



Mackenzie District Council

05 February 2021

Sunshine Housing Limited
C/- Philip Conway Surveyor Ltd
Po Box 21305
Christchurch 8140

Dear Philip Conway,

**DECISION ON APPLICATION FOR SUBDIVISION - NON-COMPLYING
RESOURCE CONSENT NO: RM200077
SUNSHINE HOUSING LIMITED - HAMILTON ST, FAIRLIE COMMUNITY**

I advise that your application for subdivision consent was granted on 05 February 2021. This decision was made by a Council officer pursuant to an authority delegated by the Council, in accordance with section 34A of the Resource Management Act.

Please find attached the decision with conditions and approved plans. Please ensure that you have read these documents carefully and understand what is required in relation to each of the conditions.

Right of Objection/Appeal

Please note that pursuant to section 357A of the Resource Management Act, you may, within 15 working days of being notified of this decision, object by notice in writing to the Council in respect of any aspect of this decision. The Council is required by the Act to consider any objection and to decide whether to dismiss or uphold the objection wholly or in part. There is a right of appeal pursuant to section 358 of the Resource Management Act to the Environment Court against the Council's decision on any such objection.

Alternatively, under section 120 of the Act, you may, within 15 working days of receiving notification of this decision, appeal to the Environment Court against the whole or any part of the Council's decision. However, please note that you may not exercise your right of appeal pursuant to section 358 of the Act at the same time as exercising a right of appeal in respect of the same matter under section 120.

If you have any queries regarding your application, please contact me on the details below and quote the application number.

Yours sincerely,



Suzanne Blyth
Planning Administration Officer

PROCESSING PLANNER DETAILS

Name: Suzanne Blyth

Reference Number: RM200077

Telephone: (03) 685 9010

Email: Suzanne.blyth@mackenzie.govt.nz



Mackenzie District Council

DECISION OF MACKENZIE DISTRICT COUNCIL LAND USE CONSENT - RM200077

Applicant: SUNSHINE HOUSING LIMITED

Application description: SUBDIVISION CONSENT TO CREATE SIXTEEN RESIDENTIAL ALLOTMENTS IN A FLOOD HAZARD AREA

Application status: DISCRETIONARY

Property address: HAMILTON STREET, FAIRLIE

Legal description: LOT 1 DEPOSITED PLAN 367268

Valuation reference: 25310 00502

District Plan zone: RESIDENTIAL 1

Date of decision: 5 FEBRUARY 2021

Aaron Hakkaart
Planning Team Leader

REASONS FOR THE DECISION PURSUANT TO SECTION 113 OF THE RESOURCE MANAGEMENT ACT 1991

The recommendation contained within the attached Officer's Section 42A Report has been adopted as the reasons for decision under Section 113 of the Resource Management Act 1991.

SCHEDULE OF CONDITIONS

Pursuant to section 108 of the Resource Management Act 1991 this resource consent is subject to the following conditions.

1. The development shall be carried out in accordance with the plans attached and stamped as approved on 5 February 2021 (*Philip Conway Surveyor Ltd, Proposed Subdivision Lot 1 DP367268, Ref 3450/30C, dated 20/01/21*), and the application as submitted under reference RM200077, as amended by the following consent conditions.
2. All actual and reasonable costs incurred by the Council in monitoring, enforcement and administration of this resource consent shall be met by the consent holder.

Easements

3. All easements necessary to secure access to services, shall be shown on the Land Transfer Plan or in a Memorandum of Easements, attached to the Land Transfer Plan, prior to certification pursuant to section 223 of the Resource Management Act 1991.
4. Easements in Gross in favour of the Mackenzie District Council shall be created over the secondary flow path on Lots 11 to 16, and over the flood wall on Lots 13 to 16 and shall be shown on the Land Transfer Plan or in a Memorandum of Easements, attached to the Land Transfer Plan, prior to certification pursuant to section 223 of the Resource Management Act 1991.

Cancellation of Consent Notices

5. Pursuant to section 221(3) of the Resource Management Act 1991 at the time of 224(c) certification the Consent Notices registered under 6055330.2 and 6862634.1 to 4 on Record of Title 272963 shall be cancelled.

Engineering Approval

6. All physical works shall be completed in accordance with Mackenzie District Councils Code of Practice for Subdivision, New Zealand Standard 4404, and the Operative Mackenzie District Plan 2004.
7. All engineering plans and specifications shall be submitted to the Mackenzie District Council for engineering approval prior to physical works commencing on the site. The application shall include a Schedule 1A - Design Certificate – Land Development/ Subdivision (NZS 4404) completed by a suitably qualified individual.
8. Upon the completion of all physical works, the consent holder shall provide Mackenzie District Council with a Schedule 1B – Contractor’s Certificate Upon Completion of Land Development/ Subdivision (NZS4404) and a Schedule 1C – Certification Upon Completion of Land Development/Subdivision (NZS4404).

9. Upon completion, of all physical works, the consent holder shall provide the Mackenzie District Council with 'As Built Plans' of all vested infrastructure in electronic form. All plans are to be compatible with Mackenzie District Councils GIS system.

Earthworks and Construction

10. All construction noise shall be in accordance with the provisions of New Zealand Standard NZS 6803P:1991 in accordance with Section 14, Rule 2.3.1 of the Operative Mackenzie District Plan.
11. Work procedures shall be adopted to ensure any silt and/or dust resulting from the earthworks and construction is contained within the boundaries of the allotments.

Flood Hazard

12. A secondary flow path six metres wide shall be constructed on Lots 11 to 16 in accordance with the Plans stamped as approved on 5 February 2021 (Gall Street Fairlie, Earthworks, Roding Sewer and Stormwater, by e2environmental, Drawing Number 220, dated 13.10.20).
13. On Lots 11 to 12 the secondary flow path shall have a 500 millimetre (mm) offset from the southern site boundary, a base width of 1 metre, and a slope of four to one. On Lots 14 to 16 the secondary flow path shall consist of a floodwall on the southern site boundary that has been designed with a minimum freeboard of 150mm and located within the 500mm boundary setback, a base width of 1 metre, and a slope of four to one. The flood wall shall be a maximum of 600mm in height and shall be constructed of a Lusit Precast Retaining Wall system or similar subject to engineering approval.
14. The Flooding Assessment for the site has determined that Lots 4 to 9 and 11 to 16 have minimum Finished Floor Levels, as tabulated below. The LINZ Land Transfer Survey Plan shall show reduced levels on three survey control marks located in public land with at least one being within 50m of the road frontage of each lot to be suitable for establishing minimum FFLs by builders. The level datum shall be in terms of Lyttleton Vertical Datum 1937.

In accordance with Section 221 of the Resource Management Act 1991 the following condition shall be registered to the Record of Title of Lots 4 to 9 and 11 to 16:

Lots 4 to 9 and 11 to 16 Minimum Finished Floor Levels

Lots 4 to 9 and 11 to 16 shall have minimum Finished Floor Levels (FFL) in accordance Table 1 below. The LINZ Land Transfer Survey Plan shows survey control marks with levels that can be used for establishing FFL's. The level datum is Lyttleton Vertical Datum 1937.

Table 1 – Lots 4 to 9 and 11 to 16 Minimum Finished Floor Levels

Lot Number	Minimum Finished Floor Level (FFL)
4	308.05mRL
5	307.95mRL
6	308.15mRL
7	308.35mRL
8	308.45mRL
9	308.85mRL

11	308.80mRL
12	308.50mRL
13	308.20mRL
14	308.00mRL
15	307.80mRL
16	307.66mRL

15. In accordance with Section 221 of the Resource Management Act 1991 the following condition shall be registered to the Record of Title of Lots 11 to 16:

“The 6.0-metre-wide stormwater secondary flow path (swale) located on the southern boundary, represented as the right to drain water in gross easement on the Title Plan, is an important flood carrying feature. Any obstruction of the swale may divert floodwaters and affect flood depths on surrounding property during major flooding events. The secondary flow path shall be kept clear of buildings, structures, vegetation, and fences that would impede the flow of surface water through the swale. A fence may only be erected at right angles to the flow path provided the bottom of the fence is no lower than 0.5 metres above the centre of the flow path.”

16. In accordance with Section 221 of the Resource Management Act 1991 the following condition shall be registered to the Record of Title of Lots 13 to 16:

“The flood wall located on the southern boundary is part of an important flood carrying feature. Any obstruction of the flood wall may divert floodwaters and affect flood depths on surrounding property during major flooding events.”

17. In accordance with Section 221 of the Resource Management Act 1991 the following condition shall be registered to the Record of Title of Lot 16:

“No fence may be erected on the road boundary of the 6.0m wide secondary over land flow path”.

Vehicle Access

18. Prior to section 224(c) certification, the consent holder shall provide Lots 1 to 16 with a new vehicle crossing which complies with New Zealand Standard 4404 and the Transportation Standards of the Operative Mackenzie District Plan 2004.

Cul-de-sac

19. Prior to section 224(c) certification, the consent holder shall construct a new road/cul-de-sac in accordance with the Plans stamped as approved 5 February 2021(*Philip Conway Surveyor Ltd, Proposed Subdivision Lot 1 DP367268, Ref 3450/30C, dated 20/01/21*).
20. Prior to construction of the new road/cul-de-sac engineering approval shall be obtained pursuant to Condition 7.
21. The new road shall be formed and sealed for the full length.

Water Supply

22. Prior to section 224(c) certification, the consent holder shall provide Lots 1 to 16 with independent and metered water connections to the boundary of the net area of the allotment.

Wastewater Disposal

23. Prior to section 224(c) certification, the consent holder shall provide Lots 1 to 16 with new independent sewer connections to the boundary of the net area of the allotment.

Energy and Telecommunications

24. Prior to section 224(c) certification, the consent holder shall provide Lots 1 to 16 with independent underground electricity supply connections to the boundary of the net area of the allotment. Written confirmation from the network operator that an operational electricity supply has been installed shall be provided to the Mackenzie District Council.
25. Prior to section 224(c) certification, the consent holder shall provide Lots 1 to 16 with independent underground telephone connections to the boundary of the net area of the allotment. Written confirmation from the network operator that an operational telecommunications supply has been installed shall be provided to the Mackenzie District Council.

Street Lighting and Signage

26. All street signage and lighting plans shall be submitted to the Mackenzie District Council Asset and Planning Departments for approval one month prior to installation.

Buildable Areas

27. The shaded building location areas including dimensions and area identified on Lots 5 and 6 of the approved plans shall be clearly identified on the Land Transfer Plan prior to certification pursuant to section 223 of the Resource Management Act 1991.
28. In accordance with Section 221 of the Resource Management Act 1991 the following condition shall be registered to the Record of Title of Lots 5 and 6:

“The building location areas (identified on the Land Transfer Plan) denote the maximum buildable area outside the setbacks required by the easements registered on the Record of Title and the Operative Mackenzie District Plan 2004 yard setbacks (excluding the reduced boundary setback for accessory buildings).”

Capital Works Contributions

29. Prior to section 224(c) certification, the consent holder shall pay a water supply capital works contribution and a sanitary swage capital works contribution for fifteen allotments at the amount specified in Council’s Annual Plan, or Schedule of Fees and Charges, for the financial year in which section 224(c) certification is requested.

Open Space and Reserves Contributions

30. Prior to section 224(c) certification, the consent holder shall pay a reserves contribution for fifteen (15) additional allotments, payable at a rate of 5% of the land value of Lots 1 to 16.

The value of the allotments shall be determined by a valuation from a registered valuer. This valuation can either be provided by the consent holder or the Council can obtain this on the consent holder's behalf. Where the Council does obtain the valuation upon request, the cost of the valuation will be met by the consent holder. The valuation used to determine the reserves contribution must be no older than six months from when the Council receives it as part of the section 224(c) application.

ADVICE NOTES

Commencement

This resource consent commences on the date the decision was notified, or on such later date as stated in the consent, unless an appeal or an objection has been lodged, at which time the consent commences when this has been decided or withdrawn, or in the case of an appeal to the Environment Court on such later date as the Court may state in its decision.

Right of Objection

If you do not agree with any of the conditions of this consent, you have a right to object to the condition under section 357A of the Act. Notice of any objection must be in writing, set out the reasons for the objection, and be lodged with the Mackenzie District Council within 15 working days of receipt of this decision.

Lapsing of Consents

A resource consent lapses on the date specified in the consent or, if no date is specified, 5 years after the date of commencement of the consent unless, before the consent lapses: the consent is given effect to; or, an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension.

Review of Consent

A consent authority may, in accordance with section 129 of the Act, serve notice on a consent holder of its intention to review the conditions of a resource consent.

Monitoring of Consent

Pursuant to section 35 of the Act, the local authority shall monitor the exercise of this resource consent. This includes monitoring of the provision of any plans or documentation required by a condition of consent. Additional charges may apply for this monitoring.

Other Consents May Be Required

This resource consent authorises the Land Use or Subdivision applied for only. The consent does not give the consent holder the right to:

- Use, subdivide or develop land that contravenes a rule in the District Plan other than that which has been consented to by way of the subject application, or that which has already been legal established.
- Conduct any activity that requires resource consent from Environment Canterbury (ECAN). You are advised to contact ECAN to ascertain if consent is required for the proposed development.
- Authorise building or utility services construction work that requires separate consent/approval.

Charges

Charges, set in accordance with section 36 of the Act, shall be paid to the Mackenzie District Council for the carrying out of its functions in relation to the administration and monitoring of resource consents and for carrying out its functions under section 35 of the Act.



**REPORT ON AN APPLICATION FOR SUBDIVISION CONSENT
PURSUANT TO SECTION 42A OF THE RESOURCE MANAGEMENT ACT 1991 – RM200077**

Applicant:	SUNSHINE HOUSING LIMITED
Application Description:	SUBDIVISION CONSENT TO CREATE SIXTEEN RESIDENTIAL ALLOTMENTS IN A FLOOD HAZARD AREA
Application Status:	DISCRETIONARY
Property Address:	HAMILTON STREET, FAIRLIE
Legal Description:	LOT 1 DEPOSITED PLAN 367268
Valuation Reference:	25310 00502
District Plan Zone:	RESIDENTIAL 1
Author:	SUZANNE BLYTH – RESOURCE MANAGEMENT PLANNER
Date of Report:	3 FEBRUARY 2021

1.0 INTRODUCTION

This report has been prepared under section 42A of the Resource Management Act 1991 (the Act) to document the assessment of the subject consent application.

2.0 PROPOSAL, SITE & HISTORY DESCRIPTION

2.1 PROPOSAL DESCRIPTION

The applicant has applied for subdivision consent to subdivide land legally described as Lot 1 Deposited Plan 367268 at Hamilton Street, Fairlie, into 16 fee simple allotments and one allotment as road to vest. The resultant lots of this subdivision are as follows:

- Lot 1 – 400m² – vacant front allotment;
- Lot 2 – 400m² – vacant front allotment;
- Lot 3 – 400m² – vacant front allotment;
- Lot 4 – 400m² – vacant front allotment;
- Lot 5 – 400m² – vacant front allotment;
- Lot 6 – 541m² – vacant front allotment;
- Lot 7 – 507m² – vacant front allotment;
- Lot 8 – 440m² – vacant front allotment;
- Lot 9 – 410m² – vacant front allotment;
- Lot 10 – 600m² – vacant rear allotment;
- Lot 11 – 518m² – vacant rear allotment;
- Lot 12 – 400m² – vacant front allotment;

- Lot 13 – 400m² – vacant front allotment;
- Lot 14 – 400m² – vacant front allotment;
- Lot 15 – 410m² – vacant front allotment;
- Lot 16 – 410m² – vacant front allotment; and
- Lot 17 – 1300m² – Road to vest with Mackenzie District Council.

Access to Lots 1 and 2 will be obtained from new vehicle crossings off Hamilton Street. Access to Lots 3, 4, and 16 will be obtained from new vehicle crossings off Gall Street. Access to Lots 5 to 15 will be obtained from a new road, to be vested with Council, which will be accessed off Gall Street.

An existing overland flow path traverses the site. A secondary flow path consisting of a six-metre-wide swale and a flood wall will therefore be installed along the southern site boundary. The secondary flow path will be located wholly within Lots 11 to 16. The swale will be 500mm deep and setback 500mm from the southern boundary. The flood wall will be located within an existing depression along the southern boundary of Lots 11 to 13 and constructed to provide a minimum freeboard of 150mm. The flood wall will have a maximum height of 500mm and will be constructed of concrete on the edge of the easement/site boundary.

The subdivision will result in 15 additional Records of Title. The subdivision scheme plan is displayed in Figure 1.

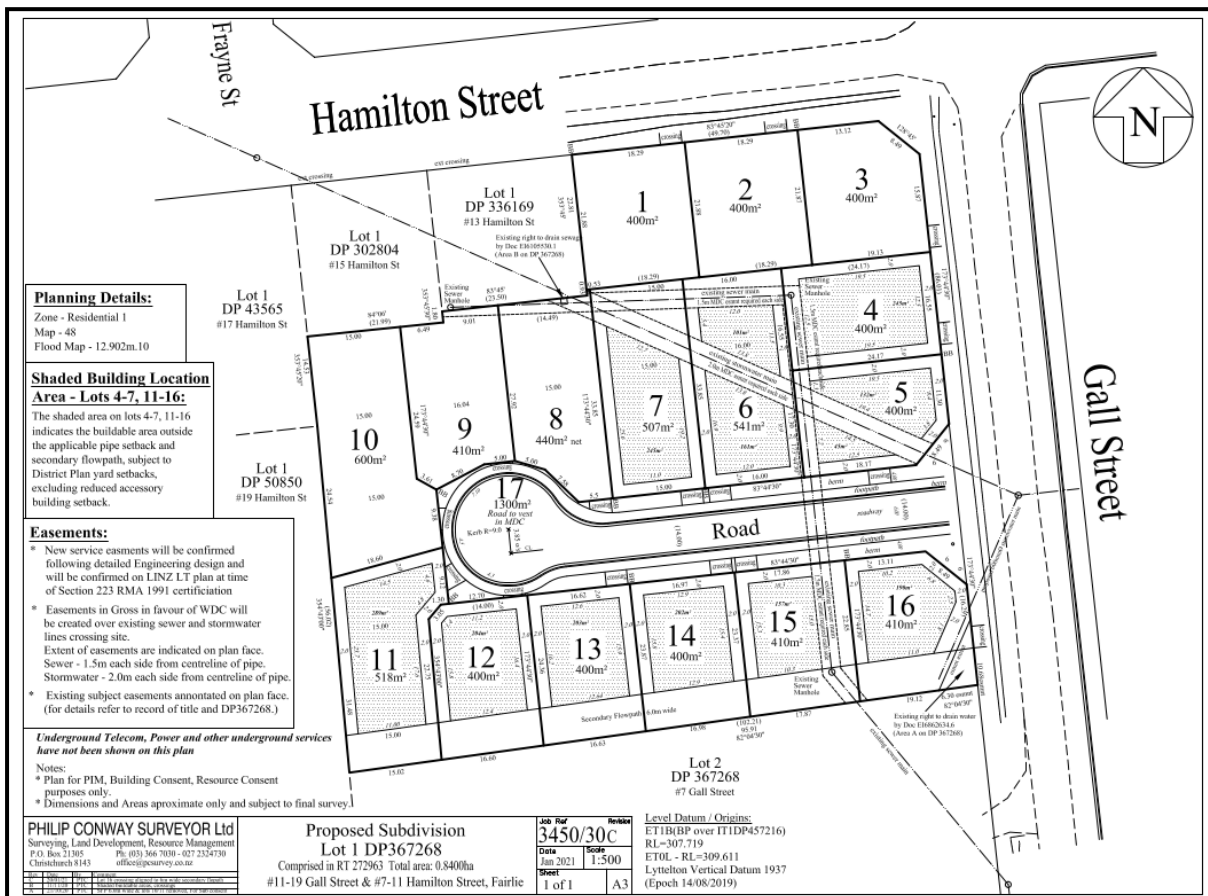


Figure 1 – Subdivision Scheme Plan. Dated Jan 2021 (Source: RM200077 AEE)

2.2 SITE DESCRIPTION

The subject site is located at the corner of Hamilton and Gall Street and is zoned Residential 1 in the Operative Mackenzie District Plan 2004. The land has an area of 8,400m² and is legally described as Lot 1 Deposited Plan 367268 and is contained within Record of Title 272963.

The site is subject to the Flood Hazard Area planning notation. No other planning notations or overlays are applicable to the site. The site is not listed as a contaminated site on the Environment Canterbury Listed Land Use Register.

As detailed in the Flood Hazard Assessment provided with the application, the topography of the site generally slopes from south to north towards Hamilton Street. The property is located at the lower end of an old alluvial fan system and can receive local runoff from the rural catchment to the west (upstream) during periods of heavy or prolonged rain. There is a natural swale/historic flood flow channel which flows east to west through the southern end of the site.

The surrounding environment comprises of residential and rural land parcels with the property located on the outskirts of Fairlie Township. The land south of the site contains the St Joseph Primary School and to northwest land that has been recently approved for subdivision under RM200051.

The location of the site is illustrated in Figure 2 and an aerial photograph of the site is provided as Figure 3.



Figure 2 - Site location map. The subject land is highlighted in red.



Figure 3 - Aerial photograph. The subject land is highlighted in red.

A site visit was not undertaken as the writer is familiar with the subject site.

2.3 SITE HISTORY/BACKGROUND

There is no resource or building consent history relevant to the site.

3.0 MACKENZIE DISTRICT PLAN

The subject site is zoned Residential 1 within the Operative Mackenzie District Plan 2004 (the District Plan) and is subject to the Flood Hazard Area planning notation. The activity status of the proposal is commented on below:

Section 13 – Subdivision, Development and Financial Contributions

- Section 13, Rule 4.a of the District Plan states that any subdivision outside the Mackenzie Basin Subzone which complies with all Primary and but does not comply with any one of more of the Secondary Subdivision Standards shall be a Discretionary Activity.

An assessment of the Primary and Secondary Subdivision Standards is provided in Table 1.

Table 1 – Assessment of the Primary and Secondary Subdivision Standards

Primary Subdivision Standards	Proposal
6.a Allotment Size In the Residential 1 Zone where public reticulation is available, no allotments created by subdivision shall have a net area less than:	Complies – All 16 allotments comply with the minimum net area for both front and rear lots ranging in size from 400m ² to 600m ² .

<ul style="list-style-type: none"> • Front lots – 400m² • Rear lots – 500m² 	
<p>6.b Water Supply All new allotments in the Residential Zones, other than allotments for access, roads, utilities, and reserves, shall be provided with a connection to a Council reticulated water supply laid to the boundary of the net area of the allotment.</p>	<p>Complies – All 16 allotments will be connected to Councils reticulated water supply laid to the net area of the allotment prior to section 224(c) certification.</p>
<p>6.c Sanitary Sewage Disposal All allotments in Fairlie in the Residential Zones, other than allotments for access, roads, utilities, and reserves, shall be provided with a piped sewage outfall for disposing of sanitary sewage laid at least 600mm into the net area of the allotment.</p>	<p>Complies – All 16 allotments will be provided with new independent sewer connections prior to section 224(c) certification.</p>
<p>6.d Energy Supply and Telephone Systems All new allotments in the Residential Zones, other than allotments for access, roads, utilities, and reserves, shall be provided with connections to electric supply and telephone systems to the boundary of the net area of the allotment.</p>	<p>Complies – All 16 allotments will be provided with new independent connections to the boundary area of the net area of the allotment prior to section 224(c) certification.</p>
Secondary Subdivision Standards	Proposal
<p>7.a Allotment Dimensions All allotments created by subdivision in the Residential Zones shall be such that they can accommodate a rectangle of 15m x 15m.</p>	<p>Complies – All 16 allotments are rectangular in shape can accommodate a rectangle of 15m x 15m.</p>
<p>7.b Property Access 7.b.i All new roads shall be laid out and vested in the Council, in accordance with the standards set out below: Cul-de-sac <100m long Road Width: 14-20m Carriageway Width: 6-8m Kerb and Channel: Both sides Footpaths: Both sides</p> <p>7.b.ii The carriageway of all new roads laid out and vested in accordance with 7.b.i above shall be formed and sealed.</p> <p>7.b.iii Footpaths shall be constructed as a sealed strip of 1.5m width within the berm. All areas of berms not sealed in footpath are to be formed in grass. a. Cul-de-sac shall be constructed with turning heads of the following diameters measured kerb face to kerb face: Residential Zones: - 13m where there is no provision for on-street parking. - 18m where there is provision for on-street parking.</p> <p>7.b.iv If a corner lot is included in any subdivision, the corner at the road intersection shall be splayed with a diagonal line reducing each boundary by at least 6m from the corner in a Rural, Rural-residential or Residential Zone and at least 3m in a Business zone. The corner rounding or splay shall be vested in the</p>	<p>7.b.i. Complies</p> <ul style="list-style-type: none"> • The cul-de-sac is less than 100m long, being approximately 81m long. • The road width is 14m wide. • The carriageway width is 6 metres wide. • Kerb and channel will be installed on both sides of the new road. • Footpaths will be provided on both sides of road. <p>7.b. ii. Complies – The applicant has proposed to form and seal the road.</p> <p>7.b.iii. Complies – The foot paths will be 1.5m wide, and berms will be grassed. The turning head is 18m in diameter.</p> <p>7.b. iv. Complies - Corner splays have been proposed for all of the corners being Lots 5, and 16.</p>

<p>Council.</p> <p>7.b.v All new roads vested upon subdivision of land shall be given distinctive names not already in use with the area covered by the District Council. The name shall be agreed to by the Council.</p> <p>7.b.ix All subdivision shall comply with the relevant rules for access in Section 15.</p> <p>7.b.x Access to allotments with the potential to accommodate more than six residential units shall be provided by way of a public road and not by private way or access lot.</p>	<p>7.b.v. Complies – The applicant has agreed to the naming convention.</p> <p>7.b.ix. Complies – The proposed complies with all the relevant rules in Section 15.</p> <p>7.b.x. Complies – A public road has been proposed.</p>
<p>7.c Esplanade Provision The Council may require an esplanade strip or reserve of up to 20m to be created or vested when an allotment is created along the bank of any river or the margin of any lake.</p>	<p>Not Applicable – The site is not located along the bank of a river or the margin of a lake.</p>
<p>7.d Provision of Land for Open Space and Recreation Where any subdivision creates separately saleable additional allotments for residential or visitor accommodation purposes in the Rural Residential Zones a cash contribution towards the provision of land for open space in the locality shall be made to Council.</p>	<p>Complies – A condition of consent is recommended to ensure a cash contribution towards the provision of land for open space is paid prior to section 224(c) certification. An assessment of the open space and reserves contribution is provided in Section 9.1 of this report.</p>

Table 1 demonstrates the subdivision complies with the Primary and Secondary Subdivision Standards. Section 13, Rule 4.b of the District Plan stipulates that any subdivision which occurs within any area shown in the planning maps as Flood Risk shall be a Discretionary Activity. The site is subject to the Flood Hazard Planning Notation. The subdivision is therefore a **Discretionary Activity**.

Section 15, Transportation

- Section 15, Rule 1 of the District Plan specifies that any activity which does not provide for parking, access and loading in accordance with the Performance Standards shall be a Discretionary Activity.

An assessment of the Transportation Performance Standards is provided in Table 2.

Table 2 - Assessment of Transportation Performance Standards

Performance Standard	Proposal
<p>2.i Standards of Vehicle Crossing Vehicle access to any site shall be by way of a vehicle crossing constructed pursuant to Council standards, from the roadway to the road or serve land boundary of the site and shall be at the owner’s expense. Vehicle crossings shall be constructed to the following standards:</p> <ul style="list-style-type: none"> For 10 or less residential units or activities which generate fewer than 100 normal car traffic movements per day: standard vehicle culverts 	<p>Complies – All 16 allotments will be provided with a vehicle access constructed to Council Standards pursuant to Standard 2.i.</p>

<p>and crossings to carry car traffic i.e. 225mm</p> <ul style="list-style-type: none"> • Drive-in accesses and other activities: heavy duty vehicle culverts and crossings shall be constructed and maintained so that they remain in a good state of repair and are fit for their purpose of carrying all types of normal traffic road traffic. 												
<p>2.m Length of vehicle Crossings The following crossing lengths shall apply:</p> <table border="1" data-bbox="209 555 778 689"> <thead> <tr> <th rowspan="2">Land Use</th> <th colspan="2">Length of Crossing (m)</th> </tr> <tr> <th>Minimum</th> <th>Maximum</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>3.0</td> <td>6.0</td> </tr> <tr> <td>Other</td> <td>4.0</td> <td>9.0</td> </tr> </tbody> </table> <p>The length of culverts and crossing shall be actual length of channel covers or the length of the fully dropped curb.</p>	Land Use	Length of Crossing (m)		Minimum	Maximum	Residential	3.0	6.0	Other	4.0	9.0	<p>Complies – All 16 allotments will be provided with a vehicle crossing. The vehicle crossings will have of a minimum width of 3 - 6m.</p>
Land Use		Length of Crossing (m)										
	Minimum	Maximum										
Residential	3.0	6.0										
Other	4.0	9.0										
<p>2.n Distance of Vehicle Crossings from Intersections No part of any vehicle crossing shall be located within 10m of an intersection or any roads in accordance with Table 4 of the District Plan.</p>	<p>Complies – The adjacent roads are classified as local roads. No vehicle crossings will be constructed within 10m of an intersection.</p>											
<p>2.p Visibility from Accesses All private accesses shall be located to ensure continuous visibility up to the minimum sight distances: Speed 50km/hr – 85m.</p>	<p>Complies – A minimum site distance of 85m can be achieved for all 16 allotments on Hamilton Street.</p>											
<p>2.q.iii Private Vehicle Access Access to more than 6 allotments or residential units shall be by way of a road not by a private way or access lot.</p>	<p>Complies – Private vehicle access has been provided via a road/cul de sac.</p>											
<p>2.r Standard of Vehicle Access Access ways in Residential Zones shall be to an all-weather standard for the full berm width of the adjoining road. Where the access way serves more than one allotment the access way shall be formed and sealed for the full length.</p>	<p>Complies – The Road will be constructed to an all-weather standard for the full berm width.</p>											

Table 2 demonstrates the subdivision complies with all the applicable Transportation Standards.

Section 6 – Residential Zone Rules (Flood Wall)

The definition of building under the District Plan is classified as follows:

Building: for the purposes of this Plan, means any structure or part of a structure whether temporary or permanent, movable, or immovable, but does not include...

b) Fences, walls or retaining walls of 2m in height or less not used for advertising or for any purpose other than as a fence, retaining wall or wall...

I consider that the proposed flood wall falls within the scope of the exclusions listed under point b in the definition of building in the District Plan. The proposal consists of a wall that is less than 2m in height which will only be used for retaining flood waters within the subject site. The wall is therefore excluded from the definition of a building. In the Residential 1 Zone there are no Performance

Standards relating to walls less than 2m in height. The proposed flood wall is therefore classified as Permitted activity pursuant to Section, Rule 7.1.1 of the District Plan.

Overall, the application is assessed as a **Discretionary Activity**.

4.0 NATIONAL ENVIRONMENTAL STANDARDS (NES)

A total of six National Environmental Standards are currently in effect, as follows:

- The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.
- The National Environmental Standard for Sources of Drinking Water.
- The National Environmental Standards for Telecommunication Facilities.
- The National Environmental Standards for Electricity Transmission Activities.
- The National Environmental Standards for Plantation Forestry.
- The National Environmental Standards for Air Quality.

The NES considered relevant to this application are considered below:

4.1 The National Environmental Standard for Assessing and Managing Contaminants In Soil To Protect Human Health (NESCS)

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) came into force on 10 October 2011. This was after the original consents were considered by the Commissioners, but during the time the Council's decisions were under appeal. None of the appeals related to matters associated with the NES.

Clause 5 sets out that these NES regulations:

- apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in sub-clause (7) or (8):*
- do not apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in sub-clause (9).*

On that basis whether or not the regulations apply depends on whether the application site is described as a 'piece of land' under sub-clause (7), being:

- an activity or industry described in the HAIL is being undertaken on it:*
- an activity or industry described in the HAIL has been undertaken on it:*
- it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.*

Irrespective of whether or not a 'HAIL' activity has been undertaken on the land on which the network is proposed to cross, sub-clause (8) sets out that these regulations only apply to production land, if a person wants to:

- sample or disturb-*
 - soil under existing residential buildings on the piece of land:*
 - soil used for the farmhouse garden or other residential purposes in the immediate vicinity of existing residential buildings:*
 - soil that would be under proposed residential buildings on the piece of land:*

- (iv) *soil that would be used for the farmhouse garden or other residential purposes in the immediate vicinity of proposed residential buildings.*
- c) *subdivide land in a way that causes the piece of land to stop being production land*
- d) *change the use of the piece of land in a way that causes the piece of land to stop being production land.*

The applicant provided a Preliminary Site Investigation Report (PSI), in accordance with the NESCS, written by Ms Fran Hobkirk of Malloch Environmental. Ms Hobkirk found that there was no evidence of HAIL activities occurring at the site and concludes that the NESCS does not apply to the site. The PSI was reviewed and Certified by Ms Rachael Malloch who is a suitably qualified and experience practitioner (SQEP).

I accept the findings of the PSI and therefore do not consider the site to be a piece of land under sub clause (7) of the NESCS.

5.0 STATUTORY CONSIDERATION

5.1 Section 104 & 104B

In accordance with section 104B of the Act, a consent authority may grant or decline a resource consent for a Discretionary Activity and may impose conditions under section 108 of the Act.

5.2 Section 106

Section 106 of the Act allows a consent authority to refuse subdivision consent if there is a significant risk from natural hazards or sufficient provision has not been made for legal and physical access.

5.2.1 Natural Hazards

Section 106 of the Act stipulates that a consent authority when considering a subdivision consent has to consider whether the land is suitable for subdivision and take into account any measures proposed by the applicant to protect the land from the effects of natural hazards. An assessment of the risk from natural hazards requires a combined assessment of the following matters:

- The likelihood of natural hazards occurring (whether individually or in combination);
- The material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and
- Any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).

The site is subject to the Flood Hazard Area planning notation. In recognition of the potential flood hazard effects a Flood Hazard Assessment prepared by Mr Chris Fauth, a senior scientist of Natural Hazards at Environment Canterbury was provided with the application for resource consent by the applicant. Mr Fauths assessment relies on a Memo provided by the applicant explaining the design of swale/secondary flow path on the property (attached as separate PDF). The memo entitled *Gall St Fairlie Overland Flow*, dated 1 September 2021, was prepared by Daniel McMullen and Andrew Tisch of e2environmental Consulting Engineers.

Section 6, Standard 3.1.1.e of the District Plan stipulates that the minimum floor height for habitable residential buildings in areas subject to Low Flood Risk shall be 150mm above floodwaters with a 0.2% annual probability of occurring (i.e., 500-year return period flood (ARI)). A table of Mr Fauth's recommendations in regard to minimum finished floor levels is provided below:

Table 3 - Finished Floor Level Recommendations

Lot Number	Finished Flood Height (FFH)
Lots 1 to 3, and Lot 10	Due to their location on the highest part of the property, the standard Building Code requirement of 150mm above the expected 500-year ARI Flood is adequate to meet the Councils minimum FFH requirements.
Lots 4 to 9	Lots 4 to 9 are well elevated above the secondary flow path and may receive some minor stormwater run-off in very extreme rainfall events. Finished floor heights of 250mm above ground level are recommended to meet Council minimum FFH requirements.
Lots 11 to 14	Lots 11 to 14 are at the bottom of the slope near the re-contoured swale. While the swale will significantly reduce the flooding, it is difficult to rule out any water source in an extreme 500-year ARI Flood. Furthermore, these lots may be affected by minor local runoff from the Hamilton Road area. The FFH needs to be at least 350mm above ground level to meet the Council requirements.
Lots 15 to 16	Lots 15 to 16 are located on the lowest part of the subdivision. The sites are also adjacent to Gall Street which flood flows may back up around the road and against the built-up part of Fairlie. The Finished Floor Heights need to be at least 450mm above ground level to meet the Council requirements.

The applicant accepts the recommended minimum floor heights for Lots 1 to 10, however, considers the floor heights for Lots 11 to 16 to be overly conservative. The applicant considers that it is more appropriate to calculate the minimum floor heights for Lots 11 to 16 based on the freeboard above water level in the secondary flow path instead of being measured from ground level. The applicant therefore provided a set of Finished Floor Heights with specified level above a datum based on their assessment of the flood hazard and proposed subdivision earthworks.

The finished floor levels have been reviewed by Mr Fauth. Mr Fauth considers that the applicant's method for the calculation of the finished floor height is appropriate for Lots 11 to 16. Given their qualifications¹ he has no reason to question their results and assessment. Mr Fauth has also confirmed that the proposed FFH have been calculated based at the highest point of the site. It is noted that the FFH proposed are the minimum level to meet the District Plan Requirements.

Based on Mr Fauth's recommendations and the applicant's calculations of FFH, a Consent Notice is recommended to be registered on the Record of Title of Lots 4 to 9, and Lots 11 to 14 to ensure all habitable buildings are constructed 150mm above flood waters in accordance with the agreed FFH. The agreed minimum floor heights are set out in Table 4, Minimum Finished Floor Levels – Relative Levels.

¹ The qualifications of the applicant's advisors on flood hazard are as follows: Daniel McMullen, Civil Engineer e2environmental Consulting Engineers, BE Hons (Nat. Res), MEngNZ, with experience in flood risk management. Andrew Tisch, Principal Engineer & Director e2environmental Consulting Engineers, Chartered Professional Engineer BE (Civil), Dip. Tch, MIPENZ (Civil & Environmental).

Table 4: Minimum Finished Floor Levels – Relative Levels

Lot Number	Finished Floor Height
Lot 4	308.05mRL
Lot 5	307.95mRL
Lot 6	308.15mRL
Lot 7	308.35mRL
Lot 8	308.45mRL
Lot 9	308.85mRL
Lot 11	308.30mRL
Lot 12	308.50mRL
Lot 13	308.20mRL
Lot 14	308.00mRL
Lot 15	307.80mRL
Lot 16	307.66mRL

Mr Fauth in his assessment also states:

- The point at which the upstream overland flow enters and leaves the property is essentially the same as the existing location albeit with a greater concentration of floodwater in a smaller area of land. It is not anticipated that that the small concentration of flood water will have a significant adverse effect as the proposed swale will direct water to the same place the existing natural swale does.
- Water will cross Gall Street onto property on the opposite side of the road in extreme flooding events. This situation is however pre-existing, and the subdivision will not alter or be expected to increase the volume of flood water in the event of an extreme flooding event.
- Any future obstruction of the secondary flow path from built development, vegetation or fencing could deflect flood flows and increase flooding within this subdivision or on any other property.

To ensure that there is a free flow of flood waters from the secondary flow path to Gall Street the applicant proposed that no fences are constructed along the boundary of Lot 16 where the secondary flow path exits the site. The applicant has also proposed that a condition of consent is imposed to control the erection of fences over the 6m wide secondary flow path on Lots 11 to 16 to maintain minimum clearances under the fences.

Based on the above, it is recommended that the secondary flow path is clearly identified, and obstruction of the swale is avoided. A condition of consent is therefore recommended to ensure the swale and the flood wall are clearly identified on the land Transfer Plan prior to section 223 Certification. Consent Notices are also recommended to be registered to:

- Lots 11 to 16 in relation fences on the secondary flow path;
- Lots 13 to 15 in relation to fences on secondary flow path and flood wall; and
- Lot 16 in relation to fencing on the secondary flow path including the road boundary and flood wall as follows.

The Consent Notices shall read as follows:

Lots 11 to 16:

“The 6.0-metre-wide stormwater secondary flow path (swale) located on the southern boundary, represented as the right to drain water in gross easement on the Title Plan, is an

important flood carrying feature. Any obstruction of the swale may divert floodwaters and affect flood depths on surrounding property during major flooding events. The secondary flow path shall be kept clear of buildings, structures, vegetation, and fences that would impede the flow of surface water through the swale. A fence may only be erected at right angles to the flow path provided the bottom of the fence is no lower than 0.5 metres above the centre of the flow path.”

Lots 13 to 16:

“The flood wall located on the southern boundary is part of an important flood carrying feature. Any obstruction of the flood wall may divert floodwaters and affect flood depths on surrounding property during major flooding events.”

Lot 16:

“No fence may be erected on the road boundary of the 6.0m wide secondary over land flow path”.

Overall, Mr Fauth considers that proposal is appropriate, and the applicant has adequately mitigated the potential adverse effects of the flood hazard on the site. Minimum finished floor levels have been proposed that will ensure that any residential dwellings on the sites will be 150mm above floodwaters with a 0.2% annual probability of occurring (i.e., 500-year return period flood (ARI)) in accordance with the District Plan requirements.

Mr Fauth also states that the proposal will not have a significant adverse effect on properties beyond the subject site. While there will be a greater concentration of flood waters from the proposal, it will be limited in effect. The proposed secondary flow path will direct water to the same place as the existing swale on the site. Flood water will still cross Gall Street and flow onto the property on the opposite side of the Street in extreme flood events. The flow of water across Gall Street is existing and Mr Fauth considers that the subdivision will not alter or increase the volume of floodwater in extreme flood events.

Mr Fauth notes that obstruction of the secondary flow path from built development, vegetation or fencing could deflect flood flows and increase flooding within this subdivision or on any other property. To address the risk of obstructing the secondary flow path the applicant has proposed that Consent Notices be imposed on the Records of Title of Lots 11 to 16.

Subject to the imposition of a Consent Notice, the subdivision is not expected to accelerate, worsen, or result in material damage in terms of natural hazards. The land is therefore considered to be suitable for subdivision.

5.2.2 Legal and Physical Access

All sixteen allotments will have legal and physical access to Hamilton Street, Gall Street, or a new road/cul-de-sac.

5.2.3 Conclusion

Having regard to the above Section 106 matters, I do not consider that there are any grounds for the subdivision consent to be refused.

6.0 ASSESSMENT OF EFFECTS

6.1 Permitted Baseline

The permitted baseline has not been considered as subdivision consent is not provided for as a permitted activity in the District Plan.

6.2 Written Approvals

No written approvals have been submitted with the application.

6.3 Assessment of Effects

Allotment Size and Dimensions Effects

The proposal complies with Primary Subdivision Standard 6.a in relation to allotment size. All sixteen allotments will have a net area greater than 500m² for rear allotments and 400m² for front allotments.

The dimensions of all 16 allotments created by the subdivision have been designed to accommodate a rectangle with minimum dimensions of 15m x 15m in accordance with Secondary Subdivision Standard 7.a.

The effects in regard to allotment size and dimension are therefore considered to be less than minor.

Transportation

All 16 allotments will be provided with a compliant vehicle crossing to a legal road. A new cul-de-sac will be constructed to Council Standards pursuant to Subdivision Standard 7.b. The cul-de-sac will have a legal width of 14m and a minimum carriageway width of 6m in accordance with the District Plan requirements and a footpath on both sides for pedestrian use. Councils Roading Manger, Mr Scott Mackenzie, has reviewed the proposal and considers the cul-de-sac to be suitable.

The subdivision will result in increased traffic movements to the site. The traffic movements are however, anticipated by the District Plan with all 16 allotments meeting the minimum allotment size in the Residential 1 Zone. Based on the above, the adverse transportation effects are considered to be less than minor.

Servicing and Infrastructure

Water Supply

All new allotments in Residential 1 Zone are to be provided with a connection to Council's reticulated water supply laid to the boundary of the net area of the lot. All 16 Lots will be provided with new connections prior to section 224(c) certification. Councils Engineering Manager Mr Bernie Haar, has reviewed the application and raised no concerns with the intended water supply. A condition of

consent is recommended to ensure Lots 1 to 16 are provided new independent water connections prior to section 224(c) certification.

Stormwater Disposal

There is no reticulated stormwater network within the vicinity of the site. Stormwater from the existing buildings and any future buildings and/or hardstand areas will therefore be discharged directly to ground. The discharge of stormwater onto land is a permitted activity in the Environment Canterbury Land and Water Regional Plan subject to compliance with Rules 5.95 and 5.96. All stormwater discharge will be assessed as part of the building consent process.

Sanitary Sewage Disposal

All new allotments in Fairlie are to be provided with a connection to Council's reticulated wastewater system at least 600mm into the net area of the lot. Lot 1 to 16 will be provided with new connections prior to section 224(c) certification. Mr Haar has raised no concerns with the intended method of wastewater disposal. A condition of consent is recommended to ensure Lots 1 to 16 are provided with new independent connections prior to section 224(c) certification.

Energy Supply and Telecommunications

All new allotments in the Residential 1 Zone are required to have a connection to electric supply and telephone systems to the boundary of the net area of the lot. Lots 1 to 16 will be provided with new independent connections prior to section 224(c) certification. A condition of consent is recommended to ensure Lots 1 to 19 are provided with new independent connections prior to section 224(c) certification.

Overland Flow

To manage the existing overland flow that traverses the site the applicant is proposing to install a secondary flow path on Lots 11 to 16. A flood wall will also be installed on Lots 13 to 16 to contain the flood waters within the site.

The applicant states that the flood wall will have an expected design life of 50 years and possibly up to 100 years, with inspections required at regular intervals throughout its life. To address the need for ongoing maintenance the applicant has proposed that the flood wall be vested with Mackenzie District Council.

Mr Haar has reviewed the proposal. Mr Haar has advised me that Council will accept the proposal to vest the flood wall with Council provided there is:

- An Easement in favour of Council in relation to the secondary flow path and the flood wall; and
- A Consent Notice imposed on the Records of Title of Lots 11 to 16 to ensure that the landowners are aware of the importance of keeping the flow path clear of obstructions.

Subject to the imposition of conditions of consent and Consent Notices registered to the Record of Title the adverse effects on the environment in terms of servicing and infrastructure are considered to be less than minor.

Vegetation and Landscape

The site does not contain any known indigenous vegetation. There are also no reserves or natural features near the site that could be affected by the proposal.

The adverse effects on the environment in terms of vegetation and landscape are therefore considered to be less than minor.

Earthworks

Earthworks will be carried out as part of the subdivision to form the cul-de-sac and kerb and channel on Hamilton and Gall Street. The construction effects however will be short term and not out of character with anticipated construction in the Residential 1 Zone. A condition of consent is recommended to ensure all construction noise complies with Section 14; Rule 2.3.1 of the District Plan that stipulates construction noise shall not exceed the recommended limit in and shall be measured as assessed in accordance with the provisions of New Zealand Standard NZS 6803P:1991. Work procedures shall also be adopted to ensure silt and dust resulting from the earthworks are contained within the boundaries of the allotment. The adverse earthworks effects on adjoining landowners are therefore considered to be less than minor.

Nuisance Effects

Minor earthworks will be carried out as part of the subdivision. The construction effects will however be short term and not out of character with anticipated construction in the Residential 1 Zone. Once the subdivision construction works are completed it is unlikely any nuisance effects will be experienced as the subdivision meets the minimum allotment size set out in the District Plan.

Effects on Natural and Other Hazards

The effects on natural hazards have been discussed above in section 5.2.1 Natural Hazards. Subject to the imposition of consent conditions and Consent Notices the subdivision is not expected to accelerate, worsen, or result in material damage in terms of natural hazards. The adverse effects in terms of natural hazards are therefore considered to be less than minor.

Building Location

All 16 allotments are rectangular in shape and will generally allow for building platforms that can comply with the road and internal setbacks required for residential units in the Residential 1 Zone. The location of the existing stormwater and sewer main easement, and the proposed secondary flow path on Lots 5, 6, 7 and 11 to 16 will however reduce the area available to create a building platform when considering the District Plan setbacks and the easements. Table 5 demonstrates the buildable area available for each of the affected lots when the restrictions created by the easements are considered.

Table 5 – Buildable Area for Lots 4 -7, 11 to 16.

Lot Number	Buildable Area outside of easements and subject to District Plan Setbacks excluding the accessory building exemption
Lot 4	245m ²
Lot 5	132m ² and 45m ²
Lot 6	101m ² and 161m ²
Lot 7	245m ²
Lot 11	298m ²

Lot 12	204m ²
Lot 13	203m ²
Lot 14	202m ²
Lot 15	157m ²
Lot 16	190m ²

Based on Table 5 the restrictions created by the easements and setbacks are not considered to be so great that the sites are unworkable. There remains an area of 132m² and 161m² on Lots 5 and 6 respectively that will allow, with the appropriate design approach, the construction of a dwelling that complies with the District Plan while observing the necessary easements. The buildable areas available on Lots 4, 7, and 11 to 16 are also workable and provide for a minimum buildable area of 202m² when considering the District Plan provisions and easements.

Lots 5 and 6 are the most affected by the easements with both an existing stormwater main and sewer main dissecting each lot, all other sites have distinct building locations. Given the necessity of ensuring that the easements are protected on Lots 4, and 7, and to make sure potential purchasers are aware of the extent of the easements on the buildable areas, it is recommended that a Consent Notice is imposed that highlights the full extent of the buildable area. The Consent Notice shall read as follows:

“The building location areas (identified on the Land Transfer Plan) denote the maximum buildable area outside the setbacks required by the easements registered on the Record of Title and the Operative Mackenzie District Plan 2004-yard setbacks (excluding the reduced boundary setback for accessory buildings).”

The adverse effects on the environment in terms of building location are therefore considered to be less than minor.

6.4 Conclusion

Based on the above assessment, the proposal is not likely to have adverse actual and potential effects on the environment that are more than minor.

7.0 NOTIFICATION ASSESSMENT

A separate notification report is attached the decision. The application shall be processed on a non-notified basis.

8.0 ASSESSMENT OF APPLICABLE STATUTORY DOCUMENTS AND REGULATIONS

The Operative Mackenzie District Plan 2004 is the only statutory planning document or regulation that is pertinent to the consideration of the subject application. Accordingly, and in the interests of conciseness, no other statutory planning documents or regulations are considered in this assessment.

8.1 Operative Mackenzie District Plan 2004

The Objectives and Policies most relevant to the subject application are set out and assessed below:

Section 13 – Subdivision, Development and Financial Contributions

- **Objective 1 - Subdivision Servicing**

The provision of necessary services including safe and efficient access to subdivided allotments in anticipation of the likely effects of land use on those allotments.

Policies

- 2. To achieve safe and effective vehicular access to properties in subdivisional developments.*
- 3. To achieve provision of pedestrian and amenity linkages where useful linkages can be further developed.*
- 4. To minimise the adverse visual and physical effects of subdivision roading.*
- 5. To require that water supplies to subdivided allotments are of a sufficient capacity and of a drinkable standard.*
- 6. To require upon subdivision, that all new lots be provided with means of connection to a reticulated water supply system, where water from such a system is available.*
- 7. To require that the provision of any necessary additional water supply, stormwater control or sewage disposal infrastructure and the upgrading of existing infrastructure is undertaken or contributed to by subdividers where appropriate, In recognition of the scale and nature of the anticipated land users.*
- 8. To encourage the retention of natural open waterways for stormwater to ensure disposal in a manner which maintains or enhances the quality of surface and ground water.*
- 9. To require that storm water is disposed of in a manner that avoids inundation of land within or adjoining the subdivision.*
- 11. To encourage the harvesting and/or re-use of storm water for non-potable uses where appropriate.*
- 13. To require, upon subdivision, that anticipated development is provided with a means of disposing of sanitary sewage in a manner which is consistent with maintaining public health and minimises adverse effects on the environment.*
- 14. To require upon subdivision, that all new lots be provided with a means of connection to a reticulated sanitary system, where such a system is available. When a reticulated system is not available, on site or standalone communal treatment systems may be installed, subject to any discharge consents required.*
- 16. To require that adequate provision is made for the supply of reticulated energy and communication facilities and that the method of reticulation is appropriate for the amenities of the area.*

Having regard to the assessment of effects above, the subdivision consent is considered to be consistent with the above Objective and Policies. Conditions of consent will ensure all 16 allotments are provided with appropriate services and a safe and effective vehicular access.

- **Objective 2 - Cost of Services to be Met by Subdividers and Developers**

The costs of the provision of existing services, new services or the upgrading of services which are necessitated by subdivision or development is to be met by the subdividers and/or developers.

Policies

- 1. To require subdividers and developers to meet the costs of new or upgraded services (including head works), which are attributable to the impacts of the subdivision or development, including where applicable:
 - (a) Roding and access;*
 - (b) Water supply;*
 - (c) Sewage disposal;*
 - (d) Stormwater disposal;**

- (e) Trade waste disposal;*
 - m Provision of electricity; and*
 - (g) Provision of telecommunications.*
- 2. To require contributions for creation of new allotments and multi-unit residential development for the purpose of recouping costs of existing public utility services provided by the Council that serve the land in the subdivision or development.*
 - 3. To provide for any contributions to be in accordance with the methods of determination specified in the Rules.*

Conditions of consent are recommended to ensure all necessary financial contributions are paid prior to section 224(c) certification and all actual and reasonable costs incurred by the Council in monitoring, enforcement, engineering approval and administration of this resource consent are met by the consent holder.

- **Objective 3 - Recreation and Reserves**

A conveniently distributed and accessible range of public open space and recreational areas and facilities to meet the diverse needs of residents and visitors to the District.

Policies

- 1. To encourage and where possible, provide for a range of recreation opportunities within the District.*
- 2. To ensure the provision of open spaces and recreational areas within or in reasonable proximity to new residential subdivisions meet the needs of the future community.*
- 3. To require contributions towards public open space and recreation areas from residential subdivision and from any major residential, business or community development to provide for:*
 - i. Additional parks, walkways and cycleways needed as a result of additional household and/or visitor growth.*
 - ii. Additional open space needed for visual relief or enhancement.*

A condition of consent is recommended to ensure financial contributions towards open space and recreation is paid prior to section 224(c) certification. An assessment of the Open Space Recreation Contribution is provided in Section 9.1 of this Report.

- **Objective 5 – Avoidance of Natural Hazards**

The avoidance of subdivision in localities where there are significant natural hazards, unless these can be mitigated without significant adverse effects on the environment.

- 1. To ensure that subdivision is either restricted, subject to mitigation measures, or avoided in areas subject to risk from flooding, subsidence or slippage of from hazards associated with activity faults.*
- 2. To ensure that mitigation measures do not give rise to unnecessary adverse impacts on the environment.*
- 3. Require esplanade provision be made to mitigate natural hazards.*

The site is subject to the Flood Hazard planning notation. All potential effects however will be mitigated via conditions of consent and Consent Notices registered to the Records of Title. All habitable buildings will be constructed 150mm above flood waters and the secondary flow path traversing Lots 11 to 16 will be protected. The mitigation measures recommended are not expected to give rise to unnecessary adverse impacts on the environment. The site does not adjoin the margin of a lake or river. An esplanade provision is therefore not required.

8.2 Conclusion

Based on the above assessment, it is concluded that the proposal will not be contrary to the objectives and policies of the District Plan

9.0 ANY OTHER MATTERS

9.1 Reserve Contributions

Secondary Subdivision Standard 7.d stipulates that any subdivision that creates separately saleable, additional allotments for residential or visitor accommodation purposes in Residential 1 Zone shall be required to pay a cash contribution to Council towards the provision of land for open space in the locality. Land for recreation facilities and maintenance of recreational facilities and open space in the Residential 1 Zone are calculated as follows:

- *5% of the marketable value of each additional allotment created by the subdivision.*

The proposed subdivision will create 15 additional allotments for residential purposes. A reserves contribution for 15 allotments is therefore applicable and a condition of consent is recommended to be imposed.

9.2 Financial Contributions

At the time of section 224(c) certification the consent holder will be required to pay a water supply capital works contribution and a sanitary sewage capital works contribution for 15 additional allotments at the amount specified in the Council's Annual Plan, or Schedule of Fees and Charges, for the financial year.

9.3 Consent Notices

There are currently five Consent Notices registered on the Record of Title.

Two Consent Notices have the same text (6055330.2 and 6862634.4). The Consent Notices relate to the construction of residential dwellings and minimum finished floor levels to address flood events with a 0.2% Annual Exceedance Probability (500-year return period flood event). Two of the Consent Notices (6862634.1 and 6862634.3) relate to setbacks from an existing council sewer main and a stormwater pipe that dissects the site. Consent Notice 6862634.2 relates to the protection of swales and watercourses on the site.

The Consent Notices are listed in Appendix A.

The applicant has requested the cancellation of all five Consent Notices as they consider they will be made redundant given:

- Finished Floor Levels which have been calculated in accordance District Plan requirements and provided as part this consent application.
- The proposed easements in gross, discussed below, to be created over the Council sewer and stormwater main pipes, will adequately encompass the protections provided currently under the consent notices.

I agree with the Applicant that the requirements under Consent Notices 6055330.2 and 6862634.4 have been superseded by the provision of finished floor levels as part of this consent process. The finished floor level requirements will be imposed as new Consent Notices on the Records of Title, thus eliminating the need for Consent Notices 6055330.2 and 6862634.4.

The construction of the secondary flow path which will manage the overland flow from upstream, on Lots 11 to 16 means that the swales and watercourses referred under Consent Notice 6862634.2 will no longer exist. Therefore, the Consent Notice is redundant and can be cancelled.

Mr Haar has approved the removal of Consent Notices 6862634.1 and 6862634.3, given the existing stormwater main and sewer main will be protected by an easement.

New Consent Notices will be registered on the Record of Title in accordance with Section 221 of the Act in relation to:

- The buildable area on Lots 5 and 6.
- The minimum finished floor heights on Lots 1 to 16.
- Control the erection of fences over the 6.0m wide secondary flow path through Lots 11 to 16; and
- Ensure that no fences are erected over the 6.0m wide secondary flow path located at the Lot 16 Gall Street road boundary.

9.4 Easements

There is an existing easement in the south west corner of Lot 16 and a sewer easement in the northern section of Lot 9 which will be carried over.

There are currently no Council encumbrances on the Record of Title. The application proposes to create new easements in Gross in favour of Council over existing sewer and stormwater mains crossing the sites. The extent of the easements, indicated of the scheme plan are:

- Sewer - 1.5m each side from the centreline of the pipe.
- Stormwater – 2m each side from the centre line of the pipe.

New private easements will be created for the services which is to be determined by final engineering design and confirmed at the time of section 223 Certification. New Private easements will also be created for services crossing over other lots and the location of which will be confirmed at the time of engineering plan approval.

10.0 PART II MATTERS

Part II of the Resource Management Act stipulates the purpose and principles of the Act. The purpose of the Act is to promote the sustainable management of natural and physical resources. The various principals provided under Part II support this purpose. It is considered that the proposed activity accords with Part II of the Act.

11.0 CONCLUSION

With the above matters in mind and subject to the recommended conditions being imposed on the consent, it is considered the proposal is acceptable in terms of the matters listed under section 104B of the Act.

12.0 RECOMMENDATION

Pursuant to sections 104, 104B, and 108 of the Resource Management Act 1991, it is recommended that consent be GRANTED subject to the recommended conditions outlined below.



Reported on and Recommended by:

Suzanne Blyth – Resource Management Planner

Date: 3 February 2021

13.0 RECOMMENDED CONDITIONS

1. The development shall be carried out in accordance with the plans attached and stamped as approved on 5 February 2021 (Philip Conway Surveyor Ltd, *Proposed Subdivision Lot 1 DP 367268*, Ref 3450/30C, dated 20/01/21), and the application as submitted under reference RM200077, as amended by the following consent conditions.
2. All actual and reasonable costs incurred by the Council in monitoring, enforcement and administration of this resource consent shall be met by the consent holder.

Easements

3. All easements necessary to secure access to services, shall be shown on the Land Transfer Plan or in a Memorandum of Easements, attached to the Land Transfer Plan, prior to certification pursuant to section 223 of the Resource Management Act 1991.
4. Easements in Gross in favour of the Mackenzie District Council shall be created over the secondary flow path on Lots 11 to 16, and over the flood wall on Lots 13 to 16 and shall be shown on the Land Transfer Plan or in a Memorandum of Easements, attached to the Land Transfer Plan, prior to certification pursuant to section 223 of the Resource Management Act 1991.

Cancellation of Consent Notices

5. Pursuant to section 221(3) of the Resource Management Act 1991 at the time of 224(c) certification the Consent Notices registered under 6055330.2, 6862634.1 6862634.2, 6862634.3 and 6862634.4 on Record of Title 272963 shall be cancelled.

Engineering Approval

6. All physical works shall be completed in accordance with Mackenzie District Councils Code of Practice for Subdivision, New Zealand Standard 4404, and the Operative Mackenzie District Plan 2004.
7. All engineering plans and specifications shall be submitted to the Mackenzie District Council for engineering approval prior to physical works commencing on the site. The application shall include a Schedule 1A - Design Certificate – Land Development/ Subdivision (NZS 4404) completed by a suitably qualified individual.
8. Upon the completion of all physical works, the consent holder shall provide Mackenzie District Council with a Schedule 1B – Contractor’s Certificate Upon Completion of Land Development/ Subdivision (NZS4404) and a Schedule 1C – Certification Upon Completion of Land Development/Subdivision (NZS4404).
9. Upon completion, of all physical works, the consent holder shall provide the Mackenzie District Council with ‘As Built Plans’ of all vested infrastructure in electronic form. All plans are to be compatible with Mackenzie District Councils GIS system.

Earthworks and Construction

10. All construction noise shall be in accordance with the provisions of New Zealand Standard NZS 6803P:1991 in accordance with Section 14, Rule 2.3.1 of the Operative Mackenzie District Plan.
11. Work procedures shall be adopted to ensure any silt and/or dust resulting from the earthworks and construction is contained within the boundaries of the allotments.

Flood Hazard

12. A secondary flow path six metres wide shall be constructed on Lots 11 to 16 in accordance with the Plans stamped as approved on 5 February 2021 (Gall Street Fairlie, Earthworks, Roding Sewer and Stormwater, by e2 Environmental, Drawing Number 220, dated 13.10.20).
13. On Lots 11 to 12 the secondary flow path shall have a 500 millimetre (mm) offset from the southern site boundary, a base width of 1 metre, and a slope of four to one. On Lots 14 to 16 the secondary flow path shall consist of a floodwall on the southern site boundary that has been designed with a minimum freeboard of 150mm and located within the 500mm boundary setback, a base width of 1 metre, and a slope of four to one. The flood wall shall be a maximum of 600mm in height and shall be constructed of a Lusit Precast Retaining Wall system or similar subject to engineering approval.
14. The Flooding Assessment for the site has determined that Lots 4 to 9 and 11 to 16 have minimum Finished Floor Levels, as tabulated below. The LINZ Land Transfer Survey Plan shall show reduced levels on three survey control marks located in public land with at least one being within 50m of the road frontage of each lot to be suitable for establishing minimum FFLs by builders. The level datum shall be in terms of Lyttleton Vertical Datum 1937.

In accordance with Section 221 of the Resource Management Act 1991 the following condition shall be registered to the Record of Title of Lots 4 to 9 and 11 to 16:

Lots 4 to 9 and 11 to 16 Minimum Finished Floor Levels

Lots 4 to 9 and 11 to 16 shall have minimum Finished Floor Levels (FFL) in accordance Table 1 below. The LINZ Land Transfer Survey Plan shows survey control marks with levels that can be used for establishing FFL's. The level datum is Lyttleton Vertical Datum 1937.

Table 1 – Lots 4 to 9 and 11 to 16 Minimum Finished Floor Levels

Lot Number	Minimum Finished Floor Level (FFL)
4	308.05mRL
5	307.95mRL
6	308.15mRL
7	308.35mRL
8	308.45mRL
9	308.85mRL
11	308.80mRL
12	308.50mRL
13	308.20mRL
14	308.00mRL
15	307.80mRL
16	307.66mRL

15. In accordance with Section 221 of the Resource Management Act 1991 the following condition shall be registered to the Record of Title of Lots 11 to 16:

“The 6.0-metre-wide stormwater secondary flow path (swale) located on the southern boundary, represented as the right to drain water in gross easement on the Title Plan, is an important flood carrying feature. Any obstruction of the swale may divert floodwaters and affect flood depths on surrounding property during major flooding events. The secondary flow path shall be kept clear of buildings, structures, vegetation, and fences that would impede the flow of surface water through the swale. A fence may only be erected at right angles to the flow path provided the bottom of the fence is no lower than 0.5 metres above the centre of the flow path.”

16. In accordance with Section 221 of the Resource Management Act 1991 the following condition shall be registered to the Record of Title of Lots 13 to 16:

“The flood wall located on the southern boundary is part of an important flood carrying feature. Any obstruction of the flood wall may divert floodwaters and affect flood depths on surrounding property during major flooding events.”

17. In accordance with Section 221 of the Resource Management Act 1991 the following condition shall be registered to the Record of Title of Lot 16:

“No fence may be erected on the road boundary of the 6.0m wide secondary over land flow path”.

Vehicle Access

18. Prior to section 224(c) certification, the consent holder shall provide Lots 1 to 16 with a new vehicle crossing which complies with New Zealand Standard 4404 and the Transportation Standards of the Operative Mackenzie District Plan 2004.

Cul-de-sac

19. Prior to section 224(c) certification, the consent holder shall construct a new road/cul-de-sac in accordance with the Plans stamped as approved 5 February 2021(Philip Conway Surveyor Ltd, *Proposed Subdivision Lot 1 DP367268*, Ref 3450/30C, dated 20/01/21).
20. Prior to construction of the new road/cul-de-sac engineering approval shall be obtained pursuant to Condition 7.
21. The new road shall be formed and sealed for the full length.

Water Supply

22. Prior to section 224(c) certification, the consent holder shall provide Lots 1 to 16 with independent and metered water connections to the boundary of the net area of the allotment.

Wastewater Disposal

23. Prior to section 224(c) certification, the consent holder shall provide Lots 1 to 16 with new independent sewer connections to the boundary of the net area of the allotment.

Energy and Telecommunications

24. Prior to section 224(c) certification, the consent holder shall provide Lots 1 to 16 with independent underground electricity supply connections to the boundary of the net area of the allotment. Written confirmation from the network operator that an operational electricity supply has been installed shall be provided to the Mackenzie District Council.
25. Prior to section 224(c) certification, the consent holder shall provide Lots 1 to 16 with independent underground telephone connections to the boundary of the net area of the allotment. Written confirmation from the network operator that an operational telecommunications supply has been installed shall be provided to the Mackenzie District Council.

Street Lighting and Signage

26. All street signage and lighting plans shall be submitted to the Mackenzie District Council Asset and Planning Departments for approval one month prior to installation.

Buildable Areas

27. The shaded building location areas including dimensions and area identified on Lots 5 and 6 of the approved plans shall be clearly identified on the Land Transfer Plan prior to certification pursuant to section 223 of the Resource Management Act 1991.
28. In accordance with Section 221 of the Resource Management Act 1991 the following condition shall be registered to the Record of Title of Lots 5 and 6:

“The building location areas (identified on the Land Transfer Plan) denote the maximum buildable area outside the setbacks required by the easements registered on the Record of Title and the Operative Mackenzie District Plan 2004-yard setbacks (excluding the reduced boundary setback for accessory buildings).”

Capital Works Contributions

29. Prior to section 224(c) certification, the consent holder shall pay a water supply capital works contribution and a sanitary swage capital works contribution for fifteen allotments at the amount specified in Council’s Annual Plan, or Schedule of Fees and Charges, for the financial year in which section 224(c) certification is requested.

Open Space and Reserves Contributions

30. Prior to section 224(c) certification, the consent holder shall pay a reserves contribution for fifteen (15) additional allotments, payable at a rate of 5% of the land value of Lots 1 to 16.

The value of the allotments shall be determined by a valuation from a registered valuer. This valuation can either be provided by the consent holder or the Council can obtain this on the consent holder’s behalf. Where the Council does obtain the valuation upon request, the cost of the valuation will be met by the consent holder. The valuation used to determine the reserves contribution must be no older than six months from when the Council receives it as part of the section 224(c) application.

CONO 6055330.2 - Dated 31 March 2004

"That any new dwelling, or extension to an existing dwelling, requires a registered engineer's certificate that the foundation design/structure and floor height will withstand a flood event of a 0.2% Annual Exceedance Probability (500-year return period flood event), without inundation of the building or damage to the building."

CONO 6862634.1 - Dated 3 February 2006

"All buildings on Lot 1 shall be subject to the following requirements:

Close proximity rules

Policy

Rising Mains and Trunk Sewers:

No building shall be built over a public rising main, or trunk sewer or closer than the greater of:

1.5 metres from the centre of any main or sewer; or

The depth of the centre line of the sewer, plus the diameter of the sewer from the existing/proposed ground surface.

Reticulation Sewers:

No building shall be built over a public reticulation sewer, whether on public or private land.

No building shall be built closer than 1.5 metres from the centre of any public sewer.

Dispensation

Dispensation may be approved to site the building down to 800mm off the sewer pipe centre line subject to the following conditions:

- 1. The depth of the sewer pipe is less than 3.0 m deep from the existing/proposed ground surface;*
- 2. Additional foundation requirements of specific designed piles be installed to 200mm below the sewer invert where the building is closer than 1.5m from the sewer pipe;*
- 3. That all connections be a minimum of 1.0m outside the building;*
- 4. That all buildings be 0.5m off the outside wall of manhole structures.*

Ancillary buildings may be exempt

Garages (single and double. maximum dimension 7.2 metres), provided they are detached and do not form an integral part of the house, may be allowed to be built over subject to the following conditions:

- 1. Corner foundations are a minimum of 800mm off the pipeline centre line."*

CONO 6862634.2 - Dated 3 February 2006

"No buildings are to be erected with the swales/watercourses on Lot 1."

CONO 6862634.3 - Dated 3 February 2006

"All buildings on Lot 1 shall be set back at least 2 metres from the stormwater pipe crossing the lot as shown on the subdivision consent plan, unless written approval has been received from the Council's Asset Manager."

CONO 6862634.4 Dated 3 February 2006

"Any new dwelling, or extension to an existing dwelling, shall require a registered engineer's certificate that the foundation design/structure and floor height will withstand a flood event of a 0.2% Annual Exceedance Probability (500 year return period flood), without inundation of the building or damage to the building."



**SECTION 95A-F NOTIFICATION DECISION
FOR RESOURCE CONSENT APPLICATION– RM200077**

Applicant:	SUNSHINE HOUSING LIMITED
Application Description:	SUBDIVISION CONSENT TO CREATE SIXTEEN RESIDENTIAL ALLOTMENTS IN A FLOOD HAZARD AREA
Application Status:	DISCRETIONARY
Property Address:	HAMILTON STREET, FAIRLIE
Legal Description:	LOT 1 DEPOSITED PLAN 367268
Valuation Reference:	25310 00502
District Plan Zone:	RESIDENTIAL 1
Author:	SUZANNE BLYTH – RESOURCE MANAGEMENT PLANNER
Date of Report:	2 FEBRUARY 2021

1.0 INTRODUCTION

The applicant has applied for subdivision consent to subdivide land legally described as Lot 1 Deposited Plan 367268 at Hamilton Street, Fairlie, into 16 fee simple allotments and one allotment as road to vest. The resultant lots of this subdivision are as follows:

- Lot 1 – 400m² – vacant front allotment;
- Lot 2 – 400m² – vacant front allotment;
- Lot 3 – 400m² – vacant front allotment;
- Lot 4 – 400m² – vacant front allotment;
- Lot 5 – 400m² – vacant front allotment;
- Lot 6 – 541m² – vacant front allotment;
- Lot 7 – 507m² – vacant front allotment;
- Lot 8 – 440m² – vacant front allotment;
- Lot 9 – 410m² – vacant front allotment;
- Lot 10 – 600m² – vacant rear allotment;
- Lot 11 – 518m² – vacant rear allotment;
- Lot 12 – 400m² – vacant front allotment;
- Lot 13 – 400m² – vacant front allotment;
- Lot 14 – 400m² – vacant front allotment;
- Lot 15 – 410m² – vacant front allotment;
- Lot 16 – 410m² – vacant front allotment; and
- Lot 17 – 1300m² – Road to vest with Mackenzie District Council.

Access to Lots 1 and 2 will be obtained from new vehicle crossings off Hamilton Street. Access to Lots 3, 4, and 16 will be obtained from new vehicle crossings off Gall Street. Access to Lots 5 to 15 will be obtained from a new road, to be vested with Council, which will be accessed off Gall Street.

An existing overland flow path traverses the site. A secondary flow path consisting of a six-metre-wide swale and a flood wall will therefore be installed along the southern site boundary. The secondary flow path will be located wholly within Lots 11 to 16. The swale will be 500mm deep and setback 500mm from the southern boundary. The flood wall will be located within an existing depression along the southern boundary of Lots 11 to 13 and constructed to provide a minimum freeboard of 150mm. The flood wall will have a maximum height of 500mm and will be constructed of concrete on the edge of the easement/site boundary.

The subdivision will result in 15 additional Records of Title. The subdivision scheme plan is displayed in Figure 1.

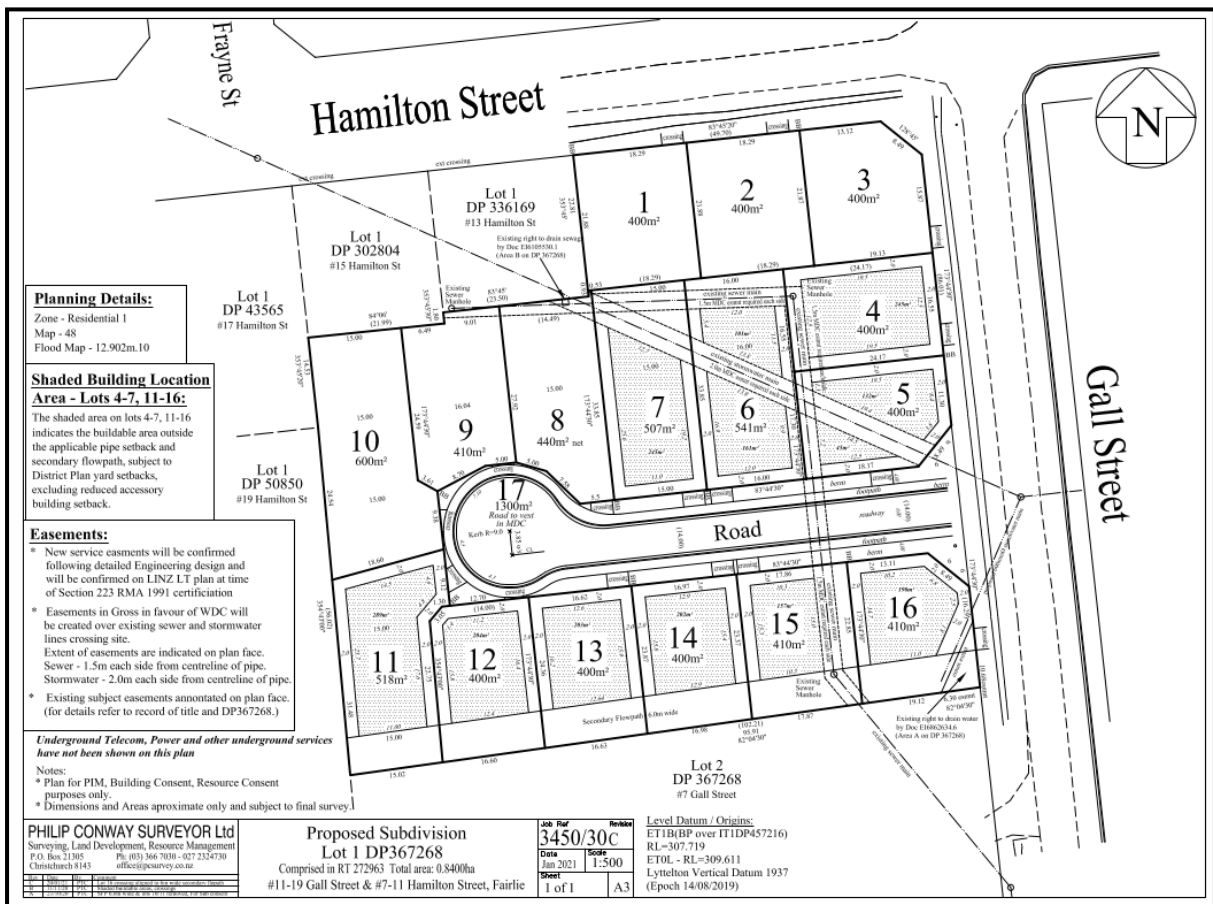


Figure 1 – Subdivision Scheme Plan. Dated November 2020 (Source: RM200077 AEE)

2.0 MACKENZIE DISTRICT PLAN

The subject site is zoned Residential 1 within the Operative Mackenzie District Plan 2004 (the District Plan) and is subject to the Flood Hazard Area planning notation. The activity status of the proposal is commented on below:

Section 13 – Subdivision, Development and Financial Contributions

- Section 13, Rule 4.a of the District Plan states that any subdivision outside the Mackenzie Basin Subzone which complies with all Primary but does not comply with any one or more of the Secondary Subdivision Standards shall be a Discretionary Activity.

Table 1 – Assessment of the Primary and Secondary Subdivision Standards

Primary Subdivision Standards	Proposal
<p>6.a Allotment Size In the Residential 1 Zone where public reticulation is available, no allotments created by subdivision shall have a net area less than:</p> <ul style="list-style-type: none"> Front lots – 400m² Rear lots – 500m² 	<p>Complies – All 16 allotments comply with the minimum net area for both front and rear lots ranging in size from 400m² to 600m².</p>
<p>6.b Water Supply All new allotments in the Residential Zones, other than allotments for access, roads, utilities, and reserves, shall be provided with a connection to a Council reticulated water supply laid to the boundary of the net area of the allotment.</p>	<p>Complies – All 16 allotments will be connected to Councils reticulated water supply laid to the net area of the allotment prior to section 224(c) certification.</p>
<p>6.c Sanitary Sewage Disposal All allotments in Fairlie in the Residential Zones, other than allotments for access, roads, utilities, and reserves, shall be provided with a piped sewage outfall for disposing of sanitary sewage laid at least 600mm into the net area of the allotment.</p>	<p>Complies – All 16 allotments will be provided with new independent sewer connections prior to section 224(c) certification.</p>
<p>6.d Energy Supply and Telephone Systems All new allotments in the Residential Zones, other than allotments for access, roads, utilities, and reserves, shall be provided with connections to electric supply and telephone systems to the boundary of the net area of the allotment.</p>	<p>Complies – All 16 allotments will be provided with new independent connections to the boundary area of the net area of the allotment prior to section 224(c) certification.</p>
Secondary Subdivision Standards	Proposal
<p>7.a Allotment Dimensions All allotments created by subdivision in the Residential Zones shall be such that they can accommodate a rectangle of 15m x 15m.</p>	<p>Complies – All 16 allotments are rectangular in shape can accommodate a rectangle of 15m x 15m.</p>
<p>7.b Property Access 7.b.i All new roads shall be laid out and vested in the Council, in accordance with the standards set out below: Cul-de-sac <100m long Road Width: 14-20m Carriageway Width: 6-8m Kerb and Channel: Both sides Footpaths: Both sides</p> <p>7.b.ii The carriageway of all new roads laid out and vested in accordance with 7.b.i above shall be formed and sealed.</p>	<p>7.b.i. Complies</p> <ul style="list-style-type: none"> The cul-de-sac is less than 100m long, being approximately 81m long. The road width is 14m wide. The carriageway width is 6 metres wide. Kerb and channel will be installed on both sides of the new road. Footpaths will be provided on both sides of road. <p>7.b. ii. Complies – The applicant has proposed to form and seal the road.</p>

<p>7.b.iii Footpaths shall be constructed as a sealed strip of 1.5m width within the berm. All areas of berms not sealed in footpath are to be formed in grass.</p> <p>a. Cul-de-sac shall be constructed with turning heads of the following diameters measured kerb face to kerb face: Residential Zones: - 13m where there is no provision for on-street parking. - 18m where there is provision for on-street parking.</p> <p>7.b.iv If a corner lot is included in any subdivision, the corner at the road intersection shall be splayed with a diagonal line reducing each boundary by at least 6m from the corner in a Rural, Rural-residential or Residential Zone and at least 3m in a Business zone. The corner rounding or splay shall be vested in the Council.</p> <p>7.b.v All new roads vested upon subdivision of land shall be given distinctive names not already in use with the area covered by the District Council. The name shall be agreed to by the Council.</p> <p>7.b.ix All subdivision shall comply with the relevant rules for access in Section 15.</p> <p>7.b.x Access to allotments with the potential to accommodate more than six residential units shall be provided by way of a public road and not by private way or access lot.</p>	<p>7.b.iii. Complies – The foot paths will be 1.5m wide, and berms will be grassed. The turning head is 18m in diameter.</p> <p>7.b. iv. Complies - Corner splays have been proposed for all of the corners being Lots 5, and 16.</p> <p>7.b.v. Complies – The applicant has agreed to the naming convention.</p> <p>7.b.ix. Complies – The proposed complies with all the relevant rules in Section 15.</p> <p>7.b.x. Complies – A public road has been proposed.</p>
<p>7.c Esplanade Provision The Council may require an esplanade strip or reserve of up to 20m to be created or vested when an allotment is created along the bank of any river or the margin of any lake.</p>	<p>Not Applicable – The site is not located along the bank of a river or the margin of a lake.</p>
<p>7.d Provision of Land for Open Space and Recreation Where any subdivision creates separately saleable additional allotments for residential or visitor accommodation purposes in the Rural Residential Zones a cash contribution towards the provision of land for open space in the locality shall be made to Council.</p>	<p>Complies – A condition of consent is recommended to ensure a cash contribution towards the provision of land for open space is paid prior to section 224(c) certification. An assessment of the open space and reserves contribution is provided in Section 9.1 of this report.</p>

Table 1 demonstrates the subdivision complies with the Primary and Secondary Subdivision Standards. Section 13, Rule 4.b of the District Plan stipulates that any subdivision which occurs within any area shown in the planning maps as Flood Risk shall be a Discretionary Activity. The site is subject to the Flood Hazard Planning Notation. The subdivision is therefore a **Discretionary Activity**.

Section 15, Transportation

- Section 15, Rule 1 of the District Plan specifies that any activity which does not provide for parking, access and loading in accordance with the Performance Standards shall be a Discretionary Activity.

An assessment of the Transportation Performance Standards is provided in Table 2.

Table 2 - Assessment of Transportation Performance Standards

Performance Standard	Proposal												
<p>2.i Standards of Vehicle Crossing Vehicle access to any site shall be by way of a vehicle crossing constructed pursuant to Council standards, from the roadway to the road or serve land boundary of the site and shall be at the owner's expense. Vehicle crossings shall be constructed to the following standards:</p> <ul style="list-style-type: none"> For 10 or less residential units or activities which generate fewer than 100 normal car traffic movements per day: standard vehicle culverts and crossings to carry car traffic i.e. 225mm Drive-in accesses and other activities: heavy duty vehicle culverts and crossings shall be constructed and maintained so that they remain in a good state of repair and are fit for their purpose of carrying all types of normal traffic road traffic. 	<p>Complies – All 16 allotments will be provided with a vehicle access constructed to Council Standards pursuant to Standard 2.i.</p>												
<p>2.m Length of vehicle Crossings The following crossing lengths shall apply:</p> <table border="1" data-bbox="209 1234 780 1364"> <thead> <tr> <th data-bbox="209 1234 400 1267">Land Use</th> <th colspan="2" data-bbox="402 1234 780 1267">Length of Crossing (m)</th> </tr> <tr> <td data-bbox="209 1270 400 1303"></td> <th data-bbox="402 1270 592 1303">Minimum</th> <th data-bbox="593 1270 780 1303">Maximum</th> </tr> </thead> <tbody> <tr> <td data-bbox="209 1305 400 1339">Residential</td> <td data-bbox="402 1305 592 1339">3.0</td> <td data-bbox="593 1305 780 1339">6.0</td> </tr> <tr> <td data-bbox="209 1341 400 1364">Other</td> <td data-bbox="402 1341 592 1364">4.0</td> <td data-bbox="593 1341 780 1364">9.0</td> </tr> </tbody> </table> <p>The length of culverts and crossing shall be actual length of channel covers or the length of the fully dropped curb.</p>	Land Use	Length of Crossing (m)			Minimum	Maximum	Residential	3.0	6.0	Other	4.0	9.0	<p>Complies – All 16 allotments will be provided with a vehicle crossing. The vehicle crossings will have of a minimum width of 3 - 6m.</p>
Land Use	Length of Crossing (m)												
	Minimum	Maximum											
Residential	3.0	6.0											
Other	4.0	9.0											
<p>2.n Distance of Vehicle Crossings from Intersections No part of any vehicle crossing shall be located within 10m of an intersection or any roads in accordance with Table 4 of the District Plan.</p>	<p>Complies – The adjacent roads are classified as local roads. No vehicle crossings will be constructed within 10m of an intersection.</p>												
<p>2.p Visibility from Accesses All private accesses shall be located to ensure continuous visibility up to the minimum sight distances: Speed 50km/hr – 85m.</p>	<p>Complies – A minimum site distance of 85m can be achieved for all 16 allotments on Hamilton Street.</p>												
<p>2.q.iii Private Vehicle Access Access to more than 6 allotments or residential units shall be by way of a road not by a private way or access lot.</p>	<p>Complies – Private vehicle access has been provided via a road/cul de sac.</p>												
<p>2.r Standard of Vehicle Access Access ways in Residential Zones shall be to an all-weather standard for the full berm width of the adjoining road. Where the access way serves more</p>	<p>Complies – The Road will be constructed to an all-weather standard for the full berm width.</p>												

than one allotment the access way shall be formed and sealed for the full length.	
---	--

Table 2 demonstrates the subdivision complies with all the applicable Transportation Standards.

Section 6 – Residential Zone Rules (Flood Wall)

The definition of building under the District Plan is classified as follows:

Building: for the purposes of this Plan, means any structure or part of a structure whether temporary or permanent, movable, or immovable, but does not include...

b) Fences, walls or retaining walls of 2m in height or less not used for advertising or for any purpose other than as a fence, retaining wall or wall...

I consider that the proposed flood wall falls within the scope of the exclusions listed under point b in the definition of building in the District Plan. The proposal consists of a wall that is less than 2m in height which will only be used for retaining flood waters within the subject site. The wall is therefore excluded from the definition of a building. In the Residential 1 Zone there are no Performance Standards relating to walls less than 2m in height. The proposed flood wall is therefore classified as Permitted activity pursuant to Section, Rule 7.1.1 of the District Plan.

Overall, the application is assessed as a **Discretionary Activity**.

3.0 PUBLIC NOTIFICATION

3.1 Step 1 - Mandatory Public Notification in Certain Circumstances s95A(3)

In this case, public notification is not required under Step 1 as:

- the applicant has not requested public notification of the application (section 95A(3)(a)); and
- public notification is not required under section 95C due to the refusal/failure to provide further information or to agree to the commissioning of a report (section 95A(3)(b)); and
- a joint application was not lodged to exchange reserve land under the Reserves Act 1977 (section 95A(3)(c)).

3.2 Step 2 - If not required by Step 1, Public Notification is Precluded in Certain Circumstances s95A(5)

In this case, public notification is precluded under Step 2 as:

- the application is for one of the following:
 - a controlled activity; or
 - a restricted discretionary or discretionary subdivision consent or “residential activity”; or
 - a “boundary activity” as defined by section 87AAB; or
 - a “prescribed activity” under section 360H(1)(a)(i) (section 95A(5)(b)).

The proposal is the subdivision of land and the activity status is Discretionary. Therefore, under s95A(5)(b)(ii), Public Notification is not required.

3.3 Step 3 - If not Precluded by Step 2, Public Notification is Required in Certain Circumstances s95A(8)

Public notification is precluded under Step 2, therefore an assessment against Step 3 is not required.

3.4 Step 4 - Public Notification in Special Circumstances s95A(9)

In this case, public notification is not required under Step 4 (section 95A(9)) as it is considered that there are no special circumstances that exist in relation to the application.

3.5 Public Notification Determination

Pursuant to s95A(5)(b)(i), public notification is not required.

4.0 LIMITED NOTIFICATION

If the application is not publicly notified under section 95A, Section 95B(1) requires a decision whether there are any affected persons (under s95E). The following steps are used to determine whether to give limited notification of an application.

4.1 Step 1 - Certain Affected Groups and Persons Must be Notified s95B(2) and s95B(3)

In this case, limited notification is not required under Step 1 as:

- there are no affected customary rights groups (s95B(2)(a)); and
- there are no affected customary marine title groups (s95B(2)(b)); and
- the activity is not on or adjacent to and will not affect land that is the subject of a statutory acknowledgment (s95B(3)(a)).

4.2 Step 2 - If not required by Step 1, Limited Notification precluded in certain circumstances s95B(6)

In this case, limited notification is not precluded under Step 2 as:

- the application is not subject to a rule or national environmental standard that precludes limited notification (section 95B(6)(a)); and
- the application is not for a controlled activity or a “*prescribed activity*” under section 360H(1)(a)(i) (section 95B(6)(b)).

4.3 Step 3 - If not Precluded by Step 2, Certain Other Affected Persons Must be Notified s95B(7) and (8)

A consent authority must limit notify an application if it decides under section 958(8) that the activity will have or is likely to have adverse effects on a person that are minor or more than minor (but not less than minor). An assessment under section 95B is made below:

4.3.1 Assessment of Effects on Persons

In order to determine persons who may be affected by the proposal it is necessary to access the mandatory exclusions for public notification.

Mandatory Exclusions from Assessment (s95D)

A: Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)). The sites that are considered to be adjacent land and potentially affected persons are displayed in Figure 2:



Figure 2 - The subject site is highlighted in red. Adjacent land is highlighted in blue.

B: An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) (the permitted baseline).

The permitted baseline has not been considered as subdivision is not provided for as a permitted activity under the District Plan.

C: Effects that do not relate to a matter of discretion, if the activity is Restricted Discretionary Activity must be disregarded (s95D(c)).

The activity status is Discretionary, and therefore, Council's discretion is unrestricted.

D: Trade competition and the effects of trade competition (s95D(d)).

The effects of trade competition are not considered relevant.

E: Effects on persons who have given written approval to the application (s95D(e)).

No written approvals were submitted with the resource consent application.

Assessment of Effects

Having regard to the application and planning framework the adverse effects of the activity are considered to be as follows.

Allotment Size and Dimensions Effects

The proposal complies with Primary Subdivision Standard 6.a in relation to allotment size. All sixteen allotments will have a net area greater than 500m² for rear allotments and 400m² for front allotments.

The dimensions of all 16 allotments created by the subdivision have been designed to accommodate a rectangle with minimum dimensions of 15m x 15m in accordance with Secondary Subdivision Standard 7.a.

The effects in regard to allotment size and dimension are therefore considered to be less than minor.

Transportation

All 16 allotments will be provided with a compliant vehicle crossing to a legal road. A new cul-de-sac will be constructed to Council Standards pursuant to Subdivision Standard 7.b. The cul-de-sac will have a legal width of 14m and a minimum carriageway width of 6m in accordance with the District Plan requirements and a footpath on both sides for pedestrian use. Councils Roding Manger, Mr Scott Mackenzie, has reviewed the proposal and considers the cul-de-sac to be suitable.

The subdivision will result in increased traffic movements to the site. The traffic movements are however, anticipated by the District Plan with all 16 allotments meeting the minimum allotment size in the Residential 1 Zone. Based on the above, the adverse transportation effects are considered to be less than minor.

Servicing and Infrastructure

Water Supply

All new allotments in Residential 1 Zone are to be provided with a connection to Council's reticulated water supply laid to the boundary of the net area of the lot. All 16 Lots will be provided with new connections prior to section 224(c) certification. Councils Engineering Manager Mr Bernie Haar, has reviewed the application and raised no concerns with the intended water supply. A condition of consent is recommended to ensure Lots 1 to 16 are provided new independent water connections prior to section 224(c) certification.

Stormwater Disposal

There is no reticulated stormwater network within the vicinity of the site. Stormwater from the existing buildings and any future buildings and/or hardstand areas will therefore be discharged directly to ground. The discharge of stormwater onto land is a permitted activity in the Environment Canterbury Land and Water Regional Plan subject to compliance with Rules 5.95 and 5.96. All stormwater discharge will be assessed as part of the building consent process.

Sanitary Sewage Disposal

All new allotments in Fairlie are to be provided with a connection to Council's reticulated wastewater system at least 600mm into the net area of the lot. Lot 1 to 16 will be provided with new connections prior to section 224(c) certification. Mr Haar has raised no concerns with the intended method of wastewater disposal. A condition of consent is recommended to ensure Lots 1 to 16 are provided with new independent connections prior to section 224(c) certification.

Energy Supply and Telecommunications

All new allotments in the Residential 1 Zone are required to have a connection to electric supply and telephone systems to the boundary of the net area of the lot. Lots 1 to 16 will be provided with new independent connections prior to section 224(c) certification. A condition of consent is recommended to ensure Lots 1 to 19 are provided with new independent connections prior to section 224(c) certification.

Overland Flow

To manage the existing overland flow that traverses the site the applicant is proposing to install a secondary flow path on Lots 11 to 16. A flood wall will also be installed on Lots 13 to 16 to contain the flood waters within the site.

The applicant states that the flood wall will have an expected design life of 50 years and possibly up to 100 years, with inspections required at regular intervals throughout its life. To address the need for ongoing maintenance the applicant has proposed that the flood wall be vested with Mackenzie District Council.

Mr Haar has reviewed the proposal. Mr Haar has advised me that Council will accept the proposal to vest the flood wall with Council provided there is:

- An Easement in favour of Council in relation to the secondary flow path and the flood wall; and
- A Consent Notice imposed on the Records of Title of Lots 11 to 16 to ensure that the landowners are aware of the importance of keeping the flow path clear of obstructions.

Subject to the imposition of conditions of consent and Consent Notices registered to the Record of Title the adverse effects on the environment in terms of servicing and infrastructure are considered to be less than minor.

Vegetation and Landscape

The site does not contain any known indigenous vegetation. There are also no reserves or natural features near the site that could be affected by the proposal.

The adverse effects on the environment in terms of vegetation and landscape are therefore considered to be less than minor.

Earthworks

Earthworks will be carried out as part of the subdivision to form the cul de sac and kerb and channel on Hamilton and Gall Streets. The construction effects however will be short term and not out of character with anticipated construction in the Residential 1 Zone. A condition of consent is recommended to ensure all construction noise complies with Section 14; Rule 2.3.1 of the District Plan that stipulates construction noise shall not exceed the recommended limit in and shall be measured as assessed in accordance with the provisions of New Zealand Standard NZS 6803P:1991. Work procedures shall also be adopted to ensure silt and dust resulting from the earthworks are contained within the boundaries of the allotment. The adverse earthworks effects on adjoining landowners are therefore considered to be less than minor.

Nuisance Effects

Minor earthworks will be carried out as part of the subdivision. The construction effects will however be short term and not out of character with anticipated construction in the Residential 1 Zone. Once the subdivision construction works are completed it is unlikely any nuisance effects will be experienced as the subdivision meets the minimum allotment size set out in the District Plan.

Effects on Natural and Other Hazards

The site is subject to the Flood Hazard Area planning notation. In recognition of the potential flood hazard effects a Flood Hazard Assessment prepared by Mr Chris Fauth, a senior scientist of Natural Hazards at Environment Canterbury was provided with the application for resource consent by the applicant. Mr Fauths assessment relies on a Memo provided by the applicant explaining the design of swale/secondary flow path on the property (attached as separate PDF). The memo entitled *Gall St Fairlie Overland Flow*, dated 1 September 2021, was prepared by Daniel McMullen and Andrew Tisch of e2environmental Consulting Engineers.

Section 6, Standard 3.1.1.e of the District Plan stipulates that the minimum floor height for habitable residential buildings in areas subject to Low Flood Risk shall be 150mm above floodwaters with a 0.2% annual probability of occurring (i.e., 500-year return period flood (ARI)). A table of Mr Fauth's recommendations in regard to minimum finished floor levels is provided below:

Table 3 - Finished Floor Level Recommendations

Lot Number	Finished Flood Height (FFH)
Lots 1 to 3, and Lot 10	Due to their location on the highest part of the property, the standard Building Code requirement of 150mm above the expected 500-year ARI Flood is adequate to meet the Councils minimum FFH requirements.
Lots 4 to 9	Lots 4 to 9 are well elevated above the secondary flow path and may receive some minor stormwater run-off in very extreme rainfall events. Finished floor heights of 250mm above ground level are recommended to meet Council minimum FFH requirements.
Lots 11 to 14	Lots 11 to 14 are at the bottom of the slope near the re-contoured swale. While the swale will significantly reduce the flooding, it is difficult to rule out any water source in an extreme 500-year ARI Flood. Furthermore, these lots may be affected by minor local runoff from the Hamilton Road area. The FFH needs to be at least 350mm above ground level to meet the Council requirements.
Lots 15 to 16	Lots 15 to 16 are located on the lowest part of the subdivision. The sites are also adjacent to Gall Street which flood flows may back up around the road and

	against the built-up part of Fairlie. The Finished Floor Heights need to be at least 450mm above ground level to meet the Council requirements.
--	---

The applicant accepts the recommended minimum floor heights for Lots 1 to 10, however, considers the floor heights for Lots 11 to 16 to be overly conservative. The applicant considers that it is more appropriate to calculate the minimum floor heights for Lots 11 to 16 based on the freeboard above water level in the secondary flow path instead of being measured from ground level. The applicant therefore provided a set of Finished Floor Heights with specified level above a datum based on their assessment of the flood hazard and proposed subdivision earthworks.

The finished floor levels have been reviewed by Mr Fauth. Mr Fauth considers that the applicant's method for the calculation of the finished floor height is appropriate for Lots 11 to 16. Given their qualifications¹ he has no reason to question their results and assessment. Mr Fauth has also confirmed that the proposed FFH have been calculated based at the highest point of the site. It is noted that the FFH proposed are the minimum level to meet the District Plan Requirements.

Based on Mr Fauth's recommendations and the applicant's calculations of FFH, a Consent Notice is recommended to be registered on the Record of Title of Lots 4 to 9, and Lots 11 to 14 to ensure all habitable buildings are constructed 150mm above flood waters in accordance with the agreed FFH. The agreed minimum floor heights are set out in Table 4, Minimum Finished Floor Levels – Relative Levels.

Table 4: Minimum Finished Floor Levels – Relative Levels

Lot Number	Finished Floor Height
Lot 4	308.05mRL
Lot 5	307.95mRL
Lot 6	308.15mRL
Lot 7	308.35mRL
Lot 8	308.45mRL
Lot 9	308.85mRL
Lot 11	308.30mRL
Lot 12	308.50mRL
Lot 13	308.20mRL
Lot 14	308.00mRL
Lot 15	307.80mRL
Lot 16	307.66mRL

Mr Fauth in his assessment also states:

- The point at which the upstream overland flow enters and leaves the property is essentially the same as the existing location albeit with a greater concentration of floodwater in a smaller area of land. It is not anticipated that that the small concentration of flood water will have a significant adverse effect as the proposed swale will direct water to the same place the existing natural swale does.

¹ The qualifications of the applicant's advisors on flood hazard are as follows: Daniel McMullen, Civil Engineer e2environmental Consulting Engineers, BE Hons (Nat. Res), MEngNZ, with experience in flood risk management. Andrew Tisch, Principal Engineer & Director e2environmental Consulting Engineers, Chartered Professional Engineer BE (Civil), Dip. Tch, MIPENZ (Civil & Environmental).

- Water will cross Gall Street onto property on the opposite site of the road in extreme flooding events. This situation is however pre-existing, and the subdivision will not alter or be expected to increase the volume of flood water in the event of an extreme flooding event.
- Any future obstruction of the secondary flow path from built development, vegetation or fencing could deflect flood flows and increase flooding within this subdivision or on any other property.

To ensure that there is a free flow of flood waters from the secondary flow path to Gall Street the applicant proposed that no fences are constructed along the boundary of Lot 16 where the secondary flow path exits the site. The applicant has also proposed that a condition of consent is imposed to control the erection of fences over the 6m wide secondary flow path on Lots 11 to 16 to maintain minimum clearances under the fences.

Based on the above, it is recommended that the secondary flow path is clearly identified, and obstruction of the swale is avoided. The location of the swale and the flood wall will be clearly identified on the Land Transfer Plan as an easement to *drain water in gross*. Consent Notices are also recommended to be registered to:

- Lots 11 to 12 in relation fences on the secondary flow path;
- Lots 14 to 15 in relation to fences on secondary flow path and flood wall; and
- Lot 16 in relation to fencing on the secondary flow path including the road boundary and flood wall as follows.

The Consent Notices shall read as follows:

Lots 11 to 16:

“The 6.0-metre-wide stormwater secondary flow path (swale) located on the southern boundary, represented as the right to drain water in gross easement on the Title Plan, is an important flood carrying feature. Any obstruction of the swale may divert floodwaters and affect flood depths on surrounding property during major flooding events. The secondary flow path shall be kept clear of buildings, structures, vegetation, and fences that would impede the flow of surface water through the swale. A fence may only be erected at right angles to the flow path provided the bottom of the fence is no lower than 0.5 metres above the centre of the flow path.”

Lots 13 to 16:

“The flood wall located on the southern boundary is part of an important flood carrying feature. Any obstruction of the flood wall may divert floodwaters and affect flood depths on surrounding property during major flooding events.”

Lot 16:

“No fence may be erected on the road boundary of the 6.0m wide secondary over land flow path”.

Overall, Mr Fauth considers that proposal is appropriate, and the applicant has adequately mitigated the potential adverse effects of the flood hazard on the site. Minimum finished floor levels have been proposed that will ensure that any residential dwellings on the sites will be 150mm above floodwaters with a 0.2% annual probability of occurring (i.e., 500-year return period flood (ARI)) in accordance with the District Plan requirements.

Mr Fauth also states that the proposal will not have a significant adverse effect on properties beyond the subject site. While there will be a greater concentration of flood waters from the proposal, it will be limited in effect. The proposed secondary flow path will direct water to the same place as the existing swale on the site. Flood water will still cross Gall Street and flow onto the property on the opposite side of the Street in extreme flood events. The flow of water across Gall Street is existing and Mr Fauth considers that the subdivision will not alter or increase the volume of floodwater in extreme flood events.

Mr Fauth notes that obstruction of the secondary flow path from built development, vegetation or fencing could deflect flood flows and increase flooding within this subdivision or on any other property. To address the risk of obstructing the secondary flow path the applicant has proposed that Consent Notices be imposed on the Records of Title of Lots 11 to 16.

Subject to the imposition of a Consent Notice, the subdivision is not expected to accelerate, worsen, or result in material damage in terms of natural hazards. The land is therefore considered to be suitable for subdivision.

Building Location

All 16 allotments are rectangular in shape and will generally allow for building platforms that can comply with the road and internal setbacks required for residential units in the Residential 1 Zone. The location of the existing stormwater and sewer main easement, and the proposed secondary flow path on Lots 5, 6, 7 and 11 to 16 will however reduce the area available to create a building platform when considering the District Plan setbacks and the easements. Table 5 demonstrates the buildable area available for each of the affected lots when the restrictions created by the easements are considered.

Table 5 – Buildable Area for Lots 4 -7, 11 to 16.

Lot Number	Buildable Area outside of easements and subject to District Plan Setbacks excluding the accessory building exemption
Lot 4	245m ²
Lot 5	132m ² and 45m ²
Lot 6	101m ² and 161m ²
Lot 7	245m ²
Lot 11	298m ²
Lot 12	204m ²
Lot 13	203m ²
Lot 14	202m ²
Lot 15	157m ²
Lot 16	190m ²

Based on Table 5 the restrictions created by the easements and setbacks are not considered to be so great that the sites are unworkable. There remains an area of 132m² and 161m² on Lots 5 and 6 respectively that will allow, with the appropriate design approach, the construction of a dwelling that complies with the District Plan while observing the necessary easements. The buildable areas available on Lots 4, 7, and 11 to 16 are also workable and provide for a minimum buildable area of 202m² when considering the District Plan provisions and easements.

Lots 5 and 6 are the most affected by the easements with both an existing stormwater main and sewer main dissecting each lot, all other sites have distinct building locations. Given the necessity of ensuring

that the easements are protected on Lots 4, and 7, and to make sure potential purchasers are aware of the extent of the easements on the buildable areas, it is recommended that a Consent Notice is imposed that highlights the full extent of the buildable area. The Consent Notice shall read as follows:

“The building location areas (identified on the Land Transfer Plan) denote the maximum buildable area outside the setbacks required by the easements registered on the Record of Title and the Operative Mackenzie District Plan 2004-yard setbacks (excluding the reduced boundary setback for accessory buildings).”

The adverse effects on the environment in terms of building location are therefore considered to be less than minor.

Overall, I consider any adverse effects on the environment in terms of nuisance will be or are likely to be no more than minor.

4.3.2 Summary of Effects

Based on the above assessment, the proposal will not have adverse effects on the wider environment that are more than minor.

The above assessment of effects has concluded that the activity will have less than minor adverse effects on the environment. No persons are considered to be affected by the proposal, the proposal complies with all the primary and secondary subdivision standards in the District Plan. There will be capacity Councils sewerage system for the additional lot provided the applicant installs the additional sewer connection via a STEP system. Therefore, no persons are considered affected by this proposal.

4.3.2 Summary of Effects on Persons

Based on the above assessment, no parties are considered to be affected by the activity.

4.4 Step 4 - Further notification in special circumstances s95B(10)

In this case, notification to any other persons is not required under Step 4 (section 95B(10)) as it is considered that there are no special circumstances that exist in relation to the application.

4.5 Limited Notification Determination

Pursuant to s95B of the Act, limited notification is not required.

4.0 NOTIFICATION DETERMINATION

Given the decisions made under s95A and s95B, the application is to be processed on a non-notified basis.

Prepared by



Suzanne Blyth
Resource Management Planner

Date: 3 February 2021

Approved under Delegated Authority



Aaron Hakkaart
Team Leader Planning

Date: 5 February 2021

Frayne St

Hamilton Street



Gall Street

Planning Details:

Zone - Residential 1
Map - 48
Flood Map - 12.902m.10

Shaded Building Location Area - Lots 4-7, 11-16:

The shaded area on lots 4-7, 11-16 indicates the buildable area outside the applicable pipe setback and secondary flowpath, subject to District Plan yard setbacks, excluding reduced accessory building setback.

Easements:

- * New service easements will be confirmed following detailed Engineering design and will be confirmed on LINZ LT plan at time of Section 223 RMA 1991 certification
- * Easements in Gross in favour of WDC will be created over existing sewer and stormwater lines crossing site. Extent of easements are indicated on plan face. Sewer - 1.5m each side from centreline of pipe. Stormwater - 2.0m each side from centreline of pipe.
- * Existing subject easements annotated on plan face. (for details refer to record of title and DP367268.)

Underground Telecom, Power and other underground services have not been shown on this plan

- Notes:
- * Plan for PIM, Building Consent, Resource Consent purposes only.
 - * Dimensions and Areas approximate only and subject to final survey.

Lot 1
DP 43565
#17 Hamilton St

Lot 1
DP 50850
#19 Hamilton St

Lot 1
DP 336169
#13 Hamilton St

1
400m²

2
400m²

3
400m²

4
400m²

5
400m²

7
507m²

6
541m²

10
600m²

9
410m²

8
440m² net

17
1300m²
Road to vest in MDC
Kerb R=9.0

Road

11
518m²

12
400m²

13
400m²

14
400m²

15
410m²

16
410m²

Lot 2
DP 367268
#7 Gall Street

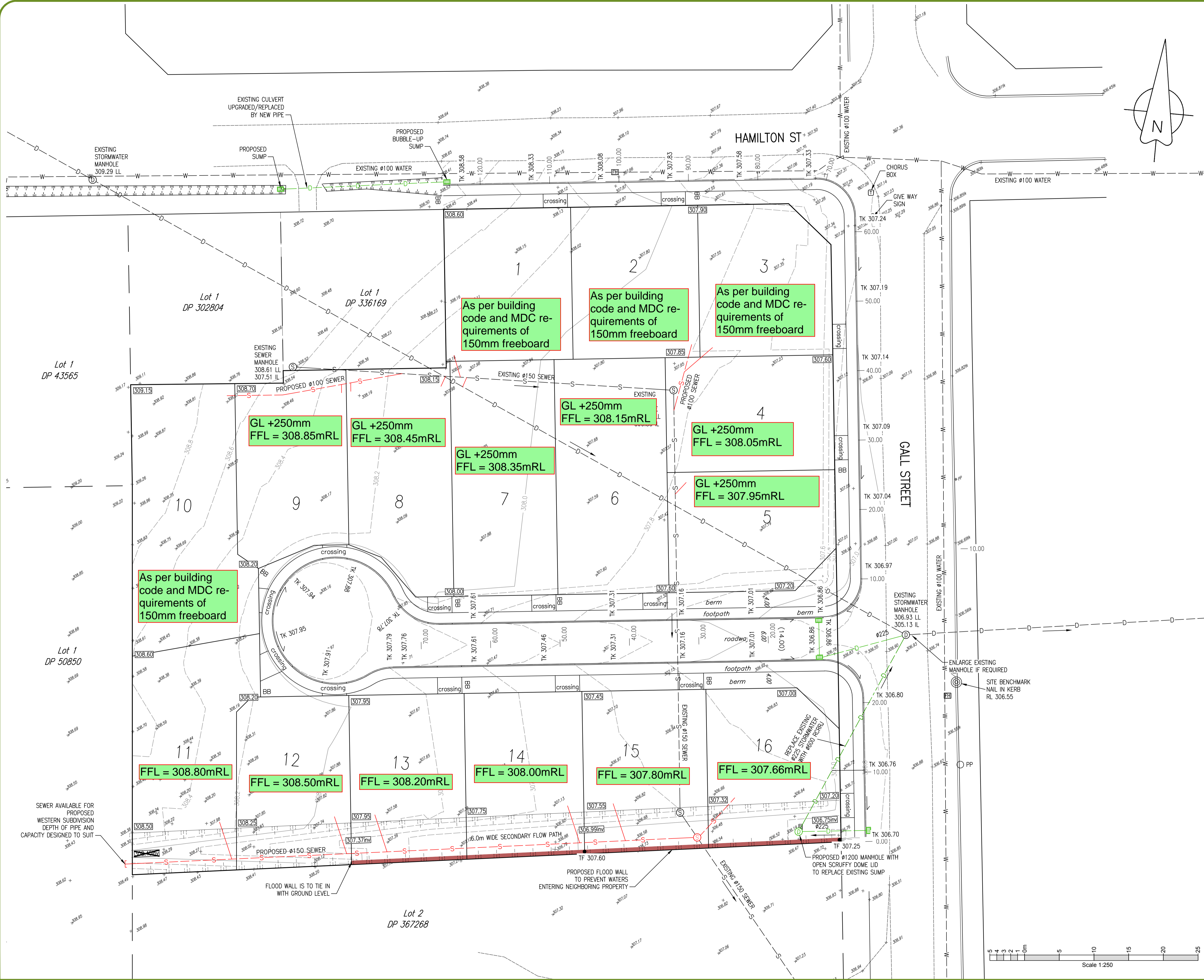
PHILIP CONWAY SURVEYOR Ltd
Surveying, Land Development, Resource Management
P.O. Box 21305 Ph: (03) 366 7030 - 027 2324730
Christchurch 8143 office@pcsurvey.co.nz

Proposed Subdivision
Lot 1 DP367268
Comprised in RT 272963 Total area: 0.8400ha
#11-19 Gall Street & #7-11 Hamilton Street, Fairlie

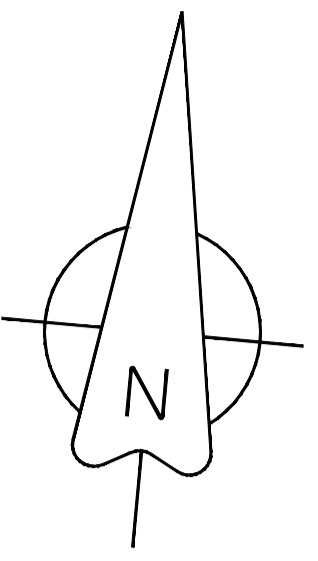
Job Ref	Revision
3450/30C	
Date	Scale
Jan 2021	1:500
Sheet	
1 of 1	A3

Level Datum / Origins:
ET1B(BP over IT1DP457216)
RL=307.719
ETOL - RL=309.611
Lyttelton Vertical Datum 1937
(Epoch 14/08/2019)

Rev	Date	By	Comment
C	20/01/21	PIC	Lot 16 crossing aligned to 6m wide secondary flowpath
B	11/11/20	PIC	Shaded buildable areas, crossings
A	21/10/20	PIC	SFP 6.0m wide & 10% 10/11 removed, for sub content



- NOTES:
- LEVELS ARE IN TERMS OF
ET18(BP OVER IT1DP457216)
RL=307.719
ETOL - RL=309.611
LYTTELTON VERTICAL DATUM 1937
 - ALL EXISTING INFORMATION FROM PC SURVEY LTD 2020
EXCEPT WATER WHICH IS DIGITISED FROM CANTERBURY MAPS.



LEGEND

---	EXISTING EDGE OF SEAL
10.00	EXISTING SPOT HEIGHT
PP	EXISTING POWER POLE
S	EXISTING SEWER
⊙	EXISTING SEWER MANHOLE
D	EXISTING STORMWATER
⊕	EXISTING STORMWATER MH
⊞	EXISTING SUMP
⊞	EXISTING CHORUS BOX
E	EXISTING POWER
---	EXISTING KERB & CHANNEL
BB	SERVICES BOUNDARY BOX
10.0	DESIGN MAJOR CONTOUR
---	DESIGN MINOR CONTOUR
S	PROPOSED SEWER
⊙	PROPOSED SEWER MANHOLE
D	PROPOSED STORMWATER
→	PROPOSED SWALE
⊞	PROPOSED SUMP
⊕	PROPOSED STORMWATER MH
308.60	PROPOSED FINISHED LEVEL
10.00	CHAINAGE (M)
TK 307.46	PROPOSED TOP OF KERB LEVEL
crossing	PROPOSED VEHICLE CROSSING
TF 307.46	LEVEL AT TOP OF FLOOD WALL
306.99m	PROPOSED SECONDARY FLOW PATH INVERT LEVEL
---	PROPOSED FLOOD WALL

A	FOR APPROVAL	AJT	13.10.20
Rev	Comments	Approved	Date

THIS DESIGN AND DRAWING IS COPYRIGHT OF E2ENVIRONMENTAL LTD AND SHALL NOT BE USED OR REPRODUCED WITHOUT WRITTEN AUTHORITY

e2environmental
CONSULTING ENGINEERS

Unit 1/46 Acheron Drive PO Box 31159 Christchurch
P 64 3 358 4955 www.e2environmental.com

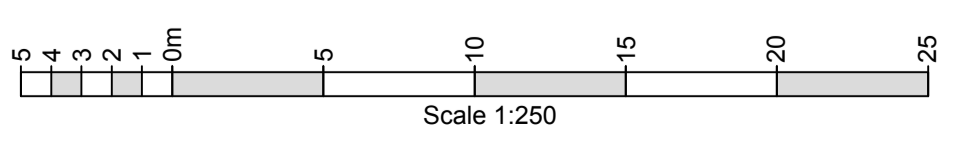
Client

Designed by DHM Drawn by ADF Checked by AJT Approved by AJT Approved by Date 13.10.20

GALL STREET FAIRLIE
EARTHWORKS, ROADING, SEWER AND STORMWATER

Status: **FOR APPROVAL** Scale: 1:250 (A1)

Project No: **20015-01** Drawing No: **220** Revision: **A**



To manage the overland flows, we recommend formalising the existing overland flow path along the southern boundary of the site within a 6 m easement. A cross-section of the proposed arrangement along the south boundary of lots ~~11-13~~ is provided in Figure 1. Further along the boundary there is an existing natural depression which spans onto the neighbouring property, and so a floodwall with a minimum freeboard of 150 mm is proposed to contain the floodwaters within the site boundary (see Figure 2). A half metre offset is proposed from swale to the edge of the easement / site boundary.

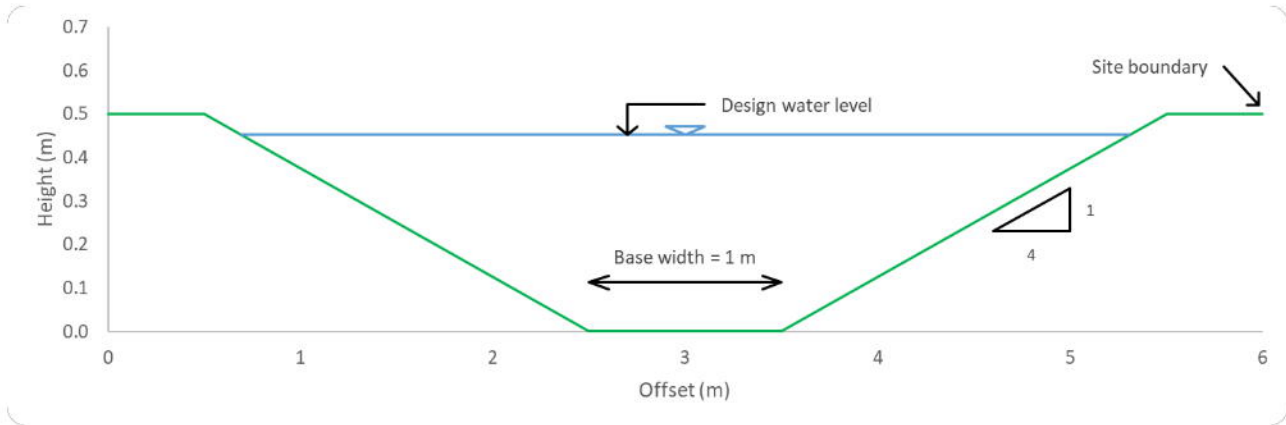


Figure 1 Cross-section of formalised secondary overland flow path at the upstream end (typical for lots ~~11-13~~ 11-12)

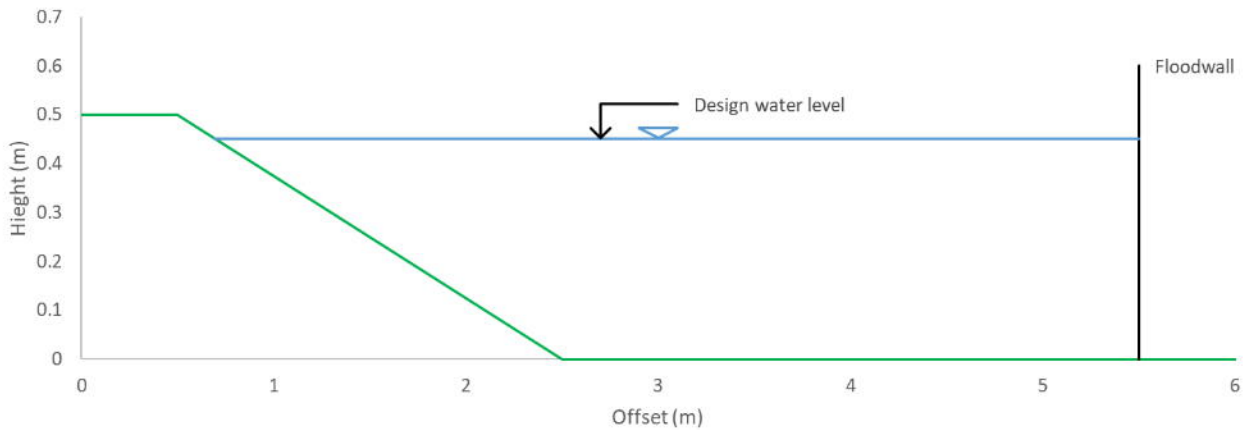
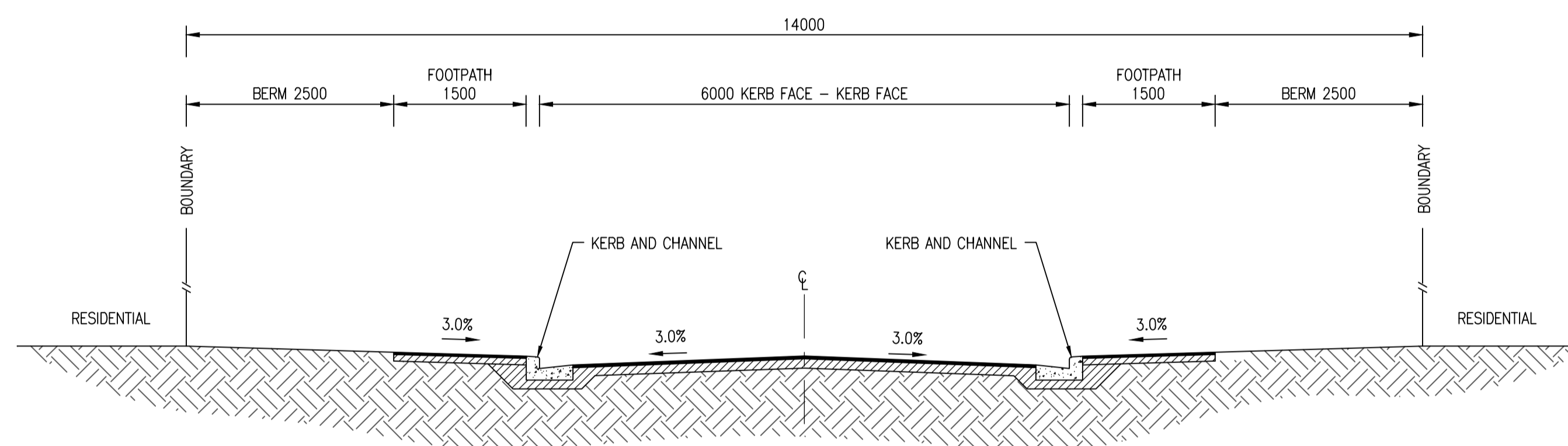


Figure 2 Cross-section of formalised secondary overland flow path at the downstream end (typical for lots ~~14-16~~ 13-16)



TYPICAL ROAD CROSS SECTION
SCALE 1:50

Rev	Comments	Approved	Date
A	FOR APPROVAL	AJT	13.10.20

THIS DESIGN AND DRAWING IS COPYRIGHT OF E2ENVIRONMENTAL LTD AND SHALL NOT BE USED OR REPRODUCED WITHOUT WRITTEN AUTHORITY



Unit 1/46 Acheron Drive PO Box 31159 Christchurch
P 64 3 358 4955 www.e2environmental.com



Designed by DHM Drawn by ADF Checked by AJT Approved by AJT Approved by Date 13.10.20

Project
**GALL STREET
FAIRLIE**
Title
**TYPICAL ROAD
CROSS SECTION**

Status **FOR APPROVAL** Scale 1:50 (A1)

Project No **20015-01** Drawing No **250** Revision **A**