces required (within the Central City) b. ii.	Four car parking spaces (end spaces) for non-residential activities do not meet the minimum dimension in Table 7.5.1.3 in Appendix 7.5.1. Width of these spaces is impacted by proposed pontoon lighting supports, a 300mm clearance is not provided to these structures.	7.4.4.1 – Parking space dimensions	No clause
7.4.2.3 RD1	7.4.3.4 Manoeuvring for parking areas and loading areas a.	On-site manoeuvring does not meet the requirements of Appendix 7.5.6 as additional movements may be required to enter some spaces (end spaces as above). Vehicles will still be able to leave the site and enter the road in a forward gear.	7.4.4.5 - Manoeuvring for parking areas and loading areas	Must not be limited or publicly notified
7.4.2.3 RD1	7.4.3.7 Access design a. b. and e.	Appendix 7.5.7 requires a maximum access width of 4.5m at the road boundary, and clear visibility above 1m within a triangle measured for a width of at least 1.5m either side of the entrance, and for a length of at least 2m measured from the road boundary. The proposed vehicle access does not comply as queuing space is indicated as 7 rather than the 12 metres required; there are some features in the visibility splay areas.	7.4.4.9 - Vehicle access design 7.4.4.10 – Queuing spaces (if 4+ spaces or units) 7.4.4.11 – Visibility splay	Must not be limited or publicly notified
8.9.2.3 RD1	8.9.2.1 P1 a. Volume of earthworks b. Depth of earthworks	The proposed earthworks are likely to exceed the 40.5m ³ maximum volume in Table 9 The proposed excavations required may exceed the 0.6m maximum depth for installation of services	Relevant matters of discretion: 8.9.4.1 - Nuisance 8.9.4.3 - Land stability 8.9.4.6 – Amenity A.	8.9.1 a. - Must not be publicly notified

Activity status rule	Standard not met	Reason	Matters of control or discretion	Notification clause
		relating to stormwater treatment.		

Proposed Plan Change 14 Housing and Business Choice

Proposed Plan Change 14 (PC14) was notified on 17 March 2023 and submissions closed on 3 May 2023. It proposes amendments to the objectives, policies and rules associated with residential development across 'relevant residential zones' in accordance with the Medium Density Residential Standards (MDRS) in [Schedule 3A](#) of the RMA (as modified by the sunlight access qualifying matter).

PC14 also includes other residential intensification provisions directed by the National Policy Statement on Urban Development 2020 and seeks to amend the objectives, policies and rules associated with commercial development within and around the central city, suburban commercial centres and planned high frequency and capacity public transport. Additionally, it contains a number of new heritage protection provisions with immediate legal effect.

The MDRS (including objectives and policies) does not apply to this proposal as the zoning of the site is not a 'relevant residential zone' (Policy 2, Schedule 3A). There are other provisions in PC14 that might be relevant to this application including policies in relation to location of car parking and placement of buildings along street edges. At this point in the cycle I cannot however give a significant weight to those PC14 provisions. I note that similar matters are canvassed in my assessment below in any event as they exist presently in the Plan's objectives and policies.

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

The [NES](#) controls soil disturbance on land where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or is more likely than not to have been carried out.

The application references a previous NES consent that does not in fact apply to this land. The land is likely covered by a previous consent issued to others but is noted there as not having been tested. No records of testing or a DSI exist in Council's database. None have been provided with the application.

The application site has been identified as HAIL land therefore the NES applies. The proposal requires consent as a discretionary activity under the following regulations:

Activity status regulation	Regulation not met	Reason	Matters of control or discretion	Notification clause
	Regulation 8(3) Disturbing soil	Likely more than 25m ³ will be disturbed		
Regulation 11 Discretionary activities		A Detailed Site Investigation has not been carried out / has not been provided to the Council.	N/A	No clause

Overall activity status

Overall, the application must be assessed as a Discretionary activity, being the most restrictive activity status.

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

No written approvals have been provided with the application.

NOTIFICATION ASSESSMENT

Adverse effects on the environment and affected persons [Sections 95A, 95B, 95E(3) and 95D]

When assessing whether adverse effects on the environment will be, or are likely to be, more than minor, any effects on the owners and occupiers of the application site and adjacent properties must be disregarded (section 95D(a)). The assessment of affected persons under section 95E includes persons on adjacent properties as well as those within the wider environment.

The applicant has volunteered / agreed to a number of conditions relating to landscaping, stormwater treatment, signage, and contaminated land. These form / are deemed to form part of the application and can be taken into account in assessing the effects of the proposed activity.

As a discretionary activity, assessment of this proposal is unrestricted and all actual and potential effects must be considered. Guidance as to the effects that require consideration is contained in the relevant objectives and policies, and any associated matters of discretion or control.

Notwithstanding the above statement I note that it matters of soil contamination that result in the discretionary status. The other matters requiring consent are of a lesser activity status. As some of the breaches are not covered by non-notification clauses there remains a requirement for a section 95 decision in respect of the whole activity.

There is no relevant permitted baseline for the car parking activity. As a consequence of this discussing the permitted baseline in relation to other aspects of the application is not warranted.

In the context of this planning framework, I consider that the potential effects of the activity relate to street scene/visual amenity/urban design, transport, and earthworks/land contamination. The applicant's assessment is in line with my position.

Visual amenity

Visual amenity/streetscape/urban design effects are assessed in paragraphs 24-32 of the application under the relevant headings of 15.13.2.11. I generally agree with and adopt the applicant's assessment and note the following points:

- I specifically agree that while the proposal does not result in the use of the site in buildings, the general treatment proposed here is not at odds with the immediate surrounding context
- I specifically agree also that in terms of a longer term use of the land (i.e. a use in buildings as generally envisaged by the Plan) the proposal will not ultimately prevent such a use occurring when economic conditions are in favour of a building being erected on the land parcel
- I note that despite including reference to matter e. under the urban design assessment rule the matter is not particularly addressed.

At present Council do not have an ability to seek cultural advice regarding design in the central city.

I note that in terms of the matters listed under e. it is realistically only at this time the use of the first and last points (landscaping and low impact design principles) that are directly relevant to the creation of a car park. Stormwater treatment (most likely though the use of proprietary devices) will be required in order for the applicant to gain a stormwater approval to discharge to Council's stormwater network. This will result in an improved outcome in terms of water ultimately entering waterways. This provides some reduction in impact of additional hard surfacing and associated runoff.

It is indicated in the landscape plan (an indicative plan) that native species (but not necessarily locally sourced) may be used in the planting (that is apparent from the species list for the underplanting) however the principal trees in the landscape strips are not specifically identified as native and only one of the four species is not an introduced one. Having said that it may be that another tree type is preferable for reasons of form or growth rate than a native species. I would consider the use solely of native species in the underplanting was a positive response.

Overall I consider that the visual amenity/urban design assessment matters are suitably addressed. In its context the car park will not appear as an anomaly and will generally fit with the design theme of the wider site.

I have also circulated the application to Council's Transport Network Planner Mr Liqi Chen, as well as Council's Senior Environmental Health Officer Ms Agnes van der Erf. Both have commented on the application and its generation of effects.

Transport

The application includes an assessment of transport matters by Mr Wayne Gallot at Novo Group. This assessment is contained in paragraphs 34 – 45. The conclusion reached is that transport effects arising from the non-compliances are less than minor and acceptable.

Mr Chen comments that the non-compliances with parking space size and, manoeuvring and queuing will not – owing to the specifics of the site situation and access arrangements from Tuam Street – cause any issues in terms of the transport network, or in terms of the use of the parking spaces. Mr Chen queried whether access and egress was directional (one way) – this has been confirmed by the applicant and a signage option to deal with directing users has been offered as a condition.

On the basis of both Mr Gallot's and Mr Chen's comments I consider any transport effects to be less than minor in nature and acceptable.

Land contamination

Ms van der Erf has indicated that as the land is potentially contaminated and no DSI has been provided that the application is a fully discretionary activity, however we can proceed with conditions in place to require soil testing and to limit disposal to authorised sites without confirmation by testing of a clean status for soils to be removed from the site. Ms van der Erf also notes that the final state (a sealed car park) will provide a good long term barrier to any contaminated soil and remove the need for ongoing management of the surface.

I raised this issue with the applicant's agent who accepted this situation and agreed to conditions regarding testing of soils and restrictions on disposal locations.

On that basis and with conditions to require testing and controlled disposal of soils I consider any effects of the works on human health to be less than minor and acceptable.

In terms of general earthworks matters I consider that the proposal despite being likely to breach earthworks volume and depth standards in some measure will general less than minor effects with appropriate conditions in place. Again the matter of earthworks breaches was raised with the agent who accepted this point and control of those effects by conditions. Standard earthworking conditions to control nuisance effects are included below.

Conclusion

Overall, I consider that any adverse effects on the wider environment will be less than minor and that there will be no affected persons.

Notification tests [Sections 95A and 95B]

Sections 95A and 95B set out the steps that must be followed to determine whether public notification or limited notification of an application is required.

PUBLIC NOTIFICATION TESTS – Section 95A	
<i>Step 1: Mandatory notification – section 95A(3)</i>	
➤ Has the applicant requested that the application be publicly notified?	No
➤ Is public notification required under s95C (following a request for further information or commissioning of report)?	No
➤ Is the application made jointly with an application to exchange reserve land?	No
<i>Step 2: If not required by Step 1, notification is precluded if any of these apply – section 95A(5)</i>	
➤ Does a rule or NES preclude public notification for all aspects of the application?	No
➤ Is the application a controlled activity?	No

➤ Is the application a boundary activity?	No
<i>Step 3: Notification required in certain circumstances if not precluded by Step 2 – section 95A(8)</i>	
➤ Does a rule or NES require public notification?	No
➤ Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor (discussed above)?	No
<i>Step 4: Relevant to all applications that don't already require notification – section 95A(9)</i>	
➤ Do special circumstances exist that warrant the application being publicly notified?	No

In accordance with the provisions of section 95A, the application must not be publicly notified.

LIMITED NOTIFICATION TESTS – Section 95B	
<i>Step 1: Certain affected groups/persons must be notified – sections 95B(2) and (3)</i>	
➤ Are there any affected protected customary rights groups or customary marine title groups?	No
➤ If the activity will be on, adjacent to, or might affect land subject to a statutory acknowledgement - is Te Rūnanga o Ngāi Tahu an affected person in this regard?	No
<i>Step 2: If not required by Step 1, notification is precluded if any of the following apply – section 95B(6)</i>	
➤ Does a rule or NES preclude limited notification for all aspects of the application?	No
➤ Is this a land use consent application for a controlled activity?	No
<i>Step 3: Notification of other persons if not precluded by Step 2 – sections 95B(7) and (8)</i>	
➤ Are there any affected persons under s95E, i.e. persons on whom the effects are minor or more than minor, and who have not given written approval (discussed above)?	No
<i>Step 4: Relevant to all applications – section 95B(10)</i>	
➤ Do special circumstances exist that warrant notification to any other persons not identified above?	No

In accordance with the provisions of section 95B, the application must not be limited notified.

Notification recommendation

That, for the reasons outlined above, the application be processed on a non-notified basis pursuant to sections 95A and 95B of the Resource Management Act 1991.

Reported and recommended by: Sean Ward, Team Leader Planning

Date: 15 August 2023

Notification decision

That the above recommendation be accepted for the reasons outlined in the report.

Delegated officer:

Paul Lowe
 Manager Resource Consents
 18/08/2023 01:07 pm

SECTION 104 ASSESSMENT

Actual and potential effects on the environment [Section 104(1)(a)]

The adverse effects on the environment are assessed in the preceding section 95 discussion, and that assessment is equally applicable here.

In addition, I note that the proposal will have the following positive effects:

- *The additional small volume of car parking will assist businesses in the wider site to provide for customer parking*

Overall, I consider that the effects on the environment are able to be mitigated through compliance with recommended conditions such that they will be less than minor and acceptable.

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

Regard must be had to the relevant objectives and policies in the District Plan.

The application contains an assessment against the objectives and policies of the District Plan in paragraphs 48 and 49 and the associated table 2. This assessment is adequate as far as it goes but, in my view, does not encompass the objectives or policies that are most directly relevant to the proposal and the site. Rather than the more general objectives and policies of 15.2.1 / 15.2.2.1 and 15.2.4 / 15.2.4.2 I consider that the relevant objectives and policies from the commercial chapter of the Plan are 15.2.9 (role of the Commercial Central City (South Frame) Mixed Use Zone and its supporting policy 15.2.9.1, and 15.2.10 Built Form and Amenity in the South Frame and supporting policies 15.2.10.1 – Amenity and 15.2.10.4 – Innovation Precinct.

Also relevant are the objectives and policies in the transport chapter specifically 7.2.1 – Integrate Transport System for the Christchurch District and supporting policies 7.2.1.3 – vehicle access and manoeuvring and 7.2.1.5 Design of car parking areas and loading areas.

Adverse effects arising from the proposed use of the land are covered above. The assessment addresses many matters in the relevant objectives and policies.

The proposal will not threaten intended outcomes for the South Frame Mixed Use zone, will not compromise the use of public space adjoining the site, and provides a minimum amount of landscaping as required on sites where no building is built at site boundaries. The provision of car parking also supports other activity on the site that more fully delivers the intent of the zone.

The proposed parking arrangements do not compromise the safety and function of the transport network or the site.

I consider that the proposal is consistent with the thrust of the objectives and policies for the zone.

As noted above the MDRS objectives and policies in PC14 do not apply outside 'relevant residential zones', and other proposed objectives and policies that may be relevant to the proposal are at an early stage in the process. In any event I consider that the relevant objectives and policies are not materially different to those already in place in respect of this application.

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

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

The District Plan gives effect to the higher order documents referred to in s104(1)(b) for all matters except the National Policy Statement on Urban Development (NPS-UD) which came into effect on 20 August 2020. The Council has commenced the Plan change process to give effect to the NPS-UD, with Plan Change 14 including provisions enabling urban intensification around centres and other amenities, services, and transport corridors, however its provisions do not yet have legal effect.

Overall I consider this proposal is not inconsistent with the NPS-UD as proposed to be given effect to by PC14.

Part 2 of the Resource Management Act [Section 104(1)]

Taking guidance from the most recent case law¹, the District Plan is considered to be the mechanism by which the purpose and principles of the Act are given effect to in the Christchurch District. It was competently prepared through an independent hearing and decision-making process in a manner that appropriately reflects the provisions of sections 5-8 of the Act.

Accordingly no further assessment against Part 2 is considered necessary.

Section 104(3)(d) notification consideration

Section 104(3)(d) states that consent must not be granted if an application should have been notified and was not. No matters have arisen in the assessment of this application which would indicate that the application ought to have been notified.

Section 104 Recommendation

That, for the above reasons, the application be granted pursuant to Sections 104, 104B, 108 and 108AA of the Resource Management Act 1991, subject to the following conditions:

1. The development shall proceed in accordance with the information submitted with the application, including the stamped approved plans entered into Council records as RMA/2023/629 pages 1-4 and the conditions below.

Land contamination

2. The consent holder shall prior to the commencement of any earthworking on site have a Detailed Site Investigation (DSI) prepared by a Suitably Qualified and Experienced Practitioner (SQUEP). The results of the DSI shall inform site works and soil disposal notwithstanding conditions 3 and 13 below. The DSI report shall be supplied to the Team Leader Environmental Health by way of rcmon@ccc.govt.nz no later than 10 working days prior to the proposed start of any onsite works.
3. Any soils removed from the site during the course of the activity must be disposed of to a facility authorised to accept the material. The consent holder shall submit evidence (i.e. weighbridge receipts or waste manifest) of the disposal of surplus soils from the site to an authorised facility to the Council, Attention: Team Leader Environmental Health by way of email to rcmon@ccc.govt.nz, no later than 20 working days following this disposal.

Transport

4. Signage shall be installed on the west boundary of the car park area facing inward to the car park indicating to users that there is no exit to Memory Lane, and on the east side of Duncan's Lane facing toward Tuam Street and oncoming traffic indicating no entry to the site from this point. A single east pointing arrow shall also be installed in the carparking aisle.

Landscaping

5. The proposed landscaping shall be established in general accordance with the plan labelled RMA/2023/629 Page 1 of the Approved Consent Plans. Trees shall be a minimum of 1.8m tall at planting.
6. Tree species may be from the four tree species shown on the indicative tree/plant species plan contained in the application documents. Trees may also be selected from those listed in the tree planting guide at the following address [Tree planting guide : Christchurch City Council \(ccc.govt.nz\)](#).

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

Note: In tree selection consideration should be given to ultimate form, and to protection of visibility for drivers leaving and entering the site.

7. The species mix of underplanting shall be locally sourced native plants in its entirety.
8. The landscaping shall be established on site within the first planting season (1 April - 30 September) following the commissioning of the car park.
9. All landscaping required for this consent shall be maintained. Any dead, diseased, or damaged landscaping shall be replaced by the consent holder within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species to the original landscaping and capable of achieving the same or similar scale, growth form and amenity outcome.

Stormwater

10. Prior to the construction of the car park the consent holder shall submit for acceptance engineering plans demonstrating how the first flush of stormwater will be treated prior to discharge into the Council stormwater network. The plans shall be submitted to stormwater.approvals@ccc.govt.nz

The acceptable options for first flush treatment are:

- A rain garden or tree pit designed to CCC's Rain Garden Design Criteria and/or CCC's Tree Pit Design Criteria
- A soil adsorption or sedimentation basin designed to capture the runoff from the first 25mm of rainfall
- A vegetated swale designed in general accordance with Auckland Council's TP10 to treat the runoff from a 5mm/hr intensity storm
- One of the following proprietary devices designed to treat the runoff from a 5mm/hr intensity storm:
 - a) Stormwater360 Stormfilter
 - b) Stormwater360 Filterra
 - c) Hynds Up-Flo Filter
 - d) SPEL Bayfilter
 - e) SPEL Hydrosystem

11. The consent holder shall install and commission stormwater first flush treatment system in accordance with the accepted plans. The system shall be commissioned prior to sealing and operation of the car park.
12. The consent holder shall demonstrate that authorisation for the discharge of construction phase and operational phase stormwater has been obtained from Christchurch City Council, otherwise separate authorisation from Environment Canterbury shall be obtained. Contact stormwater.approvals@ccc.govt.nz for further detail.

Earthworks

13. All earthworks shall be carried out in accordance with a site specific Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified and experienced professional, which follows the best practice principles, techniques, inspections and monitoring for erosion and sediment control contained in Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury <http://escscanterbury.co.nz/>. The ESCP must be held on site at all times and made available to the Council on request.
14. The consent holder must notify Christchurch City Council no less than three working days prior to works commencing, (via email to rcmon@ccc.govt.nz) of the earthworks start date and the name and contact details of the site supervisor. The consent holder shall at this time also provide confirmation of the installation of ESCP measures as per the plan referred to in Condition 13 above.
15. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road (including kerb and channel), or into a river, stream, drain or wetland. Sediment, earth or debris must not fall or collect on land beyond the site or enter the Council's stormwater system. All muddy water must be treated, using at a minimum the erosion and sediment control measures detailed in the site specific Erosion and Sediment Control Plan, prior to discharge to the Council's stormwater system.

Note: For the purpose of this condition muddy water is defined as water with a total suspended solid (TSS) content greater than 50mg/L.

16. No earthworks shall commence until the ESCP has been implemented on site. The ESCP measures shall be maintained over the period of the construction phase, until the site is stabilised (i.e. no longer producing dust or water-borne sediment). The ESCP shall be improved if initial and/or standard measures are found to be inadequate. All disturbed surfaces shall be adequately topsoiled and vegetated or otherwise stabilised as soon as possible to limit sediment mobilisation.
17. Dust emissions shall be appropriately managed within the boundary of the property in compliance with the *Regional Air Plan*. Dust mitigation measures such as water carts, sprinklers or polymers shall be used on any exposed areas. The roads to and from the site, and the site entrance and exit, must remain tidy and free of dust and dirt at all times.
18. All loading and unloading of trucks with excavation or fill material shall be carried out within the subject site.
19. Any surplus or unsuitable material from the project works shall be removed from site and disposed at a facility authorised to receive such material.
20. Any public road, shared access, footpath, landscaped area or service structure that has been damaged, by the persons involved with the development or vehicles and machinery used in relation to the works under this consent, shall be reinstated as specified in the [Construction Standard Specifications](#) (CSS) at the expense of the consent holder and to the satisfaction of the Council.

Advice Notes:

- The Council will require payment of its administrative charges in relation to monitoring of conditions, as authorised by the provisions of section 36 of the Resource Management Act 1991. The current monitoring charges are:
 - (i) An administration fee of \$107 to cover the cost of setting up the monitoring programme; and
 - (ii) A monitoring inspection fee of \$185 for the first inspection to ensure compliance with the conditions of this consent; and
 - (iii) Time charged at an hourly rate if more than one inspection, or additional monitoring activities (including those relating to non-compliance with conditions), are required.

The monitoring programme administration fee and initial inspection fee will be charged to the applicant with the consent processing costs. Any additional monitoring time will be invoiced to the consent holder when the monitoring is carried out, at the hourly rate specified in the applicable Annual Plan Schedule of Fees and Charges.

- Easements are required for access over land in other ownership (the link strip separating the site from Memory Lane). Obtaining the relevant easement is the responsibility of the consent holder. This resource consent does not constitute landowner approval or an easement right to cross the link strip.
- This resource consent has been processed under the Resource Management Act 1991 and relates to District planning matters only. You will also need to comply with the requirements of the Building Act 2004 and any other legislative requirements (including but not limited to Environment Canterbury Regional Plans, health licence, liquor licence, archaeological authority, certificate of title restrictions such as covenants, consent notices, encumbrances, right of way or easement restrictions, landowner approval where required).
- This site may be an archaeological site as defined and protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. Archaeological sites are defined in the HNZPTA as any place in New Zealand where there is physical evidence of pre-1900 occupation, regardless whether the site is known or not, recorded in the

NZAA Site Recording Scheme or not, or listed with Heritage New Zealand or the local council. Authority from Heritage New Zealand is required for any work that affects or may affect an archaeological site. Please contact the Heritage New Zealand regional archaeologist on 03 363 1880 or archaeologistcw@heritage.org.nz before commencing work on the land.

Reported and recommended by: Sean Ward, Planning Team Leader

Date: 15 August 2023

Section 104 Decision

That the above recommendation be accepted for the reasons outlined in the report.

- I have viewed the application and plans.
- I have read the report and accept the conclusions and recommendation.

Delegated officer:



Paul Lowe
Manager Resource Consents
18/08/2023