

4<sup>th</sup> May 2023

Sonja Perrin  
Sonja Perrin Town Planners  
18 Marsden Street, Heathcote Valley  
**CHRISTCHURCH**

Dear Sonja,

**APPLICATION FOR RESOURCE CONSENT RMA/2023/597  
ADDRESS 130 BOWENVALE AVENUE**

Thank you for your application for resource consent for 35 lot fee simple subdivision on the above site, which we received on 11<sup>th</sup> April 2023.

I have assessed your proposal and found that the following additional information is required before your application can be considered further:

**Planning**

1. Please provide an amended subdivision plan, which identifies dimensions of the proposed allotments.

*This is to confirm compliance of the allotments' dimensions under Rule 8.6.1*

2. Are the defined patios areas on Lot 35 going to become decks or terraces? If yes please specify if they will be 800mm over existing ground level.

*This is to determine setback and site coverage compliance.*

3. Please confirm the proposed fencing heights of Lot 34 along the road boundaries
4. In the below engineering image it appears more than five street trees are proposed to be removed. Please can this be clarified?



5. Has the applicant investigated further in terms of the caveat removal?
6. In terms of the residents society agreement proposed, please provide the following clarification;
  - Is the document meant to include the following definition "society - *Society means Linwood Ave Residents Society Incorporated or any successor or replacement entity.*
  - What happens if the society gets dissolved/liquidated or bankrupt (or similar);
  - Is it likely the managing party will be a legal firm whose costs are accounted for annually?
  - What are the recommended conditions from the applicant on this application which will make the existence and its retention of the society enforceable by Council?

*Please note this will be reviewed by Council's legal team when the above answers are provided.*

### **Geotechnical and earthworks**

7. Please provide the following in terms of the proposed retaining walls/gabion baskets on Lot 34, access lots and adjacent to proposed roads;
  - Cross sections of the retaining walls/gabion baskets if these have not already been provided;
  - Location on a site plan of where all retaining walls are to be located;
  - How access to the adjoining lots can occur with the retaining in place. This can be shown in a cross section;
  - How drainage will occur in these areas
  - How will the retaining/gabion baskets interact with the Hill Waterways

*This is to understand the effects of retaining walls within the site and whether access can be obtained for certain sites.*

8. Please confirm whether the levels/contours provided have been prepared by a licenced surveyor?

*It appears levels have been undertaken by an engineering firm.*

9. Please provide a statement of professional opinion on the suitability of subdivision by suitably qualified and experienced Geotechnical Engineer.  
*The on hold day is backdated to the 21<sup>st</sup> March 2023, when this was originally requested.*

10. The geotechnical and earthwork aspects are yet to be reviewed by the subdivision engineer due to workloads. Further questions may be asked once the review has been completed. Please note the application will remain on hold until this matter has been resolved.

11. Does the recommended maintenance considerations in s8.4 of the geotech need to be undertaken by a geotechnical engineer? Are these maintenance matters going to be included in the legal maintenance agreement?

12. It is likely large amounts of earthworks will be required post subdivision i.e. for establishing residential units on the allotments?

### **Ecology**

13. Are the mitigation measures proposed by wildlands being adopted by the applicant? If yes, how are these to occur? How will they be protected into the future?

Table 5: Potential significance of ecological effects if effective mitigation is implemented as recommended above.

Effect	Level of Effect Without Mitigation	Level of Effect With mitigation
Vegetation clearance (not including scrub pōhuehue vineland)	Less than minor	Net gain

Effect	Level of Effect Without Mitigation	Level of Effect With mitigation
Loss of indigenous lizard habitat (including scrub pōhuehue vineland).	More than minor	More than minor
Disturbance (including death and injury) and harm to indigenous birds.	More than minor	Less than minor
Loss of indigenous bird habitat	Minor	Minor
Disturbance (including death and injury) and harm to lizards.	More than minor	Minor
Disturbance during bridge construction	Minor	Less than minor
Breeding failure/displacement to lizards.	Minor	Less than minor
Increased predation to lizards.	Minor	Less than minor
Fragmentation of lizard habitats.	More than minor	Minor
Loss of invertebrate habitats.	Minor	Less than minor
Mortality to terrestrial invertebrates during earthworks	More than minor	Less than minor

14. Please provide detailed landscaping plans which clearly identify;
- The mitigations as outlined by the wildlands report (if proposed);
  - Where replacement trees are proposed to be located (approximately)

15. In the Wildlands report, has *Carex virgata* been misidentified as *Carex diandra*?

*Wildlands have recorded Carex diandra on the site, which would be significant find because this species is not known to occur in the Banks Ecological Region.*

16. Within the water body setbacks, please quantify:
- The total area of impervious surfaces proposed (including roads, building, retaining walls etc)
  - The total length of the waterways being piped.
  - Please quantify how the development will mitigate effects of the above, with respect to the relevant objectives and policies within Section 6.6 of the District Plan.
17. Please clarify the degree of stormwater treatment prior to discharge into Sibleys Drain. This includes providing details of pipe sections and initial sediment filtration from the site.

18. Please clarify whether the upstream area of Sibleys Drain will be planted out as part of the development?

*Further comment from the specialists will be provided in due course in relation to this. Note that the planting palette will need to be confirmed with Council terrestrial ecologists and landscape architects prior to plans being finalised.*

19. Please provide a lizard relocation/release plan for this application

*While this information will be provided with the DOC permit, due to the activity proposed and density of lizards identified on site, this needs to be assessed as part of this application.*

20. Please confirm whether a like for like replacement of the indigenous vegetation is going to occur on the site.

*Scrub pōhuehue vineland present on site will be providing valuable habitat for indigenous lizard species. Pōhuehue is the number one plant for attracting Lepidoptera (moths and butterflies; nationwide 80+ species feed on the foliage, in the stems, mine the leaves or feed on the flowers and fruit: Brian Patrick, Wildland Ecologist, Christchurch) which provides a large food source for locally occurring fauna. If areas of lizard habitat (including scrub and vineland) are to be destroyed/damaged during construction, compensation actions will also be required to offset these actions (compensation should be recorded in the sites LMP and be reviewed by DOC).*

21. Please further assessment on the presence/absence of Jewelled geckos and the impact the subdivision could have on this species.

*Jewelled geckos (*Naultinus gemmeus*) are an arboreal (tree dwelling) species of lizard found here in Canterbury. The assessment of ecological effects report stipulates that scrub habitat at this site has been regenerating on site since c. 1980 (20+ years ago), and that however no visual survey for this species has been undertaken. Jewelled geckos have recently (2017) been sighted within the Bowenvale area (≤1 km from the project footprint). A survey by a herpetologist with expertise in location arboreal geckos should have been undertaken.*

22. If one has been prepared, please provide the lizard management plan for the site.

*The council herpetologist has noted without the LMP, it is difficult to determine the effects on lizards. The herpetologists makes the following comments "This report states that "The proposed development will result in the potential local extirpation or fragmentation of a moderately sized peri-urban lizard population" – however later in the report it is also stated that "Site development with the implementation of a LMP would result in a minor adverse effect on lizards" as there is no LMP provided this statement cannot be assessed. Causing a potential local extinction (through the actions of construction and salvage/relocation) of a currently fragmented population of lizards is more than minor (in my opinion), however as previously mentioned I do not have the LMP so cannot weigh up the compensation/mitigation actions against the number of lizards (individuals and number of different species) that will require relocation work."*

## **Transport**

23. Please provide tracking for 8 metre and 10.3 metre long rigid truck on the proposed roads?

24. For the access lots, where will bins be proposed to be collected from?
25. Please demonstrate that 85<sup>th</sup> percentile manoeuvring can occur on the access lots.
26. Is the access lot easement compliant with queuing spaces?
27. Please identify the gradients of the proposed roads and access lots?

### **Cultural**

28. The activity is a non-complying activity therefore it is considered an assessment of the matters of discretion in Rule 9.5.5 (sub-chapter 9.5 Ngāi Tahu Values) of the District Plan is required. I note that your application does not address these provisions. In order to address the matters of discretion, which among other things, requires an assessment of any effects on Ngāi Tahu cultural values, it will be necessary to consult with the relevant papatipu rūnanga, i.e. the rūnanga having guardianship (kaitiaki) for the area within which the site is located.

Policy 9.5.2.2.5 (Engagement with Rūnanga) stipulates that where an applicant has not engaged with the relevant rūnanga, the Council will consult with them. I have engaged with the local Rūnanga on behalf of the applicant. Please note that as the Council consults on your behalf, the costs are currently borne by the Council as part of an agreement with MKT. The application will remain on hold until this matter is resolved.

### **Stormwater**

29. Please provide analysis of flows that the drains/pipes are expected to carry as part of this development.
30. Is a debris rack upstream of the upper culvert grills required as part of the stormwater infrastructure on the site?
31. Please provide a comprehensive analysis of the stormwater mitigation proposed and the effect on the Heathcote River Floodplain. This should include hydraulic/hydrological modelling to compare pre and post development flows from the site for a selection of storms up to the 50 year, 27 hour storm (critical for the lower Heathcote)

### **Environmental Health**

32. Aerial photos from 1945-1949 have been reviewed as part of the environmental health officers assessment. It appears that part of a market garden is located within the application site. Please can a suitably qualified and experienced practitioner further investigate this area?



### **Comments and recommendations – not part of the formal RFI**

I will be undertaking a site visit in the next few weeks. I will be in touch about the site visit shortly.

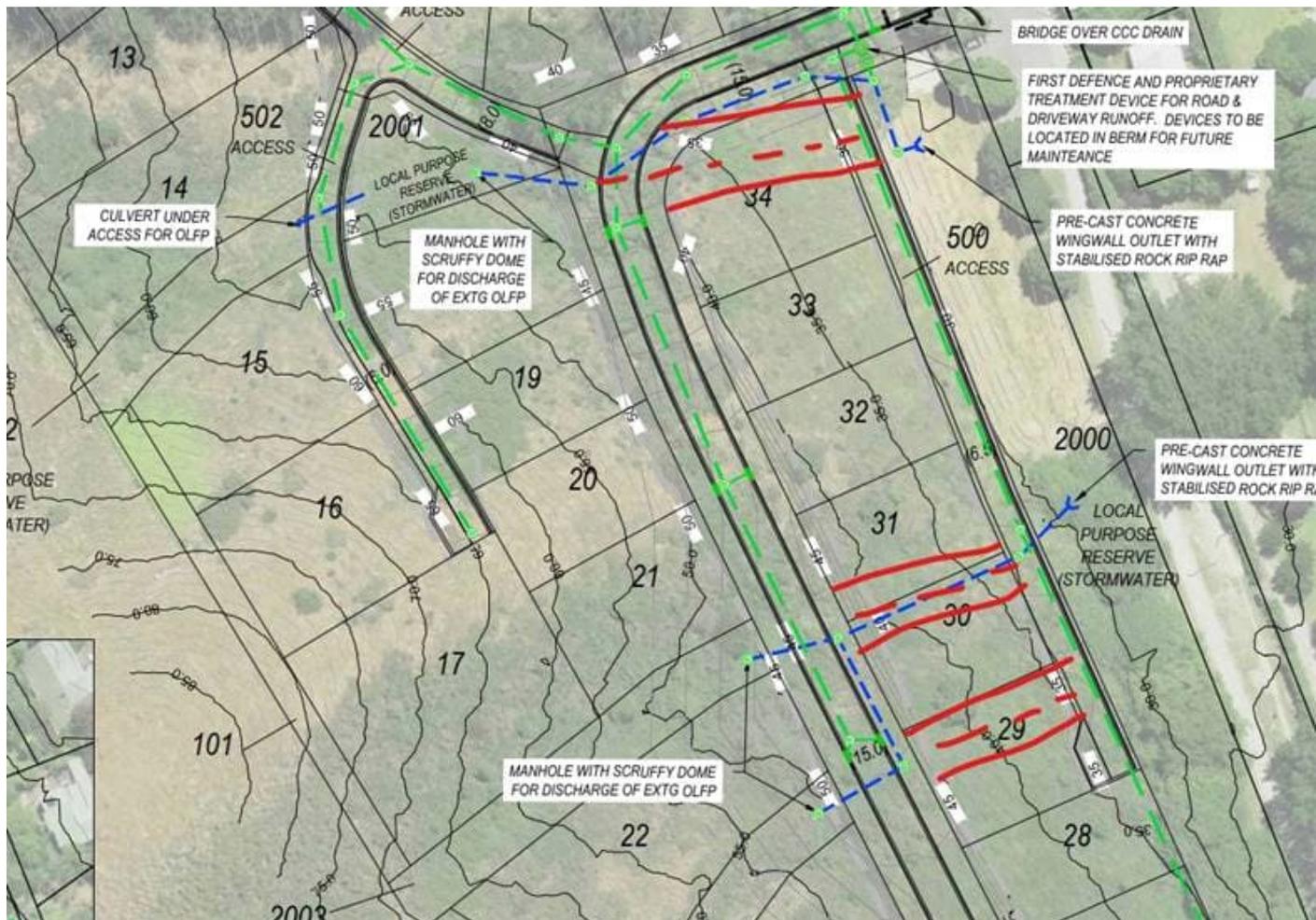
I have received some comments from three waters about the waterways and stormwater. I have summarised these comments below:

#### *Waterways*

- The current setback proposed from of the Hill waterway is not accepted by the specialists. It would be optimal for the compliant setback to apply (20m total area measured from the centreline of the waterway to 10m out on both sides), however a further discussion is recommended on this matter;
- The piping of the hill waterway from the proposed road within the development site is not supported due to the steepness and terrain of the area;
- While the planting palette proposed is acceptable, a 2m riparian buffer is not an adequate outcome it is recommended that a 4m wide planting buffer is proposed for the Hill waterways. This is due to the increase of impervious surfaces occurring through the proposed development. Although the tributaries of Sibleys Drain (excluding Sibley's drain) are ephemeral, native plantings within the setback can reduce soil erosion, reduce downstream flood risk through hydrological buffering, and create ecological corridors (per Policy 6.6.2.1.2 a. i). In addition, Policy 6.6.2.1.2 a. vi. b. recognises that Hill waterway setbacks have the function of maintaining or enhancing habitat for terrestrial and aquatic animals and plants.

#### *Stormwater*

- It is considered the Lots fronting Sibleys Drain can be adequately protected from flooding;
- It is preferred that the drain within Lot 35 remains in private ownership with an easement in gross over the drain.
- The applicant is proposing to get the three natural gulleys into a pipe system and direct those under roads, through private property, and into Sibleys Drain. The applicant has not provided any analysis of the flows that these drains could be expected to carry, but their catchments are significant (Sibleys Drain Branch No. 15 is 770m long to the top of the spur). In general WWDOG Chapter 7 provides guidance for hill waterways:
  - *Many hillside waterways discharge into pipe systems upon arriving at the valley floor. Inlets at this point are susceptible to debris related blockage, leading to downstream property flooding and damage.*
  - *Discharge of hill waterways into piped systems is undesirable; it is preferable that flow be kept in an open waterway*
- The risk of blockages causing significant flows onto the roading network (and potentially into private property) needs to be considered more carefully. The Council officer's recommendation is that the gulleys are kept as open waterways for their entire length through the application site, and that culverts (or bridges) be significantly oversized and fitted with large grates (inlet only) to intercept debris. The applicant should also consider whether a debris rack upstream of the upper culvert grills is required (an engineering matter). Guidance is that grill areas should be at least 20x the culvert cross section.



- The application discusses the use of rain tanks for stormwater retention, which is what was recommended in the pre-app, mainly because storing water on the hills presents significant issues and risks. They have referred to the Council's Onsite Stormwater Management Guide which really only applies to sites up to 5,000m<sup>2</sup>. The applicant needs to present a comprehensive analysis of the mitigation proposed so that we can understand effects on the Heathcote River floodplain. They should undertake some hydraulic/hydrological modelling to compare pre- and post-development flows from the site for a selection of storms up to the 50-year, 27-hour storm (critical for the lower Heathcote). Council officers need to be able to quantify the effects of extra discharges.
- The applicant is proposing retaining walls along Lot 2000. These need to be located 100% within the ROW and not on Council reserve, as they will be privately maintained.
- Council officers are further considering the re-direction of the northern gully flow discharge upstream of the weir and whether it will be required to be discharged downstream. Further comment will be provided at a later date

Please note that your application will be placed on hold until the all of the requested information has been received.

Please respond in writing within 15 working days of the date of this letter (i.e. by 25<sup>th</sup> May 2023) with one of the following:

- (a) The information requested above; or
- (b) Confirmation that you agree to provide the information, and the date by which you intend to provide it; or
- (c) Advice that you refuse to provide the requested information.

The Resource Management Act requires the Council to **publicly notify** your application if you do not provide the requested information before the date mentioned above (or an alternative date agreed with the Council), or if you refuse to provide the information. It is therefore important that you contact me promptly to discuss an alternative timeframe if you are unable to provide the information within 15 working days of the date of this letter.

The provision of the further information requested above may reveal the need for you to obtain written approvals from affected parties in order for the application to be processed on a non-notified basis. If that is the case, I will contact you again after I have received the information to confirm which, if any, written approvals will be required.

Please also note that if the provision of the information requested above raises any additional areas of uncertainty or matters requiring further clarification, your application will remain on hold until sufficient information has been provided to enable processing to continue.

If you are submitting amended plans as part of the further information requirements for this resource consent and you also have a current building consent application lodged with the Council, the amended plans should also be forwarded to the relevant building consent officer.

If you have any queries regarding this letter or your application please contact me.

Yours sincerely



Rachel Cottam  
Senior Planner  
04/05/2023 01:03 pm