DAVIS OGILVIE
ENGINEERS / SURVEYORS / PLANNERS

APPLICATION FOR LAND USE AND SUBDIVISION CONSENT

DECMEBER 2021 / 52 AMBERLEY BEACH ROAD, AMBERLEY

/ PREPARED FOR UWC LIMITED

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Davis Ogilvie & Partners Ltd

APPLICATION FOR RESOURCE CONSENT

SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

TO: the Hurunui District Council

1. **UWC Limited** hereby applies for Land Use and Subdivision Consent described below:

   Subdivision consent is sought as a **non-complying** activity to create:

   - 123 fee simple allotments (Lots 1 to 123) over two stages;
   - One balance lot (Lot 4000);
   - Four local purpose (utility) reserves to vest (Lots 3001-3004);
   - One local purpose (recreation) reserve to vest (Lot 3000);
   - Two access lots (Lots 600 and 601); and
   - Two roads to vest (Lots 1000 and 1001).

   Land use consent is sought for roading design that does not meet the relevant standards as a **restricted discretionary** activity.

   Section 5 of the application includes an assessment of environmental effects in sufficient detail to satisfy the purpose for which it is required. This is in accordance with the Fourth Schedule of the Resource Management Act 1991.

2. The names of the owner and or occupier of land to which this application relates are as follows:
   UWC Limited

3. The location of the proposed activity is as follows:

Address:	52 Amberley Beach Road, Amberley
Legal Description:	Lot 3 DP 559093
Net Site Area:	17.7178 ha (12.8543 ha approx. Stage 1 and 2 development area)

4. Consent is also sought concurrently from the Canterbury Regional Council in respect of discharges (operational) and earthworks.

5. In in accordance with the Fourth Schedule of the Resource Management Act 1991 (as amended 3 March 2015), Section 6 of the application includes, an assessment of environmental effects that the proposed activity may have in such detail to satisfy the purpose for which it is required.

6. No other information is required to be included in this application by the district/regional plan, the Resource Management Act 1991, of any regulations made under the Act.

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Davis Ogilvie & Partners Limited
(On behalf of applicant).

Date: 7 December 2021

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QUALITY ASSURANCE

Title:	Application for Land Use and Subdivision Consent 52 Amberley Beach Road, Amberley
Applicant:	UWC Limited
Filename:	T:\projects\41s\41793 - Amberley Beach Road\Planning\002 Reports\Application\Updated Application Dec21\211130.41793.dd.AmberleyBeachRdUdpatedaee.V1.docx
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Date:	December 2021
Project No:	41793

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Approved By:	**Russell Benge** **DIRECTOR** Licensed Cadastral Surveyor BSurv, PCApplSc, MNZIS, RPSurv Assoc.NZPI	**Signature:**

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1.0 INTRODUCTION

The following report is an assessment of the actual and potential effects on the environment generated by undertaking a 123-lot two staged subdivision with consequential land use on the site at 52 Amberley Beach Road, Amberley.

The proposed development, to be known as "The Clearing", comprises the first two stages of a master planned development located 500m south of the Amberley township. The development responds to existing and anticipated growth in the Hurunui District. The general design principles that underpin the development include:

- A planned approach to subdivision and development ensuring efficiency of land use and quality living environments.
- An urban form which creates a vibrant, attractive sense of place and encourages a community to develop.
- Modularity in the road layout and section sizing to promote affordability and efficiency.
- Connectivity and linkages to enhance circulation patterns.
- An integrated road system that supports effective and efficient transport.
- Dual purpose reserve areas, used for recreation and amenity purposes as well as for stormwater management; and
- Varied allotment sizes to achieve housing diversity by providing a choice of housing and lifestyle options.

This application addresses the character of the land, the proposed subdivision land use and the relevant provisions of the Hurunui District Plan (the Plan). The report also includes an assessment of effects on the environment as required by the Fourth Schedule to the Resource Management Act 1991.

1.1 Summary of Applicant and Proposal Details

Applicant/Owner:	UWC Limited
Site Address:	52 Amberley Beach Road, Amberley
Legal Description:	Lot 3 DP 559093
Record of Title:	983584
Net Site Area:	17.7178 ha (12.8543 ha approx. Stage 1 and 2 development area)

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District Plan Zoning:	Residential 1A within the Amberley Settlement
Road Hierarchy:	Amberley Beach Road – Collector Road
Proposal:	Subdivision consent is sought as a **non-complying** activity. Land use consent is sought as a **discretionary** activity.

2.0 SITE AND SURROUNDS

2.1 Site Information

The application site at 52 Amberley Beach Road) is legally described as Lot 3 DP 559093. It has a total net site area of 17.7178 ha and is held under Record of Title 983584. A copy of the Record of Title is attached as **Appendix 1** to this application.

The underlying site is currently used for pastoral farming. Existing structures include two farm storage sheds. The site is otherwise generally of a flat topography, with an overall gradient toward the east. A drainage channel (Teviots Drain) passes through the centre of the site.

The application site is located on the south-east periphery of the Amberley Township. The site is bounded to the west by established residential housing, farmland and SH1, and to the east and south by farmland, and established lifestyle blocks. The site also bounds Amberley Beach Road to the north which is identified as a Collector Road in the District Plan's roading hierarchy. The application site is shown in Figure 1 below.

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Figure 1: Application site (yellow hash delineates balance area from Stages 1 & 2 development area)

The application site is located within the Residential 1A Zone of the Hurunui District Plan, within the settlement of Amberley.

2.2 Surrounds

The application site is part of a larger greenfield area identified for future residential development. The existing environment in the general vicinity of the site is characterised by agricultural use, rural residential allotments with existing dwellings and residential development.

The inverted 'L' shaped site is bounded to the west by existing residential allotments to the main leg fronting Amberley Beach Road and rural land to the south, south-west and east. Land to the north-west at 175 Carters Road is zoned residential and is currently being developed as a retirement village. State Highway 1 is located adjacent the intervening land parcel to the west. Brackenfields retail development and the Oakbridge subdivision are located north of Amberley Beach Road.

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2.3 Recent Planning History

Previously granted resource consents by the Hurunui District Council are listed below:

RC210010 - May 2021

Subdivision consent by way of a boundary adjustment was sought between three fee simple allotments creating: Lot 1 of 15.05 ha, Lot 2 of 15.01 ha Lot 3 of 17.72 ha.

2.4 National Environmental Standard

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) came into the effect in January 2012. The NES requires territorial authorities to enforce the regulations for particular 'land' and 'activity' criteria.

A review of information about the application site that is held with Environment Canterbury's (ECan)'s Listed Land Use Register LLUR has confirmed HAIL activities have been identified on the site at 52 Amberley Beach Road, namely (A10 – potential for persistent pesticide use based on horticultural activities visible in aerial photographs from 1995 to 2008).

Subdivision, soil disturbance and change of land use are activities listed under the NESCS, and HAIL and/or potential HAIL activities have been identified. As such, a Detailed Site Investigation (DSI) was carried out by Davis Ogilvie out August to October 2021. The DSI report separates the assessment into two distinct areas, Stages 1 and 2 and balance (52 Amberley Beach Road) and the adjoining site (187 & 193 Carters Road) which identified a number of Hazardous (HAIL) activities which have historically been undertaken on the land. A copy of this report is attached as **Appendix 2** to this application.

In summary, the results of the soil samples taken show acceptable concentrations in the context of the proposed residential land use, with the exception of three isolated areas where concentrations in excess of background and residential land use SCS have been detected on the site at 187 & 193 Carters Road. None of these areas are located within the development area (52 Amberley Beach Road) and there are no contamination issues that apply specifically to this application

The report concludes that *"As contaminant concentrations at 52 Amberley Beach Road were found to be generally at or below background concentrations, it is considered that the NESCS Regulations to not apply to the proposed development on this property."* As such, no further investigations are required to facilitate this proposal.

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2.5 Historic and Māori Cultural Values

No heritage sites, archaeological sites, wahi tapu or wahi taonga are identified on Hurunui District Council planning maps for the application site. The applicant is willing to accept an accidental discovery protocol condition be included should any koiwi (human skeletal remains), taonga or artefact material be uncovered during the extraction activities.

3.0 DESCRIPTION OF PROPOSAL - SUBDIVISION

It is proposed to carry out a fee simple subdivision to subdivide the application site into 123 residential allotments across two stages, as well as additional allotments for road, local purpose reserves (utility and recreation) and a balance allotment for future development.

The development is to be in general accordance the scheme plan attached as **Appendix 3** to this application and Figure 2 below.

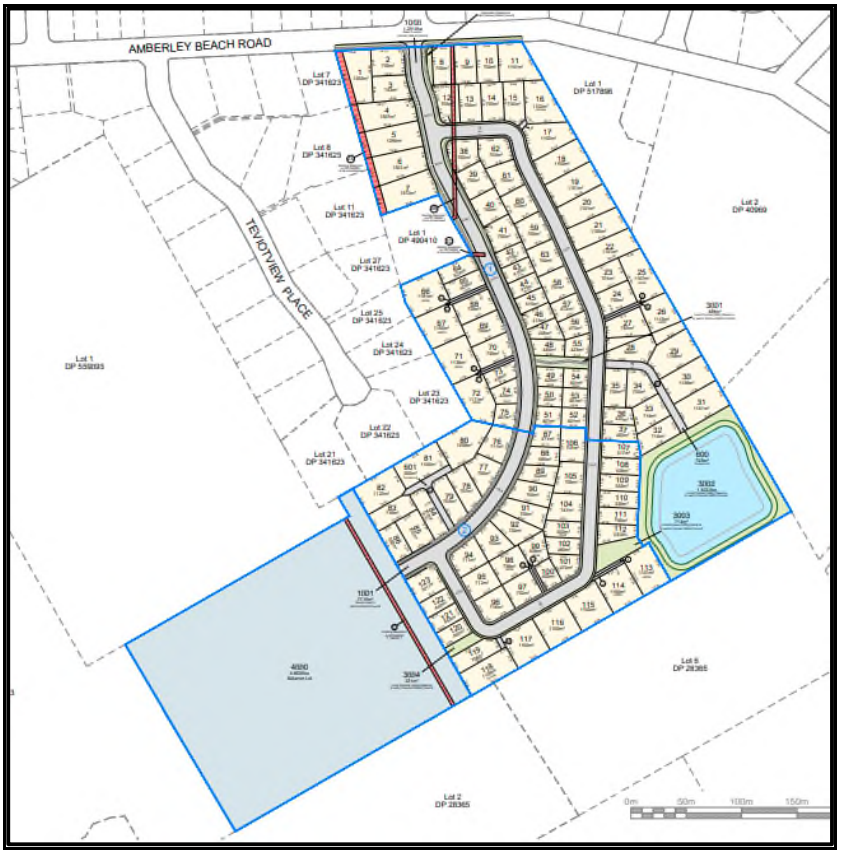

Figure 2: Scheme Plan

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The concept behind the subdivision layout and allotment sizing is to create a range of allotment sizes within a sustainable development promoting affordability and efficiency whilst integrating with the surrounding character. The layout is based on a modular form of design, which maximises exposure to the north, generally eliminates cul-de-sacs and irregular shaped sections where possible, thereby enabling sections to be more useable.

A brief summary of the development is outlined below:

- 123 fee simple allotments (Lots 1 to 123) over two stages
- One balance lot (Lot 4000)
- Four local purpose (utility) reserves to vest (Lots 3001-3004)
- One local purpose (recreation) reserve to vest (Lot 3000)
- Two access lots (Lots 600 and 601)
- Two roads to vest (Lots 1000 and 1001)

A brief summary of the staging is outlined below:

Stage 1

- 75 fee simple allotments with areas ranging between 400 m^2 and 1,372 m^2 (Lots 1 to 75);
- Two local purpose (Utility) reserves to be vested in Council (Lot 3001 and 3002);
- One local purpose (recreation) reserve to vest (Lot 3000);
- Two roads to be vested in Council (Lots 1000 and 1001 in part); and
- One access lot (Lot 600)

Stage 2

- 48 fee simple allotments with areas ranging between 400 m^2 and 1,238 m^2 (Lots 76 to 123);
- Two roads to be vested in Council (Lots 1000 and 1001 in part);
- Two local purpose (utility) reserves (Lots 3003 and 3004);
- One access lot (Lot 601); and
- One fee simple balance allotment with an area of 4.8635 ha (Lot 4000) for future development

3.1 Proposed Road Network

The road network will be designed largely in accordance with HDC Development Engineering Standards 2017 with the exception of the legal widths (in part), the cross sections for which are attached as **Appendix 4** to this application. A new internal road network, with one primary access point via Amberley Beach Road being a new X-intersection forming the fourth arm of the existing intersection at Rosewood Drive and Amberley Beach Road will be established as part of this proposal.

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The internal road network provides future connections to the north via an extension of the main spine road (future balance lot stage), which will ultimately connect to Carters Road (SH1). Figure 3 below shows the proposed road network. This is further detailed in the Traffic Impact Assessment which forms **Appendix 5** to this application.

The roading infrastructure will be designed having regard to both the function of the roads and the integration of those roads with the wider transportation network. It is anticipated that the final details will be agreed to by Council through the engineering approval process.

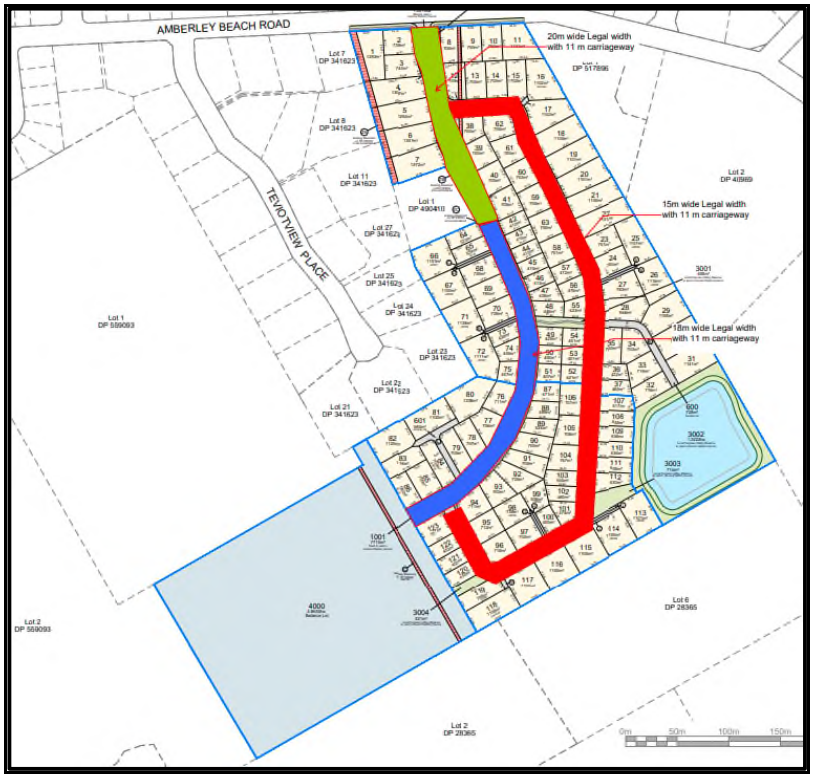

Figure 3: Road Network

Table 1 below shows the attributes for the proposed road network.

Table 1: Road Design Attributes			
Road	**Legal Width**	**Carriageway Width**	**Footpath**
Road 1	20m	11.0m	1.5m width footpath, both sides
Road 1 - Cont	18m	11.0m	1.5m width footpath, both sides
Road 2	15m	11.0m	1.65m width footpath, west side only

All proposed roads will be vested with the Council.

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Access lots

Two access lots and 4 right of ways/access legs are proposed. The proposed right of ways will have a legal width varying from 4.5m – 6.0m depending on the number of lots being served. Specifically, access lot (Lot 601) serving Lots 80 to 83 is 6.0m wide; access lot (Lot 600) serving Lots 29 to 34 is 7.0m wide and the right-of-way serving Lots 25-26, 66-67, 71-72 and 99-100 are 4.5m wide.

Street Trees

Street trees will be provided at circa. 20 m centres both sides of road along the central spine road of legal width 18 and 20 metres. Street trees will be provided within the first 1 m of road frontage allotments. These will be protected by way of a covenant. Street tree spacing will consider allotment vehicle access and the road network layout.

A landscaping proposal, including the installation and maintenance regime, will be submitted to the Council for approval prior to any works commencing on the site. The proposal will include an overall plan showing streetscapes and other reserves including grassing and tree locations. The applicant will accept this requirement as a condition of consent.

Street Lighting

Street lighting will be designed to provide a minimum of P3 luminance on the roads and pedestrian areas. The lighting will be designed in accordance with AS/NZS 1158.3.1:2020 Road Lighting – Pedestrian Area (Category P) lighting. LED street lighting will be provided. The lighting design will be completed by a suitably qualified lighting designer and submitted to the Council for approval at the time of engineering approval.

3.2 Servicing

Davis Ogilvie have prepared a preliminary services report as part of the 123-lot fee simple subdivision which identifies that sufficient and appropriate infrastructure is in place, or new infrastructure can be provided to support the proposed development. It is anticipated that the final engineering details will be agreed to by Council through the engineering approval process. A copy of this servicing report is attached as **Appendix 6** to this application.

A brief summary of the servicing requirements is shown below: At time of lodgement Hydraulic modelling is being undertaken by Council to confirm the existing sewer gravity main and the potable water network has capacity to service the site. Hydraulic model outputs will be used for detailed design.

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Water Supply

A potable water network will be constructed within the proposed development site. A new water supply main, including fire hydrants, will be installed by the developer with connections to the existing HDC reticulation.

Fire hydrant spacing will be in accordance with SNZ 4509 and the water main layout will be in accordance with HDC requirements. Final details and design will be provided through the engineering approval process.

Sewer Reticulation

A new gravity sewer network will service the development to be installed as nominally 150 mm diameter PVC-u SN16 pipe at a grade of 1 in 200 or steeper excluding Lots 29 to 34 inclusive where low pressure sewer may be required due to lack of minimum cover over gravity mains. If required, low pressure sewer is proposed to be wholly located within the private ROW with outfall to a gravity main discharging to reticulation in legal road reserve. It is proposed these lots be conditioned subject to final design and engineering approval.

Conceptual design shows connecting reticulation will comply for capacity, grade and cover requirements of the HDC Development Engineering Standard 2017 (HDC 2017) and NZS 4404:2010, but not for grade. No wastewater pump stations are proposed. Final details and design will be provided through the engineering approval process.

Stormwater Reticulation

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

Roof water is proposed to be discharged to ground and the remainder of the site drained via a traditional system of pipes and inlets to a stormwater management area. The stormwater management area (SMA) for the treatment and attenuation of stormwater runoff from the site is proposed to be constructed in the south-eastern corner of the site. From the SMA the first flush will be discharged to ground to achieve treatment with flows in excess of the first flush discharged to the existing overland flow route to the east. The SMA will be constructed by a combination of excavation and bunding to achieve an efficient water depth. The stormwater management area will be sized to attenuate flows from the 24-hour 50-year event as required by HDC and CRC082988 for flows discharging to surface water.

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All works will be designed and constructed in accordance with HDC requirements. Final details and design will be provided through the engineering process. Preliminary basin cross sections and preliminary earthworks plan illustrating fill depths and proposed ground levels are detailed in the servicing report, **Appendix 6.**

Telecommunications and Power Reticulations

Telecommunication reticulation will be provided by Chorus, and power reticulation provided by Mainpower. Extensions to the existing electrical and telecommunication networks will be made to allow proposed allotments to be connected to these services. Confirmation of capacity from the relevant service authorities has been provided.

3.3 Geotechnical Requirements

Davis Ogilvie has carried out a geotechnical assessment of the proposed development area. The purpose of the geotechnical investigation was to assess the underlying ground conditions, assess geotechnical constraints, and provide geotechnical design criteria.

The investigation consisted of 1 Hand Auger, 13 Test Pits and 23 deep Dynamic Cone Penetration Tests (CPT's). Falling Head Infiltration (FHI) tests were conducted in four of the TPs to assist with civil stormwater design. In September 2021 four groundwater piezometers were installed across the site, with water level loggers fitted for ongoing groundwater monitoring. Additionally, a fifth water level logger was installed in an existing well located at the base of Dry Gully.

The results were consistent and show a relatively uniform soil profile comprising topsoil underlain by silt and sand that generally showed an increase in consistency/density with depth, and then medium dense to very dense gravel with varying sand and silt content. Groundwater was encountered during six test pit investigations at 2.6 m to 3.1 m below EGL. Standing water was also noted in sections of lower reaches of Dry Gully.

The report concludes that the site is considered suitable for subdivision into residential subject to the following conditions:

- Lot-specific geotechnical investigation at building consent stage will be required to determine the depth to an appropriate bearing capacity and foundation requirements at the location of each dwelling;
- Specific engineer designed foundations, observation and certification will be required on lots where Good Ground has not been confirmed;
- Appropriate stormwater control measures must be incorporated in the subdivision design to ensure that there is no undue flood risk to properties, particularly those adjacent to Teviots Drain.

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- Finished floor levels are to be confirmed during the consenting process by HDC and/or ECan;
- An Erosion and Sediment Control Plan must be prepared for the proposed earthworks. This must ensure that surface water flow paths on the site are appropriately designed and managed to minimise potential erosion, particularly on the banks of Dry Gully.

A copy of the geotechnical report and Statement of Suitability are attached as **Appendix 7** to this application.

3.4 Reserves

The proposal incorporates a stormwater management area and a number of greenways which connect to various parts of the development. A number of allotments overlook these spaces creating higher amenity and passive surveillance. An initial landscape concept design has been prepared by Novo Group and forms **Appendix 8.**

3.5 Balance lot

Lot 4000 as identified on the scheme plan will remain as the balance Residential 1A zoned lot and will be developed at a later stage.

3.6 Easements

A full assessment of easements will be undertaken once the engineering design has been completed and approved. The easements will be finalised as part of the legal survey. This may result in the provision of easements further to shown (if any) or existing easements to be cancelled on the scheme plan submitted as **Appendix 4** to this application.

4.0 DESCRIPTION OF PROPOSAL – LAND USE

The proposal seeks to undertake a 123-lot fee simple subdivision with allotments ranging in size from 400 m² to 1,372 m². The District Plan sets out a number of development controls. The Residential 1A standards provide for the development of dwellings on the subject allotments which will fit the character of the underlying zone and how the anticipated built form of each site integrates with adjoining sites and the surrounds. The proposal does not seek consent to vary these residential zone development controls. Should future residential dwellings not meet the District Plan development controls then this will subject to a separate consent sought by the individual landowner.

4.1 Signage

At time of lodgement signage details relating to the entrance gateway have not been confirmed. Once details are finalised if the signage design does not comply with the District Plan provisions separate resource consent will be sought.

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4.2 Landscaping

A landscape concept plan has been prepared by Novo Group as part of the development. The concept plan forms part of the urban design and master plan, refer **Appendix 8.** The initial landscape concept design provides details and location of the street trees, boundary plantings gateway entrance, recreation reserve and stormwater management areas. The final landscape design will be agreed to through the engineering approval process of each stage of subdivision.

4.3 Urban Design

The applicant is committed to developing a high-quality subdivision and acknowledges that poor design can compromise the amenity of a development for residents and the wider community. The sites are bound by the same District Plan built form standards to ensure the development appears cohesive and residential in character yet allows for variation. The overall visual appearance of this development must not consider buildings in isolation. It is important to consider the whole package; that is, to ensure that consideration in design is given to supplementary features such as fencing, exterior colours and finishes and landscaping, as these street scene features give a residential development its unique character. As such the applicant has set out design guidelines which will form private covenants which will seek to retain or enhance the amenity values of Amberley, refer **Appendix 8**. Therefore, the proposed development will result in high quality residential dwellings that are compatible with the environment.

4.4 Traffic Generation and Distribution

The Traffic Impact Assessment has calculated the combined traffic generation for the residential development utilising NZTA Research Report 453 data. Utilising a generation rate of 8 trips per unit per day and a peak hour generation rate of 0.9 trips per unit the 123 allotments would generate a peak of 110 vehicle movements, and a daily total of 984 vehicle movements. Noting this generation will initially be distributed via a X-intersection at Rosewood Drive/Amberley Beach Road.

An assessment of traffic generation and distributional effects on the surrounding road network including a SIDRA analysis confirming the level of acceptability is further detailed in **Appendix 5.**

4.5 Earthworks

This proposal seeks land use consent to undertake bulk earthworks in order to prepare the site for future development. The bulk earthworks will be general accordance with the volume plan attached as **Appendix 9** to this application, and Figure 4 below.

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Figure 4: Preliminary Earthworks Volume Plan

The earthworks volume plan has been colour coded to show the depth of cut and fill. The volumes comprise approximately 24,870 m^3 of cut and 20,660 m^3 of material to be deposited, resultant is a not fill 4,210 m^3 (surplus). The maximum depth of excavation will be around 1.7 m (from existing ground), with the site being raised around 1.8 m. The finished site levels and earthworks volumes will be confirmed prior to construction. It is imperative to note that these figures are preliminary and could vary by +/- 15% depending on final engineering design.

Generally, the earthworks on-site will include (but not limited to):

- Stripping of topsoil and vegetation;
- Stockpiling of material;
- The excavation of the stormwater management area and common services trenches, sewer and stormwater infrastructure to accommodate the installation of services that are required;
- Importation and placement of clean fill;
- Redistribution of topsoil followed by the establishment of grass; and
- The establishment of erosion and sediment control measures.

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Once the bulk earthworks are completed, the proposed allotments will be at the finished section level and roads at or close to sub-grade depth.

Stockpiles will be required around the development area and will typically consist of stripped topsoil/vegetation; engineer approved imported fill material or unsuitable material unable to be re-used. Different soil/material will be stockpiled individually to prevent cross contamination. The location and size of the stockpiles will be identified on the Erosion and Sediment Control Plans (ESCP) which will be prepared for each stage of earthworks.

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

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

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

Final design, volumes, plans and a detailed erosion and sediment control plan will be provided to Council during the engineering approval process for each stage of development.

Where fill adjoins the boundary levels will be appropriately battered to the existing ground level.

4.6 Additional Consents

The following additional consents are required to facilitate this development:

Table 2: Summary of Consents Required

Consent Type/Approval	Required from	Status
Construction/Operational discharge and Earthworks	ECan	To be confirmed
Engineering Approval	HDC	To be applied for

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There is sufficient detail in this application to understand the nature of the proposal in order to proceed. This application can be processed independently of the above consents required.

5.0 ASSESSMENT UNDER THE HURUNUI DISTRICT PLAN

The application site is zoned Residential 1A within the Amberley Settlement under the Hurunui District Plan. There are no District Plan notations currently identified on District Plan maps within the site. The following section provides and assessment against the relevant District Plan rules and provisions.

It is reiterated, the proposal does not seek consent for the construction of residential dwellings on the application sites. Any non-compliances against the District Plan will be addressed at building consent stage and if required separate resource consents will be sought by the future landowners.

5.1 Settlements

The table below outlines the standards for Settlements (Chapter 4) of the District Plan that are relevant to this proposal:

Table 3: Settlements – Chapter 4

Rule	Compliance Comment
Rule 4.6 **Standards for Permitted Activities** **1. Area** The minimum site area required for a dwelling in Residential Zones is: - 400 m² or 700 m² average for two or more dwellings on one site.	The allotments range in area from 400 m² - 1,372 m². **Complies – Permitted Activity**
9. Earthworks. a. Earthworks may not be carried out within 20 m of the bank of any river, 50 m of any wetland, or 100 m of any lake with the following exemptions … b. Earthworks associated with the removal or replacement of an underground fuel storage system, provided that: … c. Earthworks in the vicinity of the National Grid shall: …	The proposal does not seek to undertake earthworks within proximity to any river, lake or wetland or remove an underground storage tank. The site is not in proximity to the National Grid. **Complies – Permitted Activity**

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15. Vehicle Movements The maximum number of vehicle movements for any site are: (a) Heavy vehicles – 4 movements per day. (b) Other vehicles – 20 movements per day.	Cumulatively the proposal exceeds the permitted number of vehicle movements per day, however individual activities will not exceed this standard. It is considered that this rule does not apply to this subdivision. **Complies – Permitted Activity**

Pursuant to Rule 4.6 as shown in Table 3 above the proposal is a **permitted** activity in terms of the Settlement standards.

5.2 Subdivision

The table below outlines the standards for Subdivision (Chapter 5) of the District Plan that are relevant to this proposal:

Table 4: Subdivision Rules – Chapter 5 – Part B	
Rule	**Compliance Comment**
5.5.9 Standards for Controlled Activities **1. Area** The minimum site area required for a dwelling in Residential Zones is: Residential 1A- lots created which adjoin Amberley Beach Road or a Residential 3 or Rural Zone. -1,100 m² Residential 1A including any proposed lots adjoining the area shown in Appendix 5.1.11 as "Exception Area - 400 m² minimum lot area; and - 700 m² minimum average lot area a. In the Residential 1A Zone only 20% of the lots in any subdivision may be less than 700 m² in area. b. For any zone that has a minimum average lot area specified, any lot that is counted toward the average lot area but is more than twice the size of the minimum lot area specified shall be secured with a covenant or similar legal instrument to prevent the further subdivision or the erection of more than one dwelling on that lot.	The lots range in area from 400 m² - 1,372 m². The average lot area is 742 m². Four Lots (Lots 2, 8, 9 and 10) which adjoin Amberley Beach Road range between 700 m² - 739 m². 33% (41 Lots) are less than 700 m². The applicant is willing to accept compliance with this standard.

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c. For the subdivision of allotments in the Residential 1A Zone, the minimum allotment area for any allotment created which adjoins any existing allotment serviced by Clifford Place or Johnson Avenue shall be 700 m².	Not Relevant
d. For the subdivision of allotments in the Residential 1A Zone, the minimum allotment area for any allotment created which adjoins the south-eastern boundary of the Residential 1A Zone south of Amberley Beach Road shall be 1100 m².	Four Lots (Lots 2, 8, 9 and 10) which adjoin Amberley Beach Road range between 700 m² - 739 m².
e. That landscaping is provided on any allotment adjoining the southern boundary of the Residential 1A Zone south of Amberley Beach Road.	As detailed in section 4.2 and Appendix 8 landscaping will be provided along the Amberley Beach Road frontage. **Does Not Comply - Non-Complying Activity**
2. Shape factor and Frontage a. Each allotment must be able to contain a square measuring 15 m by 15 m clear of any easement or water body, excluding any proposed allotment for multiple unit dwellings in the Business Zone at Hanmer Springs or any allotment within a retirement village in Morford Estate, in the location shown on the Outline Development Plan in Appendix 5.1.17.	All allotments provide a minimum shape factor of 15 m x 15 m. **Complies – Permitted Activity**
3. Services a. Any new allotment shall be served by a public water reticulation supply system.	All proposed allotments, other than those used for access, roads, reserves, will be connected to a reticulated potable water supply.
b. Any allotment created shall comply with New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008.	The appropriate provision will be made for sufficient water supply for firefighting purposes.
c. Any new allotment created shall be served by a reticulated sewerage treatment and disposal system.	All allotments will be provided with the ability to connect to the new reticulated wastewater system that will be installed as part of this development.
d. Any application for subdivision consent in respect of land in any Residential …. Zone in Amberley shall include a stormwater management plan for the site showing how the rainfall run-off from the site from a 2% Annual Exceedance Probability (AEP) rainfall event will be detained on site. The stormwater management plan shall include the following information: (i) The estimated rainfall run-off from a 2% AEP rainfall event from the site, once fully developed;	All new allotments will be provided with a means of disposing stormwater to the new stormwater management area being constructed as part of this development.

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(ii) Where, how and for what length of time the rainfall run-off is to be detained and the anticipated rate of release into the Amberley drainage system; (iii) The anticipated rate of discharge of stormwater into the Amberley drainage system and any possible surface flood flow paths for a rainfall run-off exceeding a 2% AEP rainfall event; and (iv) Any proposed restrictions on site coverage or hard standing on the site to mitigate rainfall run-off.	**Complies – Permitted Activity**
4. Access a. Any new allotment and balance allotment must have access to a legal road which is formed and maintained and complies with the vehicle access standards in Rule 8.4.3.4.	Each allotment will have legal access to a legal formed road. The balance allotment has access to the primary road forming Stage 1 and 2, noting this will ultimately connect to Carters Road as part of future development. Refer Table 5 following for assessment with Rule 8.4.3.4 **Complies – Permitted Activity**
5.5.11 **Restricted Discretionary Activities** a. Subdivision that results in the creation of three or more lots (including balance lots), whether or not as a staged development, or further subdivision of a Computer Freehold Register (Certificate of Title) where the parent Computer Freehold Register (Certificate of Title) has been subdivided into three or more allotments (including any balance lots) since 18 August 2003. i. The subdivision must comply with all the standards specified for controlled activities in Rule 5.5.9; ii. All subdivision of more than 40 lots shall be carried out in stages of not more than 40 lots: and iii. For any subdivision of more than 20 lots, an outline development plan is prepared.	The proposal creates 123 fee simple residential allotments as part of a two staged development. As detailed above, the proposal does not comply with standards 1, 1(a),1(d) and 4 of Rule 5.5.9. The proposal seeks to create 123 allotments within two stages: Stage 1 -75 lots and Stage 2 – 48 lots. A master plan has been prepared and forms part of the application. **Does Not Comply – Non-Complying Activity**
5.5.12 **Discretionary Activities** b) Subdivision of contaminated land that complies with all the standards specified for controlled activities in Rule 5.5.9.	As detailed in section 2.4 preceding the site is not considered contaminated. **Not Relevant**

Rule 5.5.13 states that:

Any activity listed below is a noncomplying activity:

Any activity not specified as a controlled, permitted, restricted discretionary or discretionary activity…. Subdivision which does not meet any or more of the following … standards a) to f)

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As can be seen from the Table 4 above, the proposed land use is a **non-complying** activity with regards to the Subdivision section.

5.3 Transportation

An Integrated Transport Assessment has been prepared by Novo Group. This assessment includes a comprehensive assessment against the rules within the Transportation section (Chapter 8) of the Hurunui District Plan that is relevant to this proposal. Rather than duplicate the content of this report the reader is directed to the ITA which forms **Appendix 5** to this application.

Table 5 below summarises the transportation non-compliances as identified in the TIA.

Table 5: Transportation – Chapter 8	
Rule	**Compliance Comment**
Rule 8.4.3 **Standards for Permitted Activities** 2. Minimum access way and roading requirements a. Private right-of-way and private road iii. In Settlement Zones any new public road shall have a footpath formed on both sides.	The secondary loop road does not have a footpath on both sides. **Does Not Comply - Discretionary Activity**

Rule 8.4.5 states that:

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

As can be seen from the Table 5 above, the proposed land use is a **discretionary** activity with regards to the transportation rules.

5.4 Conclusion with respect to assessment under the Hurunui District Plan

In summary, the proposal requires land use consent for the following activities:

Subdivision Standards:

Rule 5.5.9 (1) - Area

Rule 5.11 – Restricted Discretionary Activities (Staged development)

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Transport Standards:

Rule 8.4.3.2 – Roading Requirements

Having regard to the relevant rules under the Hurunui District Plan, and based on the assessment undertaken above, subdivision is sought as a **non-complying** activity and land use consent is sought as a **discretionary** activity.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Section 88(2)(b) of the Resource Management Act 1991 requires that any application for a resource consent include an assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated. This section also requires that any assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment and shall be prepared in accordance with the Fourth Schedule to the Resource Management Act 1991. This assessment has been made in accordance with both these requirements.

The actual and potential effects of the proposed subdivision can be categorised into the following issues:

- Residential character and amenity effects
- Traffic effects
- Subdivision effects
- Servicing effects
- Earthworks effects
- Positive effects

These are discussed in detail below.

6.1 Residential Character and Amenity Effects

The Hurunui District Plan sets out a number of subdivision related rules which any new development is expected to comply with. Such rules include minimum and average allotment areas, shape factor dimensions and staging requirements. Alongside these rules, the District Plan sets out bulk and location provisions which seek to ensure that residential sections remain characterised by open space, with opportunities for tree and garden plantings to maintain visual amenity, spaciousness, privacy, access to sunlight and daylight and to ensure buildings remain compatible with the scale and effects of other buildings in the surrounding environment.

The overall appearance of the final built subdivision is a combination of dimensions, area, controls on design through design criteria and external appearance (by way of covenant) and landscaping. Other factors, such as road and pavement design and connectivity also play a role.

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The site is zoned Residential 1A and as such the District Plan anticipates that the application site be used for residential purposes. The subdivision layout has been designed to ensure that a variety of section sizes and shapes are provided thus avoiding monotony whilst providing variation in the location and pattern of development density which is consistent with market demand.

Whilst the proposal will result in a noticeable visual change from the currently undeveloped agricultural land, the District Plan does anticipate that the site will be developed for residential purposes which would include elements of urbanisation i.e., streets, lighting and dwellings.

Allotment Areas and Dimensions

The proposed development creates 123 allotments ranging in area from 400 m² to 1,372 m² with an overall average area of 742 m². Of these four allotments (Lots 2, 8, 9 and 10) do not meet the minimum 1,100m² for lots adjoining Amberley Beach Road and 33% of the total lots (41) are less than 700 m².

The four sub 1,100 m² lots adjoining Amberley Beach Road have an average area of 709 m². These allotments are grouped along the Amberley Beach Road frontage, creating uniformity. The grouping of these lots provides a consistent and cohesive frontage albeit bisected by the gateway entrance. The gateway feature to the development will be designed to create a strong design aesthetic that will draw viewshafts towards the site entrance and influence road frontage landscaping.

These sites are still relatively large (minimum 700 m²) ensuring they will still be characterised by open space. These allotments in conjunction with provision of landscaping along the road frontage and the District Plan provisions will ensure dwellings are in scale with their environment and not unduly dominate the streetscape.

Furthermore, there will be no loss of amenity for the sites immediately adjacent (northside of Amberley Beach Road) owing to the nature of these activities. The adjacent land uses include Little Oaks preschool with associated parking noting the building is orientated to the north, the gateway entrance to the Oakfields development, and a large reserve area. The nearest residential allotment is currently undeveloped, and it is considered (although speculated) that the northern aspect of this site would ensue any future design would maximise the aspect with internal and external living spaces oriented north. Overall, it is considered the reduced site areas along Amberley Beach Road will not detract from the character and openness of the site or surrounds.

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The District Plan specifies 20 % of the lots in the Residential 1A subdivision may be less than 700 m^2 in area. The proposal provides 33% (or 41 lots) within Stages 1 and 2 less than 700 m^2, resulting in 16 additional allotments than permitted with an area of less than 700 m^2. Importantly, the overall 700 m^2 average allotment area is exceeded being 742 m^2.

It is unclear as to the rationale for the 20 % threshold. The subdivision layout has been designed to ensure that a variety of section sizes and shapes are provided. A variety of lot areas can result in a variability of design in dwellings. It is considered that the variation in allotment areas is in fact beneficial and must be considered in relation to other bulk and location effects. Whilst a number of smaller lots are located together these generally adjoin reserves (future) and stormwater areas. Locating smaller allotments adjacent these greenspaces not only provide an informal extension to the site, yet buildings can be designed to complement the interface with the recreation reserve, thus aiding the appearance of open space around the proposed buildings, enhancing amenity thereby reducing any perceived visual dominance and providing passive surveillance.

Furthermore, the subdivision has been designed in such a way that the external lots; adjoining the Rural or Residential 3 zone comply with the larger 1,100 m^2 provision. Thereby, retaining a sense of spaciousness and ruralness for adjoining sites. Overall, it is considered that the additional 16 allotments will be indiscernible within the overall development and importantly contribute to a range of section sizes resulting in greater diversity throughout the development.

6.2 Subdivision

The Hurunui District Plan sets out a number of subdivision related rules which any new development is expected to comply with. Such rules include minimum and average allotment areas and dimensions and sets out a number of matters for consideration when undertaking a subdivision, including roads and reserves, servicing, size and shape of residential allotments, context and geotechnical requirements.

The proposal has been designed comprehensively via a master plan approach. The layout of the subdivision has largely been anticipated by the District Plan, with all proposed allotments of a suitable size and able to be appropriately serviced and accessed including provision for future linkages. The bulk and location rules will also ensure that residential sections remain characterised by open space, with opportunities for tree and garden plantings to maintain visual amenity, spaciousness, privacy, access to sunlight and daylight and to ensure buildings remain compatible with the scale and effects of other buildings in the surrounding environment.

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Staging

The proposed development will be undertaken in two stages: 75 allotments in Stage 1 and 48 allotments in Stage 2. The District Plan remains silent on the rationale for the 40-lot limitation per stage. It is anticipated that this threshold is a prerequisite in which to ensure the establishment and delivery of services and the overall cohesiveness of development at each stage.

As detailed the above, the site can be appropriately serviced and accessed. The proposed staging will also ensure the development proceeds without any delays to the developer and any interested parties to the development. It is considered that any adverse effects on the environment with the proposed allotments per stage will be negligible, given that the overall development result will remain unchanged.

Overall, the development will be undertaken in a cohesive and co-ordinated manner resulting in a high-quality residential environment. Any actual and potential adverse effects on the environment as a result of the proposed staging are considered to be less than minor.

6.3 Servicing Effects

The provision of new infrastructure is a fundamental component of any development. As discussed in section 3.1 no servicing constraints have been identified for the proposal, with the development able to be provided with connections to all the service reticulations. Appropriate conditions of consent will ensure that the subdivision meets the relevant standards and policies of the Hurunui District Council. Therefore, any adverse effects on the environment with regards to servicing will be less than minor.

6.4 Traffic Effects

The Hurunui District Plan sets out a number of transportation related rules which any new development is expected to comply with. Such rules include road standards, vehicle access and traffic generation. Compliance with these transport rules ensures the safe and efficient functioning of the transport network.

An integrated transport assessment (ITA) has been prepared by Novo Group, refer **Appendix 5.** This report provides an assessment of the transport aspects of the proposed development. It also describes the transport environment in the vicinity of the site, describes the transport related components of the proposal and identifies compliance issues with the transport provisions in the District Plan.

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The assessment has identified one traffic related District Plan non-compliance with regards to the secondary loop road (Rule 8.4.3.(e)(3) owing to the footpath provision only on one side of the road. The transport assessment concludes the effects are less than minor.
The report also considers other matters relating to issues such as the geometric layout of the site and the effects of site generated traffic on the capacity of the surrounding road network. Rather than restate the content of this report the reader is directed to **Appendix 5**.

The overall conclusion is the proposal can be supported from a transport engineering perspective and the effects are considered to be acceptable and less than minor.

6.5 Earthworks Effects

The development area is appropriate for residential development, and the earthworks proposed provide the ability for the land to be used for this purpose. The actual and/or potential effects associated with the earthworks can include (but not limited to), construction management, traffic generation, processing and distribution of material, noise, dust, visual and drainage effects. An assessment against these actual and/or potential effects is provided below.

Construction Management

Prior to any bulk earthworks being undertaken, an Environmental Management Plan (EMP) will be implemented, which will detail how all activities onsite are controlled. This will include maps and plans, traffic routes, sediment ponds, overflow channels, storage areas and a timing schedule. This plan will also set out the methodology of works and the environmental controls proposed to mitigate against aby adverse environmental effects.

Vehicle Circulation

During construction, vehicles entering and exiting the site will be restricted to travel through access points identified on the ESCP. These access points will be confirmed prior to earthworks commencing. Shaker ramps and ballast measures are examples of what could be implemented at access points to prevent the transport of soils/sediment off-site.

Movements on site are likely to include earthmoving plant excavating, importing and redistributing material around site. Haul roads will be established where required and will follow future road alignments where possible. Additional vehicle movements will be those of the contractors arriving and leaving site each day. No earthworks plant will leave site during construction and a speed restriction will be placed on all vehicles on site.

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Although it is not possible to accurately estimate traffic associated with construction there must be an expectation that appropriately zoned land for residential development will be subdivided and developed. With this there must be some expectation that construction related effects will also occur. However, these will be temporary in nature. While some effects cannot be fully avoided, they can easily be managed. Therefore, it is considered that any adverse effects associated with vehicle circulation on site will be temporary and have less than minor effects on the environment.

Processing, Stockpiling and Distribution of Disturbed Material

Stockpiles will likely be required as part of the bulk earthworks. These will typically consist of stripped topsoil/vegetation, engineer-approved imported material for fill and unsuitable material unable to be re-used. Different soil/material types will be stockpiled individually to prevent cross-contamination. Where appropriate, stockpiles will be seeded for stabilisation, sediment retention, and dust mitigation. Water will be applied by water carts during dry windy weather to minimise any potential dust generation. The locations and approximate sizes will be identified on the ESCP prepared for each stage of earthworks.

Noise

Any noise effects, including earthmoving plant and vibration during compaction, will be temporary and kept to a minimum by locating access tracks away from existing residential dwellings, and only operating equipment between the hours stipulated earlier in this report, being 7am – 7pm, Monday to Saturday inclusive, excluding public holidays and Sunday.

Furthermore, the noise limits set out in NZS 6803:1999 Construction Noise Guidelines will be complied with at all times.

Dust and Sedimentation

The potential adverse effect of dust on the surrounding environment could include soiling of properties during the loading, transporting and unloading of material. These effects can be mitigated through the implementation of ESC measures.

All exposed areas will be monitored for dust nuisance throughout the earthworks process until the surface is deemed fully stabilised. Any areas subject to earthworks, stockpiles or unsealed roads will be kept damp using appropriate methods for dust suppression (water carts or k-lines). Any dust generating activities will be stopped during times of high wind where dust suppression methods are insufficient to prevent fugitive dust leaving the site.

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The effects of dust and erosion are temporary and can be controlled through appropriate management. Therefore, any adverse effects on the surrounding environment will be less than minor and temporary.

The earthworks have the potential to generate water laden sediment run off. All works will be undertaken in accordance with an approved ESC Plan to ensure run off is captured and treated prior to its release into drainage systems.

Visual Effects

The works are required to prepare the site for future residential development, and the visual effects of the earthworks are necessary to enable the development. The site is zoned Residential 1A and therefore the visual effects of the earthworks associated with residential development have been anticipated by the Hurunui District Plan.

Any adverse visual appearance of the site during the construction process will be negligible given the temporary nature of the earthworks and the location of the construction area within the bounds of the site.

Drainage

The earthworks proposed will alter the natural drainage pattern across the site which will in part enable drainage to be controlled so that it is directed to appropriate stormwater treatment solutions. Erosion and sediment control plans will be provided before any earthworks are undertaken on-site. These will be in accordance with Environment Canterbury's Toolbox with all controlling methods to be constructed and carried out in accordance with the specifications of this guideline.

Overall, the proposed development will result in a high-quality residential environment, and the earthworks proposed are a necessary and temporary component of this. Having regard to the potential effects and given that the earthworks will be carried out in accordance with the afore-mentioned standards/documents, it is considered that on balance, the proposal will have less than minor adverse effects on the environment.

6.6 Positive Effects

The proposed development will have a positive social impact on the Hurunui District through the enhancement of housing choice by facilitating an increase in housing supply in an area that is zoned for this type of development. The proposal seeks to facilitate the development of 123 allotments, provide high quality residential land within an expanding community that is well connected, well designed and provides a variety of allotment sizes to cater for a range of living needs.

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6.7 Effects Conclusions

Overall, the applicant seeks to provide a comprehensive, co-ordinated and well-designed subdivision which provides a diverse range of allotments for future residences for the community.

This conclusion is based on an assessment of the actual and potential effects on the environment of the proposed subdivision. Having regard to the potential effects and rules, it is considered that, on balance, the proposal will have no more than minor adverse effects on the environment.

7.0 OBJECTIVES AND POLICIES OF THE HURUNUI DISTRICT PLAN

The following provides an assessment of the proposal against the relevant objectives and policies of the District Plan.

Chapter 4 - Settlements

Objective 4 seeks to ensure settlements *are "Adaptive, vibrant and healthy settlements that meet the economic, social and cultural needs of the district and North Canterbury; while retaining their own character, environmental quality and sense of community."* The proposal will facilitate development of residential subdivision which meets the economic, social and cultural needs of the district and beyond. This proposal facilitates development as an efficient and effective use of an existing resource providing allotments for a range of dwelling types that will meet the needs of people and communities and future generations. It is considered the proposed residential development is of a character and scale that is appropriate with the surrounding area ensuring a high level of amenity is maintained. The following policies are of relevance.

Policy 4.1

To identify areas for residential, business and industrial development which provide for the present and future urban development needs of the district, provided that:

(i) Those areas can be served with appropriate levels of infrastructure (including stormwater, water and sewerage);

(ii) Access to those areas does not adversely affect the safety and efficiency of the road or rail networks;

(iii) Any potential reverse-sensitivity effects with other land uses, including infrastructure, the National Grid, major roads, the rail network and business and industrial activities are avoided or mitigated;

(iv) Potential adverse effects on the amenity values of residents in adjoining areas can be avoided, mitigated or remedied;

(v) Any potential adverse effects of the storage of hazardous substances or use of contaminated land are avoided or mitigated to appropriately manage risk;

(vi) Any potential effects of natural hazards are avoided or mitigated;

(vii) To require an Outline Development Plan for all plan changes and substantial developments; and

(viii) Contamination of community water supply intakes is avoided or mitigated.

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As part of the District Plan review in 2016, land located in the south-east area of Amberley were re-zoned residential; this area includes the application site. As such the site has been identified as appropriate for residential development and is compatible with the surrounds.

The Clearing development seeks to deliver a high-quality master planned land development response to the housing needs and requirements for Amberley. The site will be developed in a comprehensive manner to enable matters such as streetscape, vehicular and pedestrian and green network linkages to be integrated.

No servicing constraints have been identified for the proposal, with the allotments able to be provided with connections to all the service reticulations in accordance with the Amberley Infrastructure Strategy 2017. Whilst some design aspects have not been finalised owing to the staged process of the overall development, detailed designs for each stage of the development will be carried out accordingly and consideration given to specific site characteristics. This will ensure sufficient and appropriate infrastructure is in place, or new infrastructure can be provided, to support the proposed development. The traffic assessment has determined that the proposal will not adversely affect the safety, efficiency and functioning of the surrounding road network. The site which forms Stages 1 and 2 are not identified as contaminated and the geotechnical assessment have confirmed the site is suitable for residential development and will not worsen or accelerate any natural hazards.

Given the developments relationship to the surrounding area and the landscaping proposed, it is considered that the residential characteristics of the Zone will be maintained, and the proposal is consistent with the above provisions.

Policy 4.6

To control site-specific environmental effects, such as noise emissions, light spill and traffic generation, to levels appropriate to the zone.

The site is zoned Residential 1A and as such the District Plan anticipates that the application site be used for residential purposes. Residential activities are generally passive in nature and will not give rise to nuisance effects. It is considered the site generated traffic will not result in noise or give rise to any privacy effects of a level that would have a measurable effect on residential amenity in the vicinity of the site. Light emissions will meet the relevant District Plan provisions, ensuring glare, illumination and light spill does not adversely affect the amenity of site or surrounds.

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Policy 4.8

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

As mentioned, The Clearing development seeks to deliver a high-quality master planned development within two stages. The subdivision layout has been designed to ensure that a variety of section sizes and shapes are provided. A variety of lot areas can result in a variability of design in dwellings. The proposal does not seek consent to vary the District Plan residential zone development controls, thereby ensuring development of dwellings will fit the character of the underlying zone.

Objective 4.2 seeks to ensure "Amberley is a vibrant, rural township providing residential and business facilities and associated infrastructure and support services, to meet the economic, social and cultural needs of the Hurunui District and North Canterbury; while retaining its country town character, sense of community and connectivity with its rural surroundings."

The proposal is consistent with what the District Plan is seeking to achieve, noting in particular that the proposal will maintain the anticipated residential character, amenity and environmental characteristics which are sought by the District Plan and importantly providing a range of housing options for those within the district.

Policy 4.38

To ensure an integrated transport network for Amberley Township, with all new residential and business developments occurring in a way that both recognises and reflects the principles of connectivity underlying the Hurunui District Council's Amberley Roading, Cycleway and Walkway strategies.

The proposed development provides legal access for all allotments to a legal road. This provides future residence with efficient connections to existing local transport infrastructure and the surrounding road network. The roading design provides a high degree of connectivity within road networks for all users and provision for future connections. The design of the loop road ensures a safe low traffic speed environment that can be co-shared among users.

Policy 4.39

To require any stormwater flow within Amberley's drainage system to be managed in accordance with the principles of the Hurunui District Council's Amberley Stormwater Management Plan; and to avoid any increase in peak stormwater flow within Amberley's drainage system.

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The servicing report which outlines the preliminary engineering design concepts including requirements for stormwater disposal has not identified any servicing constraints. This is critical in terms of mitigating potential adverse effects on the environment. Stormwater will be directed to a stormwater management area in the south-east of the site and in accordance with the Amberley Infrastructure Strategy 2017.

Chapter 5 - Subdivision

Objective 5 seeks "*subdivision and its subsequent development is designed to ensure that the adverse effects on the environment are minimised, and the character of an area is maintained*."

Policy 5.1

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

Policy 5.3

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

Policy 5.4

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

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

It is considered that the proposal is consistent with the policy outcomes sought. The proposal has been designed comprehensively via a master plan approach. The layout of the subdivision has largely been anticipated by the District Plan, with all proposed allotments of a suitable size and able to be appropriately serviced and accessed including provision for future linkages.

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The subdivision of the site minimises the effects of the environment, by aligning with the natural contours, with proposed landscaping being cohesive and co-ordinated.

It is considered the proposal responds positively to the above maintaining and enhancing the characteristics of the site and surrounds that give them their particular character and quality of environment.

Chapter 8 - Transportation

Objective 8.1

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

Policy 8.1

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

Policy 8.2

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

Policy 8.4

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

Policy 8.5

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

Policy 8.6

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

Key principles of the proposed roading network are to achieve connectivity both within the site and to adjacent areas; support the existing and proposed road network and ensure a legible and safe local roading network. A new internal road network, with one primary access point via Amberley Beach Road being a new X-intersection forming the fourth arm of the existing intersection at Rosewood Drive and Amberley Beach Road. Where not terminating in a cul-de-sac, the internal road network provides future connections to the north via an extension of the main spine road (future balance lot stage), which will ultimately connect to Carters Road (SH1).

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The roading infrastructure will be designed having regard to both the function of the roads and the integration of those roads with the wider transportation network. It is considered that traffic generated by the development can be accommodated on the adjacent roading network without capacity or efficiency issues arising.

Chapter 2 – Ngāi Tahu Resource Management Values

Objective 2.10 provides for recognition and provision for manawhenua and the practice of kaitiakitanga in the management of natural and physical resources. No heritage sites, archaeological sites, wahi tapu or wahi taonga are identified on Hurunui District Council planning maps for the development area. However, the applicant will accept an accidental discovery condition, which is an effective mechanism to ensure that if anything is uncovered, the discovery can be appropriately managed.

7.1 Conclusion

Overall, it is considered that the proposal is consistent with the policy direction sought to be achieved by the Hurunui District Plan.

8.0 OTHER MATTERS

When considering an application for resource consent, pursuant to section 104(1)(b), the consent authority must, subject to Part 2, have regard to any relevant provisions of relevant planning documents.

8.1 Canterbury Regional Policy Statement

The Canterbury Regional Policy Statement (CRPS) became operative on 15 January 2013. The CRPS addresses land and water related issues. The focus of this assessment is twofold: firstly, on environmental outcomes sought to be achieved by objectives and policies (as they relate to the effects of development on the natural environment), and secondly, in terms of policy provisions relating to the built environment (in particular, business and residential areas). In that context, the Objectives and Policies are given effect to within the District Plan, as discussed in Section 8 above.

8.2 National Policy Statement on Urban Development Capacity

The National Policy Statement on Urban Development 2020 (NPS-UD) came into effect August 2020, following the release of the initial National Policy Statement in July 2016. The NPS-UD is part of a suite of measures by the Government aimed at making housing more affordable and providing a more enabling planning framework. The NPS-UD aims to ensure that there is an adequate supply of housing and business land to meet future demand.

The proposal is advancing residential development and therefore is consistent with the NPS-UD and will contribute positively on the delivery of housing within the Hurunui District.

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8.3 Subdivision (s106)

A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made.

As detailed in section 3.2 preceding it is not likely the proposed subdivision will accelerate or worsen any natural hazard or increase the likelihood of material damage to the land or the buildings. Furthermore, the roading infrastructure provides sufficient provision for legal and physical access to each allotment. It is therefore considered that there are no grounds to refuse the consent pursuant to Section 106.

9.0 RESOURCE MANAGEMENT ACT 1991

9.1 Part 2 Matters

Part 2 of the Act "Purpose and Principles" comprises sections 5 to 8.

Section 5 sets out the Act's purpose as follows:

1) The overall purpose of the Act is to promote the sustainable management of natural and physical resources.

2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -

a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and;

c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

In turn, sections 6 to 8 set out 'principles' relating to:

- Matters of National Importance (s6)
- Other Matters (s7)
- Treaty of Waitangi (s8)

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The recent Court of Appeal decision in *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 confirms that RMA decision makers should usually consider Part 2 when making decisions on resource consents (that is the implication of the words "subject to Part 2" in section 104). However, where the relevant plan provisions have clearly given effect to Part 2, there may be no need to do so as it "would not add anything to the evaluative exercise". It would be inconsistent with the scheme of the RMA to override those plan provisions through recourse to Part 2. In other words, "genuine consideration and application of relevant plan considerations may leave little room for Part 2 to influence the outcome".

The Hurunui District Plan has a robust set of objectives, policies, rules and associated standards which seek to ensure that social, economic and environmental change resulting from development in the residential zones, including the subject site, is managed in a way that encourages positive growth. In short, the relevant District Plan provisions are comprehensive, robust and fully aligned with Part 2 obligations.

Consequently, in assessing and deciding the application for the proposal, I consider that recourse to Part 2 would not add anything to the evaluative exercise.

However, for completeness I consider that the application is consistent with Part 2, and that the following aspects of Part 2 are relevant:

- the section 5 direction to enable people and communities to provide for their wellbeing, while avoiding, remedying or mitigating adverse effects.
- the section 7 direction to have particular regard to;
    - the efficient use and development of natural and physical resources (s 7(b)).
    - the maintenance and enhancement of amenity values (s 7(c)).
    - maintenance and enhancement of the quality of the environment (s 7(f)).
    - any finite characteristics of natural and physical resources (s 7(g)).

9.2 Notification – Sections 95A to 95E

Section 95A sets out the steps a consent authority must follow to determine whether to publicly notify an application for resource consent. If under s.95A there is no requirement to publicly notify an application, s.95B sets out the steps that a consent authority must follow to determine whether to give limited notification of the application.

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Section 95A Public notification of consent applications

Step 1 - Does the application fall within the criteria for mandatory public notification under s95A(3)?

- The applicant has not requested public notification,
- Public notification is not required under s95C,
- The application has not made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

Step 2 - Does the application fall within the criteria where public notification is precluded under s95A(5)?

- No. The application is for a discretionary land use and non-complying subdivision activity.

Step 3 – Does the application fall within the criteria for public notification subject to certain criteria under s95A(8)?

- No. Public notification is not required under s95C

Step 4 – Are there any special circumstances under s95A(9) which requires public notification? There are no special circumstances which require the application to be publicly notified.

The application does not meet the criteria for public notification under the provisions of s.95A. Therefore, the application must not be publicly notified.

Section 95B Limited notification of consent applications

Step 1 – Are there certain affected groups and affected persons who must be notified under s95B(2-3)?

- There are no affected customary rights groups or affected marine title groups in relation to this proposal,
- The proposed activity is not on or adjacent to, or affects land is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11.

Step 2 - Does the application fall within the criteria where limited notification is precluded under s95B(6)?

- The application is not for an activity subject to a rule or national environmental standard that precludes limited notification,
- The application is not for either or both the following activities, but for other activities:
    - The activity is not for a controlled activity,
    - The activity is not for a prescribed activity

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Step 3 – Does the application fall within the criteria for other affected persons to be notified under s95B(7-8) and s95E?

- The above assessment of environmental effects concludes the proposal will have no more than minor adverse effects. Therefore, there are no persons who should be notified.

Step 4 – Are there any special circumstances under s95B(10) which requires limited notification?

- There are no special circumstances that would warrant the limited notification to any other persons not already deemed to be affected parties (excluding persons assessed under s95E as not being affected persons).

Based, on the above, and the preceding assessment of effects any adverse effects on the environment are no more than minor and as such, no parties are considered to be adversely affected by the proposal. It is considered that the application need not be limited notified in accordance with Section 95B of the RMA.

9.3 Section 104 – Consideration of Applications

Section 104 of the Resource Management Act 1991 sets out those matters that must be considered in assessing an application for resource consent. Subject to Part II of the Act, Section 104(1) requires a consent authority to have regard to:

a) any actual and potential effects on the environment of allowing the activity;

b) any relevant provisions of-

- *i) a national environmental standard*
- *ii) other regulations*
- *iii) a national policy statement*
- *iv) a New Zealand coastal policy statement*
- *v) a regional policy statement or proposed regional policy statement*
- *vi) a plan or proposed plan; and*

c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

When considering an application for resource consent, pursuant to section 104(1)(b)(vi), the consent authority must, subject to Part 2, have regard to any relevant objectives, policies and other provisions of the District Plan.

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As discussed in Section 8 of this application, the District Plan contains a set of objectives and policies, which together provide the framework for assessment of resource consent applications as required by the Resource Management Act 1991. The proposal is consistent with the relevant objectives and policies of the District Plan.

9.1 Section 104B – Discretionary Activities

Section 104B of the Act requires the consideration of any actual and potential effects on the environment arising from the proposal Section 104B states:

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority— (a) may grant or refuse the application; and (b) if it grants the application, may impose conditions under section 108.

An assessment of environmental effects has been undertaken in the preceding Section 7 of this application. The effects have been assessed as being less than minor. The relevant objectives and policies have been assessed and discussed in Section 8 with the proposal considered to be consistent with these. Accordingly, it is considered that the application may be granted under Section 104B (a) of the Act.

9.2 Section 104D – Non-Complying Activities

Section 104D(1) sets out the particular restrictions for non-complying activities as follows:

- *The adverse effect of the activity on the environment will be minor; or*
- *The application is for an activity that will not be contrary to the objectives and policies of the Plan.*

The application of Section 104D(1)(a) and Section 104D(1)(b) are commonly referred to as the 'threshold tests' under which an application for a non-complying activity must be assessed. In this case, consent is required for a non-complying activity due to allotment size and dimensions, structure coverage, conformity with the outline development plan and traffic related breaches.
The actual and potential adverse effects arising from these non-compliances are considered to be no more than minor, thus the proposal passes the first threshold test.

With respect to Section 104D(1)(b) an assessment of the objectives and policies of the plan was undertaken in Section 7 of this application. The proposal is considered to be not contrary to these objectives and policies, thus passing the second threshold test.

A proposal need only pass one of the two threshold tests in order to be granted by the Council. In this case both of the tests are considered to be passed and therefore Council must grant consent with appropriate conditions imposed.

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10.0 CONCLUSION

Section 104 of the Resource Management Act 1991 sets out the matters to be considered when assessing an application for resource consent. These matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the proposal is consistent with the provisions of the Plan.

The proposal seeks to create 123 residential allotments associated reserves and utilities as part of a multistage residential development. It is considered to be an appropriate and efficient use of land that is already recognised as being suitable for residential purposes.

The proposal is a discretionary land use activity and a non-complying subdivision activity in terms of the relevant standards of the Hurunui District Plan. It has been demonstrated by the preceding assessment that the adverse effects on the environment as a result of these non-compliances are less than minor and therefore are no more than minor.

The relevant provisions of Part 2 of the Resource Management Act 1991 have been satisfied as it is considered that the proposed activity is consistent with the purpose of the Act, promoting sustainable management of natural and physical resources. Council can grant land use consent subject to appropriate conditions.

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