



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

**Consent Number:** RC220154 & RC220155  
**Applicant:** Franco Farms Property Limited  
**Site Address:** 88 Argelins Road, Hanmer Springs  
**Legal Description:** Section 1 Survey Office Plan 18574 (RT: CB35A/20)  
**Description of Application:** RC220154: 93 lot subdivision  
 RC220155: To construct road reserves in breach of minimum legal width  
**Activity status:** Discretionary activity  
**Zoning:** Morford Estate Outline Development Zone

## Introduction

### Background

The application site was rezoned from rural to residential via a privately initiated plan change, Plan Change 3 (PC3) to the Hurunui District Plan, with PC3 becoming operative on 3 September 2020. PC3 included an Outline Development Plan (ODP), shown as Figure 1 below, to guide development which incorporates a retirement village and preschool, three residential sub-areas with two different densities, open space zoning, a stormwater management area, local roads, and off-street pedestrian and/or cycle routes. PC3 also added Policy 4.25 and site specific subdivision and land use rules into the District Plan.

A certificate of compliance, RC220128, was granted on 23 August 2022 to reclad the existing red barn on the site and establish it as a community amenity facility. The existing barn is located in the northern area of the site, within the area identified as Open Space Zone in the ODP.



Figure 1: Outline Development Plan for the application site

### ***Proposal***

Consent is sought to subdivide 88 Argelins Road in Hanmer Springs. The application proposes subdividing the 12.97 hectare site into 91 residential lots and two allotments for future preschool and retirement developments. The preschool and retirement developments do not form part of the current application. Separate applications will be made for these developments in the future.

The proposal is for a mixed density subdivision which would create residential lots ranging in size from 503 m<sup>2</sup> to 1220 m<sup>2</sup>. Proposed Lots 92 and 93 are for the proposed future retirement and preschool developments and are 11,319 m<sup>2</sup> and 3,040 m<sup>2</sup> in size respectively. Proposed Lots 203 and 205 are to be vested in Council as local purpose reserves (access), proposed Lots 200, 201 and 202 as a local purpose reserve (utility), and proposed Lot 204 as a local purpose reserve (amenity). Lots 206 to 210 are to be vested in Council as roads.

The subdivision is proposed to be staged to cater for logical milestones for earthworks, the provision of services, and seasonal constraints. The staging is outlined in Figure 2 below.

### ***Existing environment***

The site is located on the eastern side of Argelins Road, to the south of the historic former Queen Mary Hospital site which is zoned Business 1H, west of Residential 1H zoned properties and to the north of St James Estate. St James Estate was rezoned from rural to residential in 2010, also through a private plan change process. St James Estate has an Outline Development Plan in the District Plan. A Council owned car park which is zoned Business 1H and is currently used for the Hanmer Springs Thermal Pools and Spa parking as well as general parking, adjoins the application sites most north-eastern corner. The Crawford Walkway extends along the northern boundary of the application site and links the carpark to Argelins Road.

Hanmer Pitch N Putt utilised the western side of the site fronting Argelins Road from 2004 and ceased operation as of August 2022. The balance of the site has been used exclusively for pastoral activities.

Two Hanmer Fault lines and associated 20 metre buffers are located in the northern part of the site. The fault lines are distinguished by terraces that are visible along much of the boundary with the historic former Queen Mary Hospital site. The land slopes gently from the toe of the terraces to the south-west. The fault lines and buffer areas are identified in the Hurunui District Plan as a Fault Avoidance Zone.

Flax Stream runs along the north-west boundary of the historic former Queen Mary Hospital site, flowing generally south-west and passing through the Argelins Road upper culvert just north of the former Hanmer Pitch N Putt location. Flax Stream then continues south through the Argelins Road lower culvert and south-east through St James Estate, eventually joining Percival River approximately halfway between the Dog Stream and Chatterton River junctions. The site has various drainage ditches. The Flax Stream flood channel through the former Hanmer Pitch N Putt area was previously modified to create a water feature and is known to carry overflow when the Argelins Road upper culvert exceeds capacity.

There are several shallow ditches across the site generally draining along a north-south alignment. These are to be filled, and new stormwater management detention basins established. A redundant field tile drain from the former Queen Mary Hospital site also runs north-to-south through the property, with several manholes visible.



Figure 2: Subdivision scheme plan (including staging)

## Planning framework

### Hurunui District Plan

The site is zoned Morford Estate Outline Development Zone in the Hanmer Springs Settlement and in the Hurunui District Plan. The planning maps indicate that the site is traversed by the Hanmer Fault and associated Fault Awareness Zones. The following rules are relevant to determining the status of the proposal:

### Subdivision consent

#### Chapter 5 – Subdivision

##### 5.5.11 Restricted discretionary activities

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

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

##### Standards and terms

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

The Council will restrict its discretion to the following matters:

- (i) *Those matters of control under Rule 5.5.10;*
- (ii) *Effect on topography and natural landforms;*
- (iii) *Effect on outstanding natural features or heritage resources;*
- (iv) *The number, size, design and layout of the lots;*
- (v) *The design and appearance of future buildings, including height, bulk and location;*
- (vi) *Vehicle and pedestrian access and linkages;*
- (vii) *Community amenities and facilities;*
- (viii) *Open spaces and natural values;*
- (ix) *Landscape treatment or screening;*
- (x) *The adequacy, suitability and effects arising from any outline development plan; and*

## **5.6 Outline Development Plans**

1. *The most restrictive activity status of all sections of this District Plan determines the overall activity status of the proposal.*

### **5.6.9 Outline Development Plan 8 – Morford Estate**

#### **5.6.9.1 Controlled activities**

1. *In addition to the standards for controlled activities in Rule 5.5.9 above, any subdivision within Morford Estate in Hanmer Springs shall comply with the following standards:*
  - (a) *Any subdivision shall be in general accordance with the Outline Development Plan in Appendix 5.1.17.*
  - (b) *A landscaping plan, which includes the landscaping of the stormwater treatment area and street planting, shall be submitted to the Council for approval as part of any subdivision application. The planting shall demonstrate the use of enhanced indigenous planting.*

As the proposed subdivision complies with Rule 5.6.9.1(a) and (b) and Rule 5.5.11.1(a)(i)-(iii), the proposal is a **restricted discretionary activity** in terms of Rule 5.5.11.1(a) of the District Plan.

## Land use consent

### **Chapter 8 – Transportation**

#### **8.4.3 Standards for permitted activities**

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

The road reserve of roads 3 and 4 have a proposed legal width of 16.8 metres, and road 5 a proposed legal width of 16.4 metres, which are all less than 20 metres.

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

Footpaths are only proposed on one side of each of the five roads to be created within the subdivision.

#### **8.4.5 Discretionary activities**

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

Overall, the land use consent proposal is a **discretionary activity** in terms of Rule 8.4.5.1 of the District Plan.

### **Overall activity status**

The proposal is for a restricted discretionary subdivision and a discretionary land use consent. Accordingly, the overall status of the proposal is a **discretionary activity**.

### **Relevant objectives and policies**

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

#### **Chapter 4 – Settlements**

##### **Objective 4**

*Adaptive, vibrant and healthy settlements that meet the economic, social and cultural needs of the district and North Canterbury; while retaining their own character, environmental quality and sense of community.*

##### **Policy 4.4**

*To provide for and manage subdivision, land development and use in the tourism and holiday focussed settlements such as Hanmer Springs and the coastal settlements in a manner that protects and enhances the special character and environmental qualities of those settlements.*

##### **Policy 4.8**

*To maintain each settlement's traditional, residential character in Residential 1 zones with a predominance of detached dwellings on individual lots while allowing flexibility in lot sizes within each subdivision, provided multiple lot subdivision is undertaken in accordance with an approved concept plan.*

##### **Policy 4.9**

*To maintain and enhance the character of residential areas includes to maintain the predominance of residential activities and areas.*

##### **Policy 4.20**

*To provide for open space zones to meet recreational requirements within settlements, which maintain and enhance amenity values and provide connectivity and public access.*

#### **Hanmer Springs policies**

##### **Policy 4.25**

*To manage subdivision, land development and other activities in the Morford Estate residential area so that the area's landscape, conservation, and amenity values are maintained or enhanced, while recognising the fault hazard present on the site.*

#### **Chapter 5 – Subdivision**

##### **Objective 5**

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

##### **Policy 5.1**

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

##### **Policy 5.2**

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

**Policy 5.3**

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

**Policy 5.4**

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

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

**Policy 5.5**

*To manage the density of development, particularly in residential zones, through specifying minimum lot sizes and ensuring compliance with those densities through the subdivision process.*

**Chapter 8 – Transportation****Objective 8.1**

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

**Policy 8.1**

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

**Policy 8.2**

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

**Policy 8.4**

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

**Chapter 15 – Natural Hazards****Objective 15.1**

*Subdivision, use and development of land is enabled while avoiding or mitigating the adverse effects of natural hazards.*

**Policy 15.1**

*To avoid new subdivision, use and development of land in areas identified as subject to natural hazards:*

1. *If the risk from the natural hazard is unacceptable, having taken into account the likelihood of the natural hazard event and the potential consequences for people, property, infrastructure and the environment, including the level of uncertainty about the likelihood or consequences; and*

2. *For high hazard areas, if the matters in Policy 11.3.1 of the Canterbury Regional Policy Statement 2013 are not met.*

### **Policy 15.3**

*To avoid the subdivision, use or development of land within the Fault Avoidance Zone unless the adverse effects of fault rupture can be mitigated so as to ensure that there is no greater risk to health and safety during and after an earthquake.*

The following assessment criteria are relevant to the proposal:

#### **5.7 Assessment criteria**

1. *The following matters will be considered for any subdivision, where relevant:*
  - (a) *The ability of every allotment to site a conforming dwelling or a principal building and to be utilised in a manner that can comply with the District Plan provisions.*
  - (b) *The provision for disposal of sewage and stormwater without risk to public health or the environment, including whether any allotment is within a drinking water protection zone, as defined in the Canterbury Land & Water Regional Plan.*
  - (c) *Whether sufficient provision has been made for legal and physical access to each allotment to be created by the subdivision.*
  - (d) *The provision or ability of every allotment to have legal vehicular access to a formed road or proposed formed road.*
  - (e) *The cumulative impacts on the district's infrastructure and its efficient use and development.*
  - (f) *The ability of any existing or likely proposed building to comply with all standards in this District Plan.*
  - (g) *Whether the area's amenity values and character will be protected or enhanced.*
  - (h) *The appropriateness of the subdivision in relation to any sites or resources of significance to Ngāi Tahu, including water quality.*
  - (i) *The appropriateness of the subdivision in relation to Part II of the Resource Management Act 1991.*
  - (j) *Whether any visually obtrusive or environmentally damaging earthworks associated with the proposed development of the subdivided land will be avoided or minimised.*
  - (k) *Whether the subdivided land is subject to pollutants that may be hazardous to future occupiers of the land.*
  - (l) *Whether each lot has an adequate building platform to allow a complying building to be constructed that will not be subject to unacceptable risks from natural hazards or will significantly exacerbate the risks to other properties and people, including the provision of a report on natural hazard risks by an appropriately qualified and experienced person, in the event that a natural hazard is shown on the planning maps.*
  - (m) *The provision for a potable water supply in sufficient quantities that meets the policies and rules in this District Plan.*
  - (n) *[...]*
  - (o) *How stockpile material from earthworks associated with the subdivision will be managed, to ensure the amenity values of surrounding area will not be compromised.*
2. *For the assessment of multiple-lot or rural subdivision creating one or more undersized allotments, the following matters will also be considered where relevant:*
  - (a) *If any significant natural or heritage resources are recognised and protected or enhanced.*
  - (b) *Whether the appearance of the natural landforms, topography and features is integrated into the subdivision design, avoiding unnecessary changes to the landform or landscape features, and by instituting appropriate contouring, shaping, planting, restoration and other measures.*
  - (c) *If the number, design and location of lots and building sites avoids a visual impact that is inappropriate to the character of the area or mitigates the impact by limiting the area affected (such as by promoting cluster housing).*



- (d) *If the design of the proposal recognises or enhances the existing character of the area, including amenity values, lot sizes, planting, natural features, landscape, open space and outlook.*
- (e) *If new roads and vehicular accesses to link lots with the existing roading network are adequate to meet the expected and likely demand.*
- (f) *If a common vehicle access is provided to avoid separate access points onto public roads.*
- (g) *Utilisation of existing access, farm tracks or boundaries for access location.*
- (h) *Any effects of access from the allotment on the safety and efficiency of the road network, including cumulative effects from several allotments, and whether a shared vehicular accessway is appropriate for more than one allotment.*
- (i) *If new roads and vehicular accesses are designed to a speed regime that is consistent with their road function.*
- (j) *Whether the proposal makes use of any landscape treatment techniques to maintain and enhance amenity and visual values in a manner that complements the existing character and landscape of the vicinity.*
- (k) *The extent to which existing planting is to be protected or new planting provided to maintain and enhance rural amenity, character of the surrounding environment and landscape values, while providing for adequate sunlight access, building sites, access, sightlines, privacy and safety.*
- (l) *If adequate buffer distances are provided to avoid or mitigate any potential for adverse effects to be created on new lots from current or likely future activities occurring on adjacent properties.*
- (m) *If the design and the location of lots and building sites avoids any natural hazards, and if not, then the nature of the activity and the degree to which it may increase the potential risk to human life, property and/or the environment.*
- (n) *The shape and practicality of the balance area of land for the purpose intended.*
- (o) *The extent that the balance area of land provides a benefit in terms of utilisation for farming, or protection of indigenous habitats.*
- (r) *If proposed lots and building platforms are of a variable and suitable size, shape and location to provide opportunities for new habitable and principal buildings to be designed to maximise sunlight access, maintain privacy, and rural character.*
- (t) *The design of the subdivision avoids urban characteristics such as kerb and channelling, street lights, solid fences to demarcate allotment boundaries and sealed footpaths.*

### **8.5 Assessment Criteria**

*When considering an application and whether or not it can be granted pursuant to Part 2 of the RMA, the Council will have regard to the relevant assessment criteria:*

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



- (iv) *The potential for pedestrian, vehicle conflict;*
- (v) *Vehicular access to and from adjoining sites, with particular regard to traffic sight distances, the ability to turn off and into sites, and the safety of pedestrians; and*
- (vi) *The ability of roads to accommodate parking safely, without adverse impacts on the road's ability to accommodate through-traffic and adjoining sites' vehicular access.*

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

A preliminary site investigation report dated 8 August 2019 was undertaken by Malloch Environmental Limited and provided with the application for PC3. Based on this investigation the site has been categorised as 'Verified Non-HAIL' on the Environment Canterbury Listed Land Use register as there is no evidence of HAIL activities having occurred onsite.

The report does note that due to the age of the 'red barn', there is a risk of soil contamination from lead based paints. However, the proposed development plan locates the 'red barn' building within a reserve area where it is considered unlikely that contamination from lead paint would be at concentrations where it would pose a risk to human health from passive recreational use. I note there are no earthworks proposed within the immediate vicinity of the 'red barn' as part of this application.

As such given the conclusions of the preliminary site investigation, as per regulation 6, I consider the site is not a piece of land described by regulation 5(7) and the NES is not relevant to the proposal.

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

No

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

No – the applicant has provided sufficient information for Council to proceed with and process the application.

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

No

**Recommendation:**

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

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

No

**Is the application for one or more of the following, but no other, activities:**

- a controlled activity;
- a restricted discretionary, discretionary, or non-complying application for a boundary activity?

No – the application is for a restricted discretionary subdivision and a discretionary land use activity.

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

No

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

No written approvals have been provided with the application. I note a copy of a written approval from the property owner to the south of the application site has been provided for the resource consent application to Environment Canterbury.

**Permitted baseline**

Chapter 4 of the District Plan sets out those rules that are relevant to Settlements in the District. I note that temporary activities are permitted activities within Residential Zones provided they comply with the standards for permitted activities. The only specified standards and terms for temporary activities that would be relevant to the proposed subdivision would be in relation to construction works. The standards for these are contained in Rules 4.6.7 and 4.6.8 as follows:

**4.6.7 Noise**

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

**4.6.8 Temporary activities**

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

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

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

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

As a discretionary activity, Council’s discretion in the matters that can be considered are not restricted. In considering the adverse effects on the environment, I have taken into account the matters of control, matters of discretion and the assessment criteria in sections 5.7 and 8.5 of the District Plan. In summary, I consider that any adverse effects of the proposal would be in relation to landscape character / residential density, amenity values, ecological values, geotechnical and natural hazards, earthworks effects, servicing, roading / access / traffic, cultural effects, and cumulative effects.

### ***Landscape character/residential density***

I consider that any change in terms of landscape character from rural to residential was assessed through PC3. Given the proposal is consistent with the ODP, in particular the density of the proposed lots within Areas A, B and C, I consider any adverse effects in terms of landscape character and residential density on the environment would be less than minor.

### ***Amenity values***

In terms of amenity values, as noted above, the layout of the proposed subdivision is consistent with the ODP. The lots proposed would be able to comply with the 15 m by 15 m shape factor requirement and therefore I am satisfied the proposed lots would have sufficient opportunity to site dwellings which comply with the relevant bulk, height, and location requirements.

Landscape plans prepared by Morgan+Pollard Landscape Architecture (dated 09/09/2022) and a planting palette (dated 04/11/2022) have been provided in support of the application. These show the indicative location, size, and type of landscape plantings in the reserve, along the active transport linkages, roads, and stormwater detention basins. I note the planting palette has been reviewed by the Council's Amenities Team with feedback provided to the applicant.

The landscape plans also indicate the level of design of the active transport links, including path design, lighting bollards and boundary fencing. The boundaries of the two active transport links would be fenced with 'timber feature barrier treatment' which would be approximately 1.2 metres tall and likely permeable, similar to other boundary treatments to other active transport links in Hanmer Springs and the wider district. The applicant has also noted that the frontages of proposed Lots 1 to 11 to Argelins Road would be fenced in post and rail and the applicant proposes a covenant restricting the fencing of other road boundaries to permeable fences 1.2 metres or lower.

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

### ***Ecological values***

I note the proposal includes the realignment of the existing stream which requires resource consent from Environment Canterbury as there may be adverse effects on three small existing wetlands within the former Pitch N Putt. This has been applied for and is identified as CRC233319. Based on the information provided, Environment Canterbury officers have confirmed the flood channel does not meet the definition of river under the Resource Management Act 1991 ("RMA"), and the raupō beds within the Pitch N Putt site do not meet the definition of natural inland wetland under the National Policy Statement for Freshwater Management (NPS-FM).

Overall, given the discussion above I consider any adverse effects in terms of ecological values of the site in terms of the existing wetlands will be assessed through the regional consenting process.

### ***Servicing***

#### ***Water supply and wastewater management***

The Council's Three Waters Team confirmed in a letter dated 19 May 2023 (WS230089) that water and wastewater management can be supplied to the proposed subdivision subject to the conditions outlined in the letter.

#### ***Stormwater***

Council's Consent Engineer has reviewed the proposed stormwater provisions and is satisfied that discharge from the site is able to meet the requirements of the Hanmer Springs Global Discharge Consent (CRC173514) as the applicant has provided information to demonstrate that current stormwater flows from the site can be

maintained post development. The stormwater concept utilises a series of roadside swales which direct stormwater into the stormwater management area (proposed Lot 202). This is consistent with the recommendation in the ENGEO report around not using ground soakage within the proposed development.

During the construction of the site, the developer, in agreement with the Council and Environment Canterbury, will exercise consents the Council holds with Environment Canterbury to manage effects of construction phase stormwater. This includes utilisation of CRC173514 to discharge operational phase and construction phase stormwater, CRC173518 to excavate land and CRC173519 to use land for works in the bed of a river.

#### *Electricity*

MainPower New Zealand have confirmed the 11kV overhead power line on Argelins Road has capacity to supply the proposed subdivision.

#### *Telecommunications*

Chorus have advised the fibre network can be provided for the proposed subdivision, inclusive of the future retirement development.

Based on the above, I am satisfied the proposed development can be adequately serviced. As such I consider any effects on the environment associated with the servicing of the proposal would be less than minor.

#### ***Roading***

The roading layout has been agreed between the Council Consents Engineer and the applicant. I have summarised the key points below.

A transportation assessment was provided as part of PC3. This assessment concluded the additional traffic generated by the development of this site would be able to be accommodated on the existing roading network without causing capacity or efficiency issues.

The proposal includes five roads in general accordance with the ODP. Roads 1 and 2 would be the main thoroughfare roads and would have a 20 metre road reserve and an 11 metre wide carriageway width. I note Road 1 would narrow to cross the flood channel crossing and at the connection with the central shared carriageway to encourage slower speeds. Roads 4 and 5 would comprise cul-de-sacs. Road 4 would have a 16.8 metre wide road reserve and a 9 metre wide formed carriageway, while Road 5 would have a 16.4 metre wide road reserve and a 7.5 metre wide formed carriageway. The carriageway and road reserve widths for proposed Roads 1, 2, 4 and 5 would meet the minimum standards set out in the Development Engineering Standards, which I note is more specific than the District Plan which has a 'one size fits all' requirement of 20 metres regardless of the type of road.

Road 3 connects to Road 1 and Road 4. Road 3 would have a 16.8 metre wide road reserve and 9 metre wide formed carriageway, which do not meet the minimum standards set out in the Development Engineering Standards, nor the District Plan. However, I am satisfied given the residential use of the road, the proposed design is sufficient to provide for the anticipated level of use, including two way throughfare and car parking.

The proposed design includes a roundabout at the intersection of Roads 1, 2, 4 and 5. The roundabout has an external radius of 12.5 metres which is designed to accommodate a medium rigid truck as a design vehicle, and a long rigid truck as a checking vehicle as recommended by AustRoads Road Design Part 4.

Single footpaths are proposed along all five roads within the subdivision in accordance with the Council's Development Engineering Standard, however, not in accordance with the requirements of the District Plan. However, I note this is consistent with a number of recently approved subdivisions within the district, in

particular RC220077 for the subdivision of 37 Woodbank Road. All footpaths link logically to each other, the reserve and off-road shared paths.

Based on the proposed formation and design of the roading network, I consider the proposed scheme plan provides suitable transportation links within the development, and therefore I am satisfied any adverse effects in terms of traffic generation and impacts on the roading network would be less than minor.

### ***Access provisions***

In terms of access to the proposed lots, proposed lots 1 to 11 would have access from Argelins Road. Within the subdivision, all proposed lots have access from one of the proposed five roads, unless otherwise shown as being accessed from one of the eight proposed rights of way (ROW). The proposed formation of the ROW are considered sufficient for the number of lots being provided access. To provide flexibility for future property owners, vehicle crossings would be constructed at the building consent stage. This is in keeping with the approach Council takes to the provision of access to the roading network within the settlement area.

Given these matters, I consider all proposed lots would be able to be provided with suitable and safe access and that any adverse effects in relation to vehicle access would be less than minor.

### ***Geotechnical and natural hazards***

Geotechnical investigation of the site was undertaken by EnGEO (Project number 20285.000.001, dated 13/09/2022). In conclusion the authors consider the site is suitable for subdivision and subsequent development from a geotechnical perspective based on the following assumptions and recommendations:

- Foundations for future development are designed for TC2 settlement criteria on the proposed lots identified on the EnGEO figure 4.
- The fault setback of buildings is adhered to. The proposed scheme plans show a 20 metre building exclusion zone around the Barn and Carpark Fault Traces.
- Excavation of undocumented fill in the Pitch and Putt area, reinstate land in accordance with NZS 4404:2010, Land Development and Subdivision Infrastructure and NZS 4431:2022, Code of Practice for Earth Filling for Residential Development. The report notes the Pitch and Putt area has not been assessed and will require further testing.
- Civil fills less than 0.5 metres thick. The report notes that Earthworks carried out for the subdivision shall be in accordance with NZS 4404:2010, Land Development and Subdivision Infrastructure and NZS 4431:2022, Code of Practice for Earth filling for Residential Development. In particular, any areas to receive fill should be stripped of all vegetation, topsoil, non-engineered fill, soft or organic soils prior to fill placement. The report also makes recommendations on appropriate fill materials.
- Note from observations during testing the native ground below the topsoil at the site should provide an adequate subgrade for the proposed pavement areas.
- All unretained batters of pond and stormwater drains constructed within the native sandy gravel material should be at an inclination no steeper than 1V:3H, with protection schemes in place to control erosion of the formed batters within the waterways.
- A comprehensive earthworks specification should be provided to the earthworks contractor prior to starting excavations and an inspection / testing regime agreed, along with a robust erosion and sediment control plan.
- Concentrated stormwater flows from all impermeable areas must be collected and carried in sealed pipes to the Council system or an alternative disposal point subject to approval from Council. Uncontrolled stormwater must not be allowed to saturate the ground as this will potentially affect future foundation performance both statically and during future seismic activity.

Given these matters, I am satisfied any adverse effects in relation to geotechnical and natural hazard matters would be less than minor.

### **Earthworks**

Significant earthworks are required to level the Pitch N Putt course and construct the 200-year flood channel and stormwater detention basins. This work will be completed during Stage 1, with maximum fill of 2.8 m in Pitch N Putt, and maximum 2.2m cut at the head of the stormwater attenuation basin. I note as part of the application documents a draft erosion and sediment control plan prepared by e2 Environmental (dated 07/09/2022) has been provided to demonstrate how earthworks would be managed.

I note there are New Zealand standards relevant to earthworks undertaken for subdivision: NZS 4404:2010, Land Development and Subdivision Infrastructure and NZS 4431:2022, Code of Practice for Earth Filling for Residential Development. I consider these to be particularly important given the amount of cut and fill earthworks required, in particular in the vicinity of the former Pitch N Putt site.

Provided the earthworks are undertaken in line with the provided documentation and professional standards, I consider any adverse effects on the environment in terms of earthworks would be less than minor.

### **Cultural effects**

I note Te Rūnanga o Kaikōura were consulted during the PC3 process and the provisions of the Te Rūnanga o Kaikōura Environmental Plan considered. This resulted in Rule 5.6.9.1.1(b) in relation to the provision of a landscaping plan. I note the landscaping plan encourages native plantings, particularly in the proposed wetland area. Provided the proposed landscaping plan is fully implemented and an accidental discovery protocol implemented for the duration of the proposed earthworks, I consider any cultural effects would be less than minor.

### **Cumulative effects**

In respect of the cumulative impacts on the district's infrastructure, I am satisfied the proposal would continue to promote its efficient use and development, as well as providing for new infrastructure to ensure there is sufficient capacity in the roading network, including the formation and vesting of the roads and utility services for this proposal to function efficiently.

### **Conclusion**

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

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

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

No. The application is for a 93 lot subdivision and to construct roads in breach of minimum legal width. I note there was public interest in the plan change (PC3) which rezoned the site from rural to residential prior to the current applications. Submissions were received and a public hearing held. I consider this proposal to be in general accordance with the outline development plan for the site approved through the PC3 process.

I understand the generally accepted case law principles for 'special circumstances' are derived from *Peninsula Watchdog Group Inc v. Minister of Energy* [1996] 2 NZLR 529 (CA). In general those principles are that the

circumstances of the application are outside the common run of things, unusual or abnormal or exceptional, but may be less than extraordinary or unique.

With respect to the current applications, I have not been made aware of any specific public interest in this application, however, note that due to the interest in PC3 there may be some still be some public interest in this application. I understand from *Murray v Whakatane District Council* [1997] NZRMA 433 (HC) that the potential for public interest in an application is not determinative of whether special circumstances exist but may be a contributing factor.

I have not identified any factors that would bring the application outside the common run of things, unusual or abnormal or exceptional, but may be less than extraordinary or unique. Taking into account what the District Plan signal for this site, I consider the circumstances of this application are not outside the normal run of things, unusual, abnormal or exceptional. I conclude there are no special circumstances that exist in relation to this application.

**Recommendation:**

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

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

No

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

No

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

No

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

No

**Who may be considered an affected person in relation to this application?  
A person is an affected person if the activity's adverse effects on the person are minor or more than minor (but are not less than minor). [Section 95E]**

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



In undertaking my consideration under section 95E, I have noted the proposed scheme is in general accordance with the Morford Estate Outline Development Zone. Therefore, I consider the proposed development can reasonably be expected. I have also noted the conclusion reached in the section 95D report above. As such I do not consider there to be any affected persons in relation to this application.

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

N/A

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

N/A

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

No – I consider the same reasons as given for section 95A(9) above apply.

**Recommendation:**

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

**Statutory Requirements**

Applications for **discretionary activities** are considered under Sections 104 and 104B which states that the consent authority may grant or refuse the application, and impose conditions under Section 108 if granted.

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

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

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

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

The adverse effects on the environment have been outlined and assessed in the preceding section 95D and section 95E discussions. I consider all the effects relating to landscape character / residential density, amenity values, ecological values, geotechnical and natural hazards, earthworks effects, servicing, roading / access / traffic, cultural effects, and cumulative effects, are also actual and potential effects on the environment and therefore my assessments under section 95D and section 95E are equally applicable to section 104.

Specifically I consider any actual and potential effects of the proposed subdivision would be adequately mitigated given the zoning of the site for development, the proposed subdivision layout and servicing. Conditions of consent address the specifics of the formation, servicing and access provisions to ensure the appropriate infrastructure is installed to ensure the proposed lots are adequately serviced with connections to Council and utility services and with provision of legal and physical access to the roading network. Construction activities carried out to develop the subdivision are to be carried out in accordance with NZS 4404:2010 Land Development and Subdivision Infrastructure, which sets out good practice standards.

The proposed subdivision has the positive effect of comprehensively developing an area of land within the centre of Hanmer Springs Township to provide for further growth of the Township. Alongside residential capacity the proposed subdivision provides for a large recreation space to the north and active transport links connecting through the subdivision to Amuri Avenue and Argelins Road.

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

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

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

I do however note the District Plan does not give effect to the National Policy Statement for Highly Productive Land (in effect since 17 October 2022) and the National Policy Statement for Indigenous Biodiversity (in effect since 4 August 2023). Given the site has residential zoning and is currently open pastoral land, I do not consider the provisions in these policy statements relevant to my consideration of this application. I note the National Policy Statement for Freshwater Management (in effect since 3 September 2020) forms part of the Environment Canterbury consideration through the resource consents applied for.

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

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

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

N/A

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

## **CONDITIONS OF CONSENT**

### **CONDITIONS OF CONSENT – RC220154**

#### **General**

- The subdivision shall proceed in general accordance with the plans prepared by Fox Associates (reference 5339D Sheets 1 and 3-5 Rev D, and Sheets 2 and 6-28 Rev C) and details submitted with the application and referenced as RC220154 in Council records.*
- Design and construction shall be in accordance with the requirements of the Hurunui District Plan and the Hurunui District Council Development Engineering Standard 2017 unless otherwise agreed by Hurunui District Council.*

#### **Staging**

- The subdivision shall be progressed in the following stages:*

<b>Stage</b>	<b>Lots to be created</b>	<b>Road / reserve to vest</b>
<b>1</b>	<i>Lots 1 – 38 and Lot 93</i>	<i>Lot 206 (Road 1, Road 3 part) Lot 207 (Argelins Road widening) Lot 200, 201, 202, and 203 (utility)</i>
<b>2</b>	<i>Lots 39 – 52 and 90-92</i>	<i>Lot 208 (Road 2, Road 3 part, Road 4 part, Road 5 part) Lot 204 (amenity)</i>
<b>3</b>	<i>Lots 53 - 88</i>	<i>Lot 209 – 210 (Road 4 part, Road 5 part) Lot 205 (access)</i>

#### **Easements**

- All services and accessways serving more than one lot, or traversing lots other than those being served and not situated within an existing or proposed public road, shall be protected by easements shown in a memorandum on the survey plan and duly granted and reserved. Easements over wastewater lines to be vested in Hurunui District Council and located within private rights-of-way, shall cover the entire width of the right-of-way.*
- The following easements on record of title CB35A/20 for Section 1 Survey Office Plan 18574 shall be surrendered:*

- (a) Easement Instrument 6144668.1 prior to the issuing of a certificate pursuant to section 224(c) of the Resource Management Act 1991 for Stage 1; and
- (b) Easement Instrument 6280114.1 on the vesting of Lot 200 with Hurunui District Council.

### **Restrictions**

- 6. Any lot identified as TC2 shall have a TC2 style foundation, or a full geotechnical report will be required to support other foundation designs.
- 7. **Condition 6** shall be registered against the record of title for Lots 1 – 48; 53 – 62; 85 – 93.
- 8. No buildings shall be constructed within 20 metres of the Hanmer Fault Barn Fault Trace and Carpark Fault Trace as shown on the approved scheme plans.
- 9. **Condition 8** shall be registered against the record of title for Lots 19 – 21; 24 – 25; 45 - 46; 53 – 54; and 60 – 61.

### **Construction management**

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

### **Engineering Plans**

- 13. Prior to commencement of any works the following shall be provided to and certified by Hurunui District Council for all stages of the development.
  - a) A surface water planning assessment as required by **Condition 21** below.
  - b) A stormwater system detailed design report, including drawings and calculations, demonstrating how the requirements of **Condition 18** will be satisfied.
  - c) Plans, specifications, and calculations showing all works including standard details.
  - d) A sediment and erosion control and dust management plan (including associated drawings showing proposed stockpile locations).
  - e) Traffic management plans.
  - f) Construction management plan.
  - g) A quality management plan setting out construction and materials testing methodologies and inspection frequencies.
  - h) A design certificate in the form of NZS 4404:2010 Schedule 1A.
  - i) A detailed landscape planting plan.
  - j) A street lighting proposal and plan (as prepared in consultation with Hurunui District Council and the power supply authority).

### **Earthworks**

14. *Measures shall be taken to minimise soil erosion and sediment discharge during all works associated with the development.*
15. *Windblown sand and dust associated with activities on the site shall not cause particulate material which is offensive and objectionable beyond the boundary of the site on which the consent is exercised. For the purposes of this condition, "offensive or objectionable" is to be determined having regard to intensity and duration of dust normally expected in a residential environment.*
16. *All earthworks filling over 300 mm deep shall be carried out in accordance with the requirements of NZS 4431:1989 Earthfill for Residential Development, with clean fill and controlled compaction.*
17. *In the event of accidental discovery or any disturbance of any koiwi (human skeletal remains), taonga, or artefact material, the consent holder shall follow the Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol (attached as Appendix A).*

### **Stormwater**

18. *A stormwater treatment and attenuation system shall be provided that complies with Hurunui District Council's Hanmer global stormwater discharge consent (Canterbury Regional Council reference CRC173514).*
  - a) *The stormwater system shall include a treatment chain of grassed swales, piped network, first flush treatment basin, and attenuation pond.*
  - b) *The stormwater system shall include control structures/devices that attenuate developed site discharges to the requirements of CRC173514. Pond design shall provide for all weather vehicular access to control structures for maintenance.*
  - c) *Each lot shall be provided with a kerbside inspection box and kerb outlet or approved swale outlet and a 100 mm lateral terminating 1.0 m inside the main body of the lot to receive surface water run-off.*
  - d) *All stormwater infrastructure laid under roads, vehicle crossings, or rights-of-way shall be hardfill backfilled to subgrade level (with GAP65, pit run or similar approved granular material).*
  - e) *A stormwater management design report describing the operation and maintenance of the stormwater network including the attenuation pond, shall be submitted to the Hurunui District Council for certification along with the engineering plans.*
19. *The Consent Holder shall be responsible for all maintenance and operating costs of the stormwater attenuation pond for a minimum period of two years following the issue of the 224 certificate or following 90% of all residential lots within the subdivision having dwellings constructed and compliance certificates issued under the Building Act 2004, whichever is the shorter period. The operation and maintenance of the utility areas shall be transferred to the Hurunui District Council following this period and approval of the performance and condition of the sites.*
20. *A CCTV survey shall be carried out on all new stormwater lines to be vested in Hurunui District Council.*

### **Canterbury Regional Council Land Use Consents**

21. *Prior to any works commencing a surface water planning assessment shall be provided demonstrating how the requirements of Hurunui District Council and Canterbury Regional Council will be met.*
  - a) *The surface water planning assessment may include exercising Hurunui District Council global consents:*

- CRC 173514 To discharge operational phase and construction phase stormwater.
  - CRC 173518 To excavate land.
  - CRC 173519 To use land for works in the bed of a river.
- b) When exercising Hurunui District Council global consents the consent holder shall be responsible for providing the requisite notifications and obtaining all necessary approvals from the Canterbury Regional Council and Te Rūnanga o Kaikōura on behalf of the Hurunui District Council. The information and notifications submitted under this condition shall be first approved by Hurunui District Council.

## **Wastewater**

22. Each lot shall be connected to the Hanmer Springs wastewater network in accordance with the certified engineering plans.
23. The existing sewer within Argelins Road shall be realigned in accordance with the certified engineering plans.
24. Lots 1 to 11 shall be provided with gravity connections to Argelins Road sewer.
25. Gravity connections shall be 100 mm diameter, laid to a point at least 1 m inside the lot and at least 1.2 m deep. Where 1.2 m depth is not achieved notional on-site schematics shall be provided to demonstrate compliance with Building Code grades and cover.
26. Lots 12 to 93 shall be connected to the Council's wastewater network in Argelins Road via a low-pressure sewer (LPS) network.
27. The LPS network shall include roadside boundary kits for each lot and all necessary permanent or temporary pressure pipework, connections, and fittings to facilitate its operation and maintenance including flushing, air release and testing.
28. At the time of building consent, an approved private in-ground pump unit system (consisting of a heavy-duty E/One submersible grinder pump in an underground polyethylene tank, or similar system as approved by Hurunui District Council) shall be installed and connected to the roadside boundary kits to cater for wastewater disposal from Lots 12 – 93. The owner of each lot shall be responsible for all costs associated with the installation and on-going operation, repairs and maintenance of the system installed under this condition.
29. **Condition 28** shall be secured by consent notice registered on the records of title for Lots 12 to 93 on the plan of subdivision.
30. All wastewater infrastructure laid under roads, vehicle crossings, or rights-of-way shall be hardfill backfilled to subgrade level (with GAP65, pit run or similar approved granular material).
31. A CCTV survey shall be carried out on all new gravity wastewater lines to be vested in Hurunui District Council.

## **Water**

32. Each lot shall be connected to the Hanmer Springs water supply network in accordance with the certified engineering plans and Water Application Number WS230089.
33. A 150 mm ID water main is required to connect between the existing 150 mm main on the western side of Argelins Road and the existing 200 mm main on the eastern side of Amuri Ave.

NB: early development of Lot 92 'Future Retirement' may invoke the requirement to complete the 150 mm mains connection to Amuri Avenue prior to completion of Stage 3 of the subdivision.

34. All water mains shall be PE pipe.
35. Lot connections shall be min DN20 diameter for roadside, and min DN25 for right-of-way, and include associated DRA70 type meter boxes and fittings (excluding meters).
36. All water infrastructure laid under roads, vehicle crossings or rights of way shall be hardfill backfilled to subgrade level (with GAP65, pit run or similar approved granular material), and ducted where necessary.

### **Roading**

37. Lots 206 - 210 shall be vested in Hurunui District Council as road.
38. Roads shall be constructed in accordance with the certified engineering plans, generally as follows:
  - a) General
    - i. Road and right of way widths and layout shall be in general accordance with submitted drawings Sheets 1, 3-5 Rev D, and 6-9 Rev C.
    - ii. Centreline radii shall be an absolute minimum of 20 m and shall provide for a minimum stopping sight distance of 40 m.
  - b) Footpaths
    - i. Footpaths shall be a minimum of 1.5 m width.
    - ii. Mobility crossings including tactile pavers shall be provided at intersections.
    - iii. Footpaths within road reserves, Argelins Road, and Lot 205, shall be constructed with a 100 mm thick layer 20 MPa concrete on a minimum of 75 mm AP20 on a suitable subgrade, unless otherwise approved by Hurunui District Council
    - iv. Concrete construction shall be in accordance with NZS 3109:1997 Concrete Construction
      - a. Surface finish shall be Class U5 (screeded, floated, then hard or soft broomed to provide shallow texture).
      - b. Path edges shall have a 50 mm width smooth trowelled finish free of mortar beading.
    - v. Concrete shall have a black oxide additive at a rate of 2kg/m<sup>3</sup> of concrete unless noted and agreed otherwise with the Hurunui District Council.
    - vi. All other footpaths shall be gritted construction of 0-7mm crusher dust over 75mm CAP 20 with timber batten edges.
  - c) Footpath/Cycleway
    - i. A 2.5m wide footpath/cycleway shall be provided through Lot 203 and 204 linking Road 1 with the existing public carpark to the north/east of the site.
    - ii. The footpath/cycleway shall be concrete as **Condition 38 b) iii-v** or timber ramp and railings where replacing existing timber boardwalk.
  - d) Berms
    - i. Grass berms shall consist of screened topsoil lightly compacted and raked to a minimum depth of 75 mm. The topsoil shall be free of clods, stones, and other debris. The areas shall be evenly sown with grass seed mix at a rate of 30 grams grass seed / square metre. The seeded surface shall be lightly rolled and watered.



e) *Vehicle crossings*

- i. *Rights of way and access legs shall be provided with a vehicle crossing in accordance with the certified engineering plans.*

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

**Road naming**

40. *The consent holder shall provide suggested street and rights of way names to the Council in accordance with the Hurunui District Council Rural and Urban Addressing Policy February 2012. The applicant shall provide and install the street name signs.*

**Street Lighting**

41. *Approved LED Street lighting shall be installed in accordance with AS/NZS1158 and the certified engineering plans.*

**Power and telephone**

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

**Landscaping**

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

**Reserves**

44. *Lot 200, 201, 202, and 203 shall be vested in the Hurunui District Council as local purpose reserve (utility).*

45. *Lot 204 shall be vested in the Hurunui District Council as local purpose reserve (amenity).*

46. *Lot 205 shall be vested in the Hurunui District Council as local purpose reserve (access).*

**Fencing**

47. *Open fencing, including a mowing strip, shall be constructed along the boundaries of any lot which adjoins a reserve to be vested in the Hurunui District Council (Lots 12; 14 – 21; 24 – 27; 34 – 36; 43 – 46; 53 – 61; 63 – 64; 72 – 73; 92 – 93).*

48. *A fencing covenant in accordance with **condition 47** shall be registered against the records of title for Lots 1 – 12; 14 – 21; 24 – 27; 34 – 36; 43 – 46; 53 – 61; 63 – 64; 72 – 73; 92 – 93 to ensure that Council is not liable for fencing costs adjoining any reserve. The Council Solicitor shall prepare the covenant and any costs of registration shall be met by the consent holder.*

49. *The road boundaries of Lots 1 – 11 shall be fenced with post and rail fencing.*

**Works inspections**

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

- *Engineering/landscaping plan checking and certification – prior to commencement of works.*

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

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

### **Engineering Completion**

51. *On completion of works the following shall be provided to Hurunui District Council:*

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

### **Maintenance Period**

52. *The Consent Holder shall be responsible for the maintenance of all subdivision and associated works for a period of 12 months following the date of the issue of the section 224(c) certificate. A bond equal to 5% of the cost of construction works as calculated under **condition 51(e)** shall be lodged with Hurunui District Council for the same period, and maintenance shall include repair of any damage or defects in any of the works or services, however caused, associated with the development of the subdivision.*

### **CONDITIONS OF CONSENT – RC220155**

There are no conditions of consent associated with the land use consent.

## **ADVICE NOTES**

### ***Works inspections***

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

### ***Works Access Permit***

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

### ***Building consent***

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

### ***Power and Telephone***

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

### ***Development Contributions***

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

#### *Reserves*

*\$620 for the Queen Mary Development*

*\$290 for Conical Hill Reserve Walkway Development*

*\$1,170 for Hanmer Springs Domain*

#### *Network Infrastructure*

*\$3,240 for District Sewer*

*\$1,630 for District Urban Water*

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

#### *Community Infrastructure*

*\$590 for Hanmer Springs Medical*

*\$1,980 for Hanmer Springs Town Centre Development*

*resulting in a total of \$9,850 for each new unit of demand and*

*\$384,150 for Stage 1*

*\$167,450 for Stage 2*

*\$354,600 for Stage 3*


*and a total of \$906,200 for the subdivision (based on 92 new units of demand).*

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

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

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

**Reported and Recommended by:**

  
Nicola Kirby, **Team Leader Planning**

Date: 8 November 2023

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**DECISION:**

I have read and considered the above report and recommendation by the Council's officer, Nicola Kirby, and the information available to Council in respect of the application for consent to undertake a 93 lot subdivision and to construct roads with road reserves that do not meet the minimum width requirement. I agree with the recommendations made and decide that the Council officer's recommendations should be adopted.

  
Helga Bennett, **Senior Planner**

Date: 8 November 2023