

Note: The condition numbers do not reflect the proposed amendments, these are to be amended once the Commissioner has determined which conditions are appropriate.

Appendix 10 - Condition set if the application is granted:

RMA/2020/2000 SURRENDER OF LAND USE CONSENT RMA/2000/103 (RES95101059)

(A) Land use consent RMA/200/103 is to be surrendered within 5 working days of the commencement of this consent.

Note: The Bed and Breakfast and Art Workshop activities no longer occur on the site. The entirety of the commercial activity is consented under RMA/2020/2000

LAND USE CONSENT

(B) That the application **be granted** pursuant to Sections 104, 104B, 108 and 108AA of the Resource Management Act 1991, subject to the following conditions:

1. The development shall proceed in accordance with the information and plans submitted with the application. The approved plan and documents are recorded under RMA/2020/2000 (17 Pages).

Activity and Scale

2. The maximum numbers of patrons shall not exceed 80 onsite at any time. Within 6 months of the commencement of this consent, the consent holder shall establish a booking and monitoring system to ensure compliance with this maximum limit.
3. The consent holder is responsible for recording the number of patrons on any day and shall make the information available on Council's request. Records should be kept of up to a minimum of 6 months.

Cultural and Historic Heritage

4. Prior to any new construction work that is subject to this consent taking place on the site, the consent holder shall provide to Council written evidence demonstrating Archaeological Authority has been obtained or a letter from Heritage New Zealand that an Authority is not required.
5. Should any archaeological material or sites be discovered during the course of work on the site, work in that area of the site shall stop immediately and the appropriate agencies, including Heritage New Zealand Pouhere Taonga and Mana Whenua, shall be contacted immediately, in accordance with the Accidental Discovery Protocol set out in Appendix 3 of the Mahaanui Iwi Management Plan: <http://www.mkt.co.nz/wp-content/uploads/2016/05/Mahaanui-IMP-web-Part32.pdf>

Advice note: The applicant is encouraged to integrate locally sourced indigenous species into planting plans.

Traffic (Construction)

6. The proposed footpath extension and associated structures on Rue Balguerrie shall be in general accordance with the concept plans [titled Rue Balguerrie Footpath Sketch dated 23.10.23](#) (Page 17 of approved plans).
7. The consent holder shall submit the following documents for acceptance prior to commencing works/construction onsite:
 - a. Traffic Safety Audit Report undertaken by a suitable qualified and experienced independent traffic engineer;
 - b. Engineering Design Plans and documentation for the required works in legal road.
 - c. The reports and plans shall be submitted for formal acceptance Christchurch City Council's Subdivision Engineer (via email to rcmon@ccc.govt.nz). Plans shall be submitted to the Council's Asset Protection team as well as the Subdivision Engineer.
 - d. All plans and reports shall be undertaken in accordance with the Christchurch City Council Construction Standard Specifications and Infrastructure Design Standards.

Advice note:

The following design elements may be required to be assessed subject to findings in the engineering design safety audit report:

- *Broken yellow lines need to continue east of the proposed bus stop and may extend beyond the application's site;*
- *Details of the bus stop's design including sealing, signage, crossing point and connection to step/ramp of the activity.*
- *The transition between delineated areas and the introduction of wheel stops with nearby vehicle crossings*
- *How the proposed pedestrian crossing treatment interacts with existing vehicle crossings;*
- *How run off is controlled. This may require some form of swale treatment.*
- *The material of the wheel stops shall be long lasting (SD 626) and cats eyes on the wheel stops may be required.*
- *A 1.5m wide footpath is recommended where possible. If unable to be achieved the minimum width is recommended 1.2m.*
- *Visual Splay for the vehicle crossing at 83 Rue Balguerrie*
- *The works to remove the tree stump adjacent to 67 Rue Balguerrie*

Any works identified in the road may require community board approval. This consent does not provide approval for this process.

The Applicant will be required to submit a corridor access request to council before work commences in the road. New or extensions to vehicle crossings require application to Council prior to construction <https://ccc.govt.nz/transport/legal-road/vehicle-crossing>.

8. Yellow Stopping Lines shall be installed along Rue Cachalot and Rue Balguerrie to enable safe manoeuvring to the satisfaction of the Council's Traffic Engineer.

Note: Details of this design will be submitted as part of the engineering design plans.
9. A mobility park shall be present directly adjacent to the application site as agreed by Council's Traffic Engineer.

Note: Details of this design will be submitted as part of the engineering design plans.

10. Prior to the opening of the new café OR entrance building to the public commencement of the expanded activity, the consent holder must ensure that the works required by conditions 6-9 8-10 shall be completed to satisfaction of Council's Subdivision Engineer.

[10] The Consent Holder shall ensure that the works required by Conditions 6-9 shall be completed as soon as practicable after receipt of Community Board approval, and in any event no later than prior to the opening of the entrance building to the public. The works shall be completed in accordance with the Community Board's approval and to the satisfaction of the Council's Subdivision Engineer.

Traffic Operational

11. Bus manoeuvring shall occur as follows: buses are to reposition themselves in the road corridor and then reverse back up Rue Cachalot before driving westbound along Rue Balguerrie back towards the town centre.
12. Buses must only park in the designated area as shown in plan titled *Rue Balguerrie Footpath Sketch dated 23.10.23*.
13. Scheduled buses are not to idle for more than 5 minutes after arrival or 5 minutes before departure.
14. A booking system shall be established restricting bookings to no more than one scheduled bus in attendance at any given time. These bookings shall be separated by at least 30 minutes. The maximum number of bus bookings shall not exceed five per day. The consent holder is responsible for recording the number of bus bookings and timings on any day and shall make the information available on Council's request. Records should be kept of up to a minimum of 6 months.

Note: conditions 11 -14 are to be implemented on the commencement of this consent. An informal bus designated area can occur in a similar location while community board approval is being obtained.

15. Prior to the opening of the [new café or] entrance building to the public six onsite cycle parks that are easily accessible to the public shall be provided. The parks shall be designed in accordance with Council's engineering standards for visitors and Waka Kotahi Cycle Parking Planning and Design Guide (for staff).

Services As-Built Requirements

16. As-Built plans and data shall be provided for all above and below ground infrastructure and private work in compliance with the Infrastructure Design Standards (IDS): <https://www.ccc.govt.nz/consents-and-licences/construction-requirements/infrastructure-design-standards/as-built-survey-and-data-requirements/>

Advice Note: this includes RAMM and costing data (GST). RAM data shall be submitted to Asset Engineer Binaya Sharma (Email binaya.sharma@ccc.govt.nz). Other data information is listed in the link above.

Commented [A1]: Comments from Ms Cottam:

The current/proposed activity was considered at the hearing to be completed all as one. By effectively staging the conditions/construction could result in different effects. Also staging the construction does not address existing and proposed effects on transport if only some of the works are completed first. This includes lack of footpath, control of bus parking/manoeuvring and patron limit.

Commented [A2R1]: *The proposed transport conditions represent a catch up with what should have happened when the activity naturally expanded overtime. These need to be completed relatively soon to address these effects. Axel has agreed with this approach*

Commented [A3]: Applicant's proposed condition 10 Highlighted.

Commented [A4]: Ms Cottam seeks to add the words in bold to Condition 15

Noise

17. There shall be no provision for playing music, live or otherwise and/or the amplification of any outdoor sound such as the use of a PA system on the site at 74 Rue Balguerie.
18. The noise level from music on 70 Rue Balguerie shall not exceed 40 dB L_{Aeq} (15 mins) at any point within the following residential sites: 68 Rue Balguerie, 72 Rue Balguerie, 76 Rue Balguerie, 78 Rue Balguerie, 80 Rue Balguerie, 82 Rue Balguerie, 3 Rue Cachalot and 7A Rue Cachalot.

Noise shall be measured in accordance with NZS 6801:2008 "Acoustics – Measurement of environmental sound" and assessed in accordance with NZS 6802:2008 "Acoustics-Environmental noise", except that the provisions in NZS 6802 referring to Special Audible Characteristics shall not be applied.

Construction effects

19. All filling and excavation work shall be carried out in accordance with a site specific Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified and experienced professional, which follows the best practice principles, techniques, inspections and monitoring for erosion and sediment control contained in ECan's Erosion and Sediment Control Toolbox for Canterbury <http://esc Canterbury.co.nz/>. The ESCP must be held on site at all times and made available to Council on request.
20. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road, or into a river, stream, drain or wetland. Sediment, earth or debris must not fall or collect on land beyond the site or enter the Council's stormwater system. All muddy water must be treated, using at a minimum the erosion and sediment control measures detailed in the site-specific Erosion and Sediment Control Plan, prior to discharge to the Council's stormwater system.
21. The ESCP shall be implemented on site and maintained over the construction phase, until the site is stabilised (i.e., no longer producing dust or water-borne sediment). The ESCP shall be improved if initial and/or standard measures are inadequate. All disturbed surfaces shall be adequately topsoiled **and** vegetated as soon as possible to limit sediment mobilisation.
22. Dust mitigation measures such as water carts or sprinklers shall be used on any exposed areas. The roads to and from the site, and entrance and exit, must remain tidy and free of dust and dirt at all times.
23. The consent holder must notify Christchurch City Council no less than three working days prior to works commencing, (email to rcmon@ccc.govt.nz) of the earthworks start date and the name and contact details of the site supervisor.
24. In relation to the pathways and associated retaining walls and entrance building, excavation shall not commence under this land use consent until proof of an approved building consent covering all retaining walls required to construct the vehicle and pedestrian accesses shown on the plans submitted under this land use consent is presented to Council (email to rcmon@ccc.govt.nz).
25. The fill sites shall be stripped of vegetation and any topsoil prior to filling. The content of fill shall be clean fill (as defined by the Christchurch District Plan – Chapter 2 Definitions).

26. Any change in ground levels shall not affect the stability of the ground or fences on neighbouring properties.
27. No permanent unsupported cut or batter shall be formed any steeper than 26°, unless approved by a chartered professional engineer.
28. Stormwater runoff must be mitigated so that it does not cause a nuisance to neighbouring properties.
29. All impermeable surfaces shall be adequately drained.
30. All concentrated stormwater including that from behind the retaining walls, shall be discharged in a controlled manner to the Council network.
31. All works on site shall be subject to a Traffic Management Plan (TMP) which must be prepared by a suitably qualified person and submitted for acceptance prior to the commencement of earthworks. No works are to commence until the TMP has been accepted and installed.

The TMP shall identify the nature and extent of temporary traffic management and how all road users will be managed by the use of temporary traffic management measures. It shall also identify the provision of on-site parking for construction staff. Activities on any public road should be planned so as to cause as little disruption, peak traffic safety delay or inconvenience to road users as possible without compromising safety. The TMP must comply with the Waka Kotahi NZTA Code of Practice for Temporary Traffic Management (CoPTTM) and the relevant Road Controlling Authority's Local Operating Procedures.

32. The TMP shall be submitted to the relevant Road Controlling Authority through the web portal www.myworksites.co.nz. To submit a TMP a Corridor Access Request (CAR) must also be submitted. A copy of the accepted TMP and CAR shall be supplied to the Council's resource consent monitoring team (via email to rcmon@ccc.govt.nz) at least 3 working days prior to the commencement of works under this consent.

Note: Please refer to <https://ccc.govt.nz/transport/legal-road/traffic-management-news-and-information> for more information.

33. Any public road, shared access, footpath, landscaped area or service structure that has been damaged, by the persons involved with the development or vehicles and machinery used in relation to the works under this consent, shall be reinstated as specified in the Construction Standard Specifications (CSS) at the expense of the consent holder and to the satisfaction of the Council.

Advice note: Any structures on roads will require the roading asset owner's permission. Details of application can be found [here](#).

34. All construction must comply with the construction noise standard NZS6803 (1999). Construction can only occur between 7am-7pm daily (excluding Sundays and public holidays).

Landscaping

35. The landscaping shall be in accordance with the approved landscaping plan [XXX].
36. The following landscaping areas shall be established at the timings as determined by site works and building works as below:
 - a. All planting around internal boundaries not affected by construction shall be planted following the granting of relevant building consents or after a site scrape (if needed);
 - b. Plantings around the street scene once the entrance building has been roofed and weather tight.
 - c. The remainder of landscaping shall be established within the first planting season (extending from 1st April to 30th September) following the final passed building inspection.
37. The Plum tree within the road boundary setback is to be maintained and protected where possible. If retention is not possible, a replacement tree shall be planted within the road boundary setback as soon as practical but no later than the within the following planting season.
38. Trees shall be allowed to grow to their natural form and height.
39. All landscaping required for this consent shall be maintained by the consent holder. Any dead, diseased, or damaged landscaping shall be replaced by the consent holder as soon as practicable but no later than within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species to the existing landscaping.
40. Any sculptures must be setback 2 metres from the internal boundaries.

Signage

41. Signage shall be restricted to be in accordance with the following:
 - Signage is limited to one sign within the area viewed from the street. This shall have a maximum of 1.115m².
 - No temporary signage such as the sandwich boards shall be permitted;
 - No signs shall include lighting or illumination;
 - The treatment of the entrance building glazing shall not be obstructed or obscured with signage or decorations;

Accidental Discovery – Ecology

42. if a nest (of a bird species that is protected under the Wildlife Act 1953) is found, then work within 20m of the nest shall cease and the consent holder shall contact Council's Ornithologist for advice. No works in these areas shall occur until Council's Ornithologist has assessed the nest and associated birds and determined that appropriate steps are being taken to avoid adverse effects on birds.

Note: Council's Ornithologist is Andrew Crossland- andrew.crossland@ccc.govt.nz. It is unlawful to harass bird species under the Wildlife Act 1953.

Compost/Putrescible Material

43. Any composting or putrescible material shall be setback 5 metres from any internal boundary. Any composting shall be in solid containers and covered to control potential odours.

Advice notes:

i) *Monitoring*

The Council will require payment of its administrative charges in relation to **monitoring of conditions**, as authorised by the provisions of section 36 of the Resource Management Act 1991. The current monitoring charges are:

- (a) A monitoring programme administration fee of \$102.00 to cover the cost of setting up the monitoring programme; and
- (b) A monitoring fee of \$175.50 for the first monitoring inspection to ensure compliance with the conditions of this consent; and
- (c) Time charged at an hourly rate if more than one inspection, certification of conditions, or additional monitoring activities (including those relating to non-compliance with conditions), are required.

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

- ii) This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will also need to comply with the requirements of the **Building Act 2004**. Please contact a Building Consent Officer (ph: 941 8999) for advice on the building consent process.
- iii) This site may be an archaeological site as defined and protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. Archaeological sites are defined in the HNZPTA as any place in New Zealand where there is physical evidence of pre-1900 occupation, regardless whether the site is known or not, recorded in the NZAA Site Recording Scheme or not, or listed with Heritage New Zealand or the local council. Authority from Heritage New Zealand is required for any work that affects or may affect an archaeological site. **Please contact the Heritage New Zealand regional archaeologist on 03 363 1880 or archaeologistcw@heritage.org.nz before commencing work on the land.**
- iv) The activity does not extend to venue hires.
- v) When outdoor maintenance equipment is needing to be replaced, it is recommended that electric powered tools are utilised.

iv) **Development Contributions**

Please note that a development contribution is likely to be required under the Development Contributions Policy. The Council requires Development Contributions to be paid prior to the issue of a Code Compliance Certificate for a building consent, the commencement of the resource consent activity, the issue of a section 224 certificate for a subdivision consent, or authorisation of a service connection.

The contributions are defined in the Council's **Development Contributions Policy**, which has been established under the Local Government Act 2002 and is included in the Council's Long Term Plan. Full details of the Policy are available at www.ccc.govt.nz/dc. If you have any queries in relation to this matter, please contact our Development Contributions Assessors on phone (03) 941 8999.

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