

Report on a Publicly Notified Resource Consent Application  
(Section 42A)

Application number:	RMA/2023/2046
Applicant:	Carol & Peter Johns
Site address:	33 Dublin Street
Legal description:	Lot 1 DP 470468
Zone:	
District Plan:	Residential Banks Peninsula
Proposed Plan Change 14:	Residential Banks Peninsula
Overlays and map notations:	
District Plan:	Character Area Overlay (Lyttelton); Remainder of Port Hills and Banks Peninsula Slope Instability Management Area; Banks Peninsula District Plan Coastal Hazards; Ngā Tūranga Tūpuna
Proposed Plan Change 13:	Contributory building within Residential Heritage Area (HA7 – Lyttelton)
Proposed Plan Change 14:	Sunlight Access Qualifying Matter; Low Public Transport Accessibility Area Qualifying Matter; Residential Heritage Area Qualifying Matter; Sites of Cultural Significance Qualifying Matter
Road classification:	Local road
Activity status:	Restricted discretionary
Description of application:	Demolition of a building
Submissions:	One in support and three in opposition
Date of Hearing:	22 March 2024
Recommendation:	Grant subject to conditions

### Preamble

1. My name is Andrew Long. I am employed as a Senior Planner with the Christchurch City Council. I hold Bachelors of Resource Studies and Masters of Regional and Resource Planning qualifications. I am an intermediate member of the New Zealand Planning Institute and have 21 years of experience working in the planning and resource management field.
2. This report has been prepared with advice from Mr Gareth Wright (Heritage Advisor with the Council) and Mr David Hattam. Their advice is at Attachments 1 and 2.
3. This report reviews the application for resource consent and addresses the relevant information and issues raised. It should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Commissioner. It should not be assumed that the Commissioner will reach the same conclusion or decision having considered all the evidence to be brought before him by the applicant and submitters.
4. Mr Nathan O'Connell has been appointed as commissioner. Mr O'Connell made the notification decision under s95 and has been appointed to make the substantive decision (s104) to provide continuity. The notification decision is at Attachment 3.

### Proposed activity

5. Ms Mona Neumann (planner) of Novo Group Limited has applied for land use consent on behalf of Carol and Peter Johns to demolish a building at 33 Dublin Street, Lyttelton. A copy of the application is at Attachment 4.
6. The proposal is outlined in detail in paragraphs 13 and 14 of the application, noting advice in the s95 decision that:

*The application was originally submitted jointly with a proposal for a replacement dwelling at 28A Jacksons Rd, to the immediate rear of 33 Dublin Street and owned by the applicants. However, the current proposal was removed from the application and that activity was consented separately (RMA/2023/1715). Therefore, any reference to 28A Jacksons Rd or the 'new dwelling' within the application documents should be ignored for the purposes of this activity and consent application.*

7. In summary, the building at 33 Dublin Street is proposed to be demolished as a result of earthquake damage and an EQC determination that repair is uneconomic. The s95 decision notes that sub-standard earthquake-related repairs have contributed to this determination.

#### Background

8. This application for resource consent was received on 9 August 2023 and was publicly notified on 13 December 2023. The submission period closed on 31 January 2024. A total of four submissions were received during this period - one in support and three in opposition. Two of the three in opposition reside in Lyttelton.

#### Description of the site and existing environment

9. The application site and surrounding environment are described in paragraphs 5 - 9 of the AEE submitted with the application, noting comments relating to 28A Jacksons Road above. I otherwise adopt the applicant's description. I visited the site on 15 February 2024.
10. The dwelling at 29 Dublin Street, also a contributory building under Plan Change 13 (PC13), was demolished without resource consent in March 2023.

#### District Plan and National Environmental Standards – Relevant rules and activity status

##### Christchurch District Plan

11. The s95 decision includes an assessment of the proposal against the District Plan and Proposed Plan Changes 13 (Heritage) and 14 (Housing and Business Choice). I adopt that assessment and include it below for ease of reference.

*The site is zoned Residential Banks Peninsula. This zone includes the settlements of Lyttelton and Akaroa which each have a distinctive urban character. Lyttelton has a more urban atmosphere and a distinct urban-rural boundary. The residential areas are characterised by small lot sizes and narrow streets. This character is highly valued and the District Plan provisions seek to retain it.*

*The proposal requires resource consent for a restricted discretionary activity under the following rules:*

Activity status rule	Standard not met	Reason	Matters of control or discretion	Notification clause
14.8.3.1.3 RD3	-	Within the Lyttelton Character Area Overlay, demolition of an existing building is a restricted discretionary activity.	14.15.23 – Character Area Overlay	-

##### Proposed Plan Change 13 Heritage

*Proposed Plan Change 13 (PC13) is relevant to this proposal. It was notified on 17 March 2023 prior to the lodgement of this application and proposes amendments to the heritage rules and related provisions in various other chapters of the Plan. The submission period has now closed and there are submissions relating to all proposed provisions.*

*The objectives, policies and rules have legal effect from the date of notification pursuant to s86B(3) as the rules relate to the protection of historic heritage.*

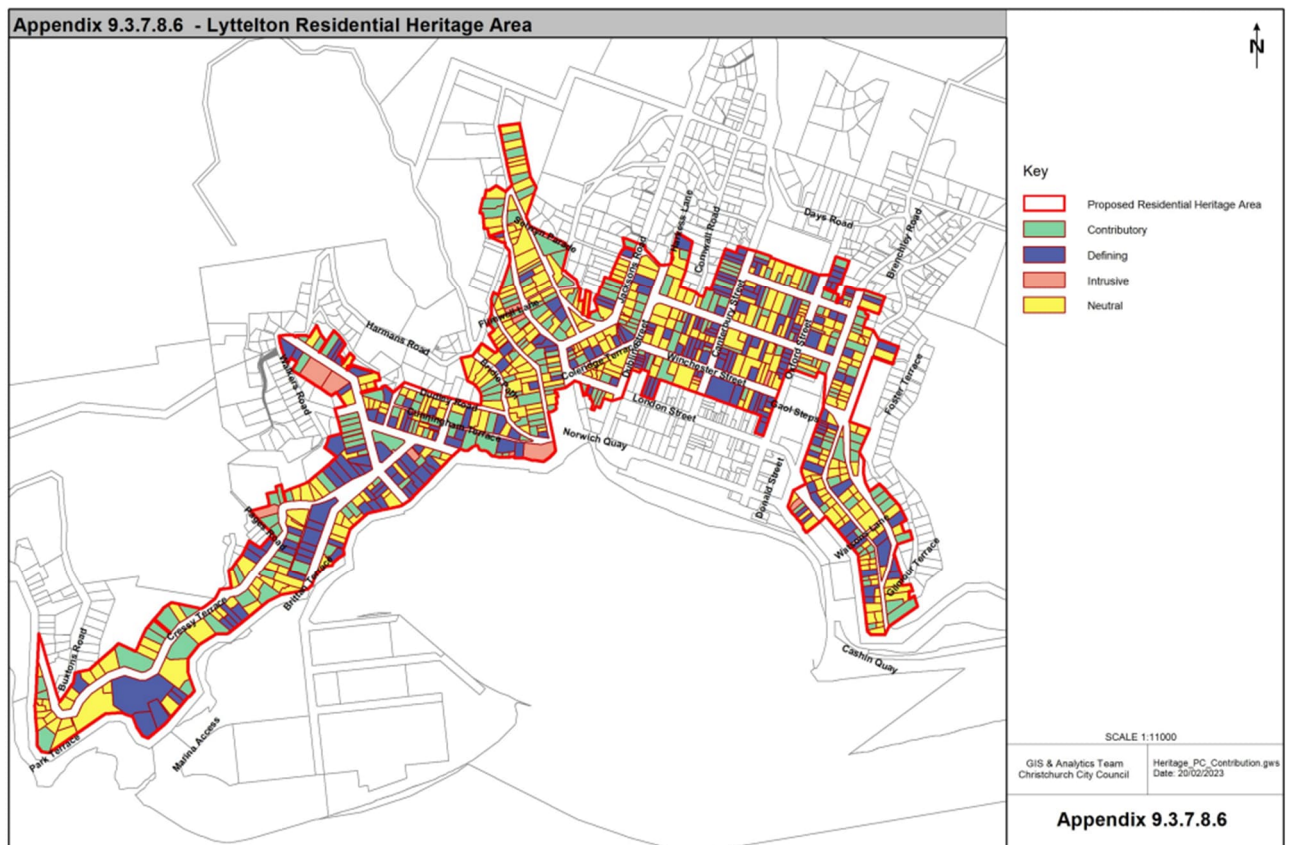
*The proposal requires resource consent for a restricted discretionary activity under the following rules in PC13 (and PC14, see below):*

Activity status rule	Standard not met	Reason	Matters of control or discretion	Notification clause
9.3.4.1.3 RD7	-	The proposal involves demolition of a contributory building in the Lyttelton Residential Heritage Area.	9.3.6.5 Matters of discretion for demolition in Residential Heritage Areas Where also located in a Character Area: 14.15.27 – Character Area Overlay	No clause

##### Proposed Plan Change 14 Housing and Business Choice

Proposed Plan Change 14 (PC14) was also notified on 17 March, but only the provisions relating to historic heritage have immediate legal effect. As the historic heritage provisions are qualifying matters for the purpose of the Medium Density Residential Standards and the NPS Urban development, the provisions of PC14 cannot be considered for the purpose of assessing resource consent applications beyond the heritage rules with immediate legal effect. These duplicate the PC13 provisions, so for ease of reference in this report I refer to the "Plan Change" to encompass both sets of identical rules, and reference should be made to the table above for the rules triggered.

12. The proposal must be considered as a restricted discretionary activity under the District Plan. In addition to the above, the extent of the Lyttelton Residential Heritage Area is below and the description of the building from PC13 is in Attachment 5.



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

13. The NES controls soil disturbance on land where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or is more likely than not to have been carried out. The application site is not identified as HAIL land.

#### Submissions

14. Four submissions were received on this application (one in support, three in opposition). Copies of all submissions are at Attachment 6. In brief:
  - James Allan Kay is in support of the application on the basis that the demolition of the building would enable improved housing stock;
  - Clifford Paul Mason, Alison Ross, and Paula Weir each oppose the application generally on the basis of effects on the heritage and character of the site and Lyttelton more widely.

#### Resource Management Act 1991

15. When considering an application for resource consent and any submissions received, the consent authority must have regard to the matters listed in Sections 104C of the Resource Management Act 1991. Subject to Part II of the Act, which contains the Act's purpose and principles, including matters of national importance, the consent authority shall have regard to:

- a) Any actual and potential effects on the environment of allowing the activity.
- b) Any relevant provisions of a plan or proposed plan, and national environment standard/ national / coastal / regional policy statement.
- c) Any other matter the consent authority considers relevant and reasonably necessary to determine the application.

16. It should be noted that other than giving pre-eminence to Part II, Section 104 gives no priority to other matters. They are all matters to have regard to and the consent authority must exercise its discretion as to the weight that it gives certain matters, depending on the circumstances of the case.
17. Under Section 104C, when considering an application for resource consent for a restricted discretionary activity, a consent authority may grant or refuse the resource consent, and (if granted) may impose conditions under section 108. The proviso to this section is that the consent authority must consider only those matters specified in the plan or a national environmental standard over which discretion is restricted, and may impose conditions only for those matters.
18. No written approvals were provided.

Actual and Potential Effects on the Environment (S.104 (1)(a))
--

19. As a restricted discretionary activity the Council's assessment of the effects of this proposal is limited to:
- The matters of discretion at Rule 14.15.23 relating to demolition of a building within the Lyttelton Character Area; and
  - The matters of discretion at Rules 9.3.6.5 and 14.15.27 relating to demolition of a building within the Lyttelton Heritage Area. Rule 14.15.27 is the same rule as Rule 14.15.23 but re-numbered and proposed to be materially amended by PC13. Rule 9.3.6.5 is proposed new rule in PC13.
20. Provisions relating to heritage matters have immediate legal effect pursuant to s86B(3). I understand that extends to matters of discretion. I am of the view, however, that (proposed) 14.15.27 relates to character not heritage. Regardless, the amendments proposed are either relating to new buildings and not relevant here, or a re-ordering of clauses that already existing (in 14.15.23).
21. As set out in the s95 decision, only four of the matters in 14.15.23 are relevant as the bulk relate to new builds. Those are reproduced below. They do not address costs. All matters at Rule 9.3.6.5 are considered relevant and are reproduced below also.

**a. Area context:**

- i. D. *the relationship with adjoining sites and buildings, including any recorded historic heritage values*
- i. E. *the visual coherence of the area.*

**d. Akaroa and Lyttelton:**

- i. A. *retains important view from public places;*
- i. D. *retains residential buildings, including accessory buildings, that were built prior to 1945 and/or contribute to the architectural traditions and character values.*

**9.3.6.5 Residential Heritage Areas (excluding Akaroa Township Heritage Area) – demolition or relocation of a defining building or contributory building**

- a. The effect of the works on the heritage values of the building or site and the collective heritage values and significance of the heritage area, including the overall integrity and coherence of the heritage area.
- b. Whether the building is a defining building or contributory building.
- c. The extent to which the heritage fabric or heritage values have been damaged by natural events, weather and environmental factors, and the necessity and practicality of work to prevent further deterioration.
- d. Whether the costs to retain the building on site would be unreasonable.
- e. The ability to retain the overall heritage values of the building through an alternative proposal.
- f. The extent of photographic documentation that will occur prior to, during and on completion of the works.

22. With respect to effects, I accept and rely on the s95 decision, including assessments undertaken by Ruth Markham-Short and Mr Wright. The decision is at Attachment 3. In addition to that, and as discussed at the top of page 5 of the decision, I provide an assessment here of positive effects - including the effect of avoiding unreasonable repair costs and enabling improved housing stock. I also (necessarily) accept and rely on the advice of Mr Hattam, albeit he did not provide advice with respect to the s95 decision.

#### Unreasonable repair costs

23. The application includes an assessment in this regard at:
- Paragraph 70 and Appendix 3 of the original application;
  - Paragraphs 3, 4, 18 - 22, 28 and Attachments 1 and 2 of the response to the s92 request; and at
  - Paragraphs 2.3 and 13 of the letter sent from Ms Neumann to Mr O'Connell on 6 November 2023 (in response to Mr O'Connell advising he would receive additional information should the applicant wish to supplement their application head of the s95 decision).
24. These are all included in my Attachment 3.
25. While EQC advise at Appendix 3 of the original application that the cost of a repair scope is 'marginally less' than a high level rebuild scope, the applicant in response to the s92 request advises that the repair works would total \$525000 where a re-build would be \$703000 (plus demolition costs of \$67712).
26. This is complicated, however, by EQC adding a contingency amount to the repair cost (roughly estimated by EQC (attached to the abovementioned letter from Ms Neumann) to be in the order of \$315000). There is no information as to the contingency amount is within the re-build estimate. Further, it is my lay view that the contingency amount does not address all of what would appear to me to be material pre-quake structural defects (e.g. to foundation bearers - refer to section 5.2.1 of the BMC report attached to the s92 response). In addition, the contingency amount for the repair includes works to retaining but it is not clear if that is part of the rebuild estimate.
27. EQC have advised that the rebuild cost is a 'high level' estimate (as attached to the abovementioned letter from Ms Neumann).
28. There is, then, a lot of uncertainty with respect to both repair and re-build in my view.
29. I have looked to Policy 9.3.2.2.8 (as proposed to be amended by notified PC13) and the matters of discretion at Rule 9.3.6.5 (again, as proposed to be amended by notified PC13) to assist in understanding what might be unreasonable in this context, but neither are of material assistance.
30. On the balance of probabilities, it is my view that the cost of repair would exceed that of re-build and that there would be a positive effect arising from that that can be taken into account at s104 stage.

#### Enabling improved housing stock

31. The Plan includes objectives and policies that seek to increase housing supply, to provide a range of housing types, and to provide a high level of amenity, however, they do not seek improved building quality (albeit it did when notified). The Plan also seeks to maintain the contribution of historic heritage to the character of the District via protection and conservation. The Plan does not prioritise that over the aforementioned matters.
32. Mr Wright covers this matter in his advice also. I accept and rely on his advice. I do not consider there would be any positive effect arising in general.

#### Character

33. Mr Hattam assesses character and the effects thereon in Attachment 2. The demolition of the building would result in moderate effects on character in his view, noting that he considers that the building has a high character value and makes a primary contribution to character. Mr Hattam advises that the building was also found to be making a primary contribution in assessments undertaken for PC14. The building is pre-1945 (as per the matters of discretion at 14.15.23). I accept and rely on Mr Hattam's advice. The applicant has not provided an assessment in this regard.
34. As set out in the discussion of objectives and policies below, the relevant policy does not address costs associated with repair or provide guidance as to when demolition would be appropriate, though it does seek to maintain or enhance the continuity and coherence of the area. I have looked to higher order objectives for such guidance. Those



seek appropriate management. It is my view, therefore, that effects could be considered acceptable with respect to character where the most appropriate action was demolition.

35. On that basis, and having regard to the discussion of costs above (where relevant), the expert advice received, and the s95 decision (where effects were found to be more than minor), I conclude that effects on character would be more than minor but acceptable overall.

#### *Conclusion with respect to effects on the environment*

36. Having regard to the discussion of costs above (where relevant), the expert advice received, and the s95 decision (where effects were found to be more than minor), I conclude that effects would be more than minor but acceptable overall.

Relevant Objectives, Policies, and other Provisions of a Plan or a Proposed Plan (S.104 (1)(b))
---

37. Regard must be had to the relevant objectives and policies in the Christchurch District Plan and Proposed Plan Changes 13 and 14, in particular in relation to Residential Heritage Areas (PC13) and Residential Character Areas (operative District Plan). Specifically, I consider that policy 9.3.2.2.8 of PC13 and Policy 14.4.2.7 of the operative District Plan to be of particular relevance. There are no changes to Policy 14.4.2.7 proposed by PC13 or PC14 (as notified) other than consequential re-numbering.

#### **9.3.2.2.8 Policy – Demolition of heritage items**

- a. When considering the appropriateness of the demolition of a heritage item scheduled in Appendix 9.3.7.2 or a defining building or contributory building in a heritage area scheduled in Appendix 9.3.7.3, have regard to the following matters:
- i. whether there is a threat to life and/or property for which interim protection measures would not remove that threat;
  - ii. whether the extent of the work required to retain and/or repair the heritage item or building is of such a scale that the heritage values and integrity of the heritage item or building would be significantly compromised, and the heritage item would no longer meet the criteria for scheduling in Policy 9.3.2.2.1;
  - iii. whether the costs to retain the heritage item or building (particularly as a result of damage) would be unreasonable;
  - iv. the ability to retain the overall heritage values and significance of the heritage item or building through a reduced degree of demolition; and
  - v. the level of significance of the heritage item.

#### **14.2.4.7 Policy - Residential character areas in Christchurch City, Akaroa and Lyttelton**

##### **Proposed new 14.2.5.9**

(Proposed Plan Change 14)

- a. Maintain and enhance the identified special character values of residential areas arising from the following elements:
- i. the continuity or coherence of the character;
  - ii. the pattern of subdivision, open space, buildings and streetscape;
  - iii. the landforms or features that contribute to the qualities of the landscape and built form;
  - iv. the scale, form and architectural values of buildings and their landscape setting;
  - v. the qualities of the streetscape; and
- b. Within the Lyttelton and Akaroa Character Areas:
- i. maintains and enhances the relationship to historic heritage;
  - ii. retains buildings and settings of high character value;
  - iii. retains important views from public places;
  - iv. reflects the existing small scale of development and integration with the landscape.

38. There are a number of submissions seeking to delete residential heritage areas from PC13 and PC14. There is, therefore, considerable uncertainty as to whether the Residential Heritage Areas will remain in the District Plan. I am of the view that objectives and policies in PC13 and PC14 cannot at this stage be afforded significant weighting.
39. Having regard to the above discussion relating to unreasonable costs and the uncertainties identified in that discussion, I am of the view that there is sufficient likelihood that repair costs would materially exceed rebuild costs that the proposal would be inconsistent with Policy 9.3.2.2.8 but not contrary. As above, I don't afford significant weighting to this policy.
40. With respect to Policy 14.2.4.7, the policy, however, provides no guidance as to when demolition would be appropriate (in the absence of a proposal that included a replacement building). I must assume this was deliberate, noting that demolition of a building has the same matters of discretion as construction/alteration of one, and is not a prohibited activity, meaning that it must have been contemplated in certain circumstances. It is clear that demolition would not 'maintain' or 'enhance', nor would it 'retain buildings and settings of high character value' (where Mr Hattam considers the subject building to be of high character value) and the proposal would not, therefore, be consistent with this policy. I note that there is not a clause in Policy 14.2.4.7 referring to unreasonable cost.
41. The policy is intended to give effect to Objective 14.2.4. That objective seeks high quality, sustainable residential neighbourhoods, including by 'enhancing local character' (which I consider includes with respect to Character Areas). Like the policy, there is no guidance in this objective with respect to demolition - noting that while I would generally expect objectives to be a high-level statement and not necessarily contain specific guidance, it is unhelpful in this instance given the policy doesn't either and the objective inflexible in that it seeks only to enhance local character (which demolition would not achieve) despite consent being required (and not prohibited) for demolition.
42. Given the lack of guidance as to when demolition would be appropriate in Policy 14.2.4.7 (and Objective 14.2.4), I consider it appropriate and necessary to look for guidance elsewhere (or in other words to undertake a structural analysis). In that regard, the Strategic Directions chapter (e.g. at Objective 3.3.8 as below, noting there are no changes to the key clause ((a)(ii)) via PC14). While the Courts have opined on a number of occasions that Chapter 3 is too high-level to be of value when assessing applications, I am of the view that doing so is appropriate in this circumstance given the above. Objective 3.3.8 seeks that the urban environment has its areas of special character 'appropriately managed'.
43. For completeness, and in the event the provisions of Chapter 3 are not considered applicable to assessments of resource consents, the Regional Policy Statement (e.g. at Policies 5.3.1, 5.3.3, 6.3.2 and Objectives 6.2.1 and 6.2.3) contains similar high-level statements seeking activities are appropriately managed.

### Proposed new 3.3.8

(Proposed Plan Change 14)

- a. A well-integrated pattern of development and infrastructure, a consolidated urban form, and a high quality urban environment that:
  - i. Is attractive to residents, business and visitors; and
  - ii. Has its areas of special character and amenity value identified and their specifically recognised values appropriately managed; and
  - iii. Provides for urban activities only:
    - A. within the existing urban areas unless they are otherwise expressly provided for in the CRPS; and
    - B. on greenfield land on the periphery of Christchurch's urban area identified in accordance with the Greenfield Priority Areas in the Canterbury Regional Policy Statement Chapter 6, Map A; and
  - iv. Increases the housing development opportunities in the urban area to meet the intensification targets specified in the Canterbury Regional Policy Statement, Chapter 6, Objective 6.2.2 (1); particularly:
    - A. in and around the Central City, Key Activity Centres (as identified in the Canterbury Regional Policy Statement), larger neighbourhood centres, and nodes of core public transport routes; and
    - B. in those parts of Residential Greenfield Priority Areas identified in Canterbury Regional Policy Statement Chapter 6, Map A; and
    - C. in suitable brownfield areas; and
  - v. Maintains and enhances the Central City, Key Activity Centres and Neighbourhood Centres as community focal points; and
  - vi. Identifies opportunities for, and supports, the redevelopment of brownfield sites for residential, business or mixed use activities; and
  - vii. Promotes the re-use and re-development of buildings and land; and
  - viii. Improves overall accessibility and connectivity for people, transport (including opportunities for walking, cycling and public transport) and services; and
  - ix. Promotes the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure; and
  - x. Co-ordinates the nature, timing and sequencing of new development with the funding, implementation and operation of necessary transport and other infrastructure.

(Proposed Plan Change 14)

44. Given the above, I am of the view that while there is inconsistency with Policy 14.2.4.7 and Objective 14.2.4, demolition of the building is considered likely to be the most appropriate management option given the condition of the building and the likelihood that repair will be materially more expensive than rebuild. It is consistent with Objective 3.3.8.
45. After considering the relevant objectives and policies it is my conclusion that in an overall sense, the application is supportable.

#### Other relevant Statutory Documents (S.104 (1)(b))

46. The District Plan gives effect to the higher order documents referred to in s104(1)(b) for all matters except the National Policy Statement on Urban Development (NPS-UD) which came into effect on 20 August 2020. The Council has commenced the Plan change process to give effect to the NPS-UD, with Plan Change 14 including provisions enabling urban intensification around centres and other amenities, services, and transport corridors, however its rules do not yet have legal effect. PC14 and PC13 intersect in that Residential Heritage Areas are historic heritage for the purposes of PC13 and a qualifying matter for the purposes of PC14. I address PC13 above, however.

#### Part 2 of the Act

47. The matters outlined previously are subject to Part 2 of the Act which outlines its purpose and principles.
48. The use, development and protection of resources is to be sustainably managed in a way that enables people and communities to provide for their social, economic and cultural wellbeing and their health and safety, while avoiding, remedying or mitigating any adverse effects of activities on the environment.
49. Section 6 of the RMA seeks the *protect historic heritage from inappropriate subdivision, use and development*. That could include demolition should that be appropriate. Such an assessment must consider the proposal as a whole, including any positive effects (e.g. whether repair costs are unreasonable).
50. It is, therefore, open to the Council to consider that demolition is not inappropriate and conclude that the proposal is consistent with Part 2. As discussed above, I consider repair costs are likely to exceed rebuild costs and on that basis I do conclude that the proposal is consistent with Part 2.

#### Conclusion

51. In my opinion this proposal is inconsistent with but not contrary to the objectives and policies of the operative District Plan, largely as a result of repair costs being likely to exceed rebuild costs, as discussed previously. With respect to PC13 and PC14, I conclude that there would be inconsistency with the relevant objectives and policies, however, those are subject to a significant number of submissions (including in opposition) and should be afforded little weight in my view.
52. Having considered all of the relevant matters under Sections 104 and 104C, it is my opinion that, on balance, consent should be granted (subject to conditions). I would caution, however, that further clarification of repair and rebuild costs as might be provided via a hearing may affect this conclusion and recommendation to follow.

#### Recommendation

53. Having considered all the matters relevant to this application, I recommend that this application be granted pursuant to Sections 104, 104A, 104C, and 108 of the Resource Management Act 1991, subject to the following conditions:

##### General

1. Except where required to meet other conditions below, the development shall proceed in accordance with the information and plans submitted for the application and saved into Council records as RMA/2023/2046 Approved Consent Document.
2. Prior to demolition of the dwelling at 33 Dublin Street (Lot 1 DP 470468), the consent holder will compile a digital photographic record of the building. This record will be lodged with the Heritage Team Leader, Christchurch City Council (or nominee, via rcmon@ccc.govt.nz) within three months of the completion of the



demolition. Photographs must be of printable quality, at least 1440 pixels by 960 pixels for a 4"x 6" print at a minimum resolution of 240 PPI.

The photographic record should be comprised of images of both the exterior and the interior. Exterior images should record each elevation; interior images should record each room. Photographs should be labelled with location, date and photographer's name, and submitted with a plan showing photograph locations. They can be submitted to the nominated Heritage Team contact on a memory stick, or electronically by either email (noting that Council's email data transfer limit is 20MB per email) or file sharing service such as wetransfer.com or dropbox.com to rcmon@ccc.govt.nz.

#### Demolition Management Plan

3. All proposed works shall be carried out in accordance with an accepted Demolition Management Plan (DMP). The purpose of the DMP is to ensure that any potential effects arising from deconstruction activities on the site are effectively managed. The DMP shall be prepared by suitably qualified and experienced practitioners and shall include, but not be limited to the following:
  - a) Site description, topography, vegetation, soils and other reference information;
  - b) Details of proposed works including preparation of a deconstruction plan in accordance with the directions of a structural engineer to avoid collapse of weakened structures and ensure demolition occurs safely.
  - c) Roles and responsibilities, including contact details for the site manager appointed by the Consent Holder;
  - d) Site establishment;
  - e) Timing of works (including any staging required);
  - f) An Erosion and Soil Control Plan (ESCP), including drawings, specifications and locations of mitigation measures as necessary;
  - g) A Demolition Noise and Vibration Management Plan (DNVMP) demonstrating that noise and vibration nuisance will be minimised during demolition activities;
  - h) Storage of fuel and/or lubricants and any handling procedures;
  - i) Contingency plans (including use of spill kits);
  - j) Protocols for the discovery of archaeological material;
  - k) Construction traffic management measures, including measures to be adopted in accordance with the NZTA Code of Practice for Temporary Traffic Management; and demonstrating that vehicle and pedestrian movements will be controlled to keep the public safe;
  - l) Parking areas for construction staff;
  - m) Measures for identification and remediation of contaminated soil; and
  - n) Confirmation of approved disposal sites for waste;
  - o) Environmental compliance monitoring and reporting.
4. The consent holder shall submit the draft DMP, prepared in accordance with condition 3, to the Council, Attention: Team Leader Compliance and Investigations for certification via email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz) at least 20 working days prior to the commencement of demolition work associated with this consent. This DMP is to be certified by the Team Leader or their nominee as meeting the requirements of Condition 3 prior to the commencement of any demolition or earthworks and, once certified, the DMP will thereafter form part of the Approved Consent Document (as the certified DMP). NOTE: *The Team Leader (or their nominee) will either certify, or refuse to certify, the DMP within 10 working days of receipt. Should the Team Leader (or their nominee) refuse to certify the DMP, then they will provide a letter outlining why certification is refused based on the parameters contained in condition 3.*
5. Should the Team Leader (or their nominee) refuse to certify the DMP, the consent holder shall submit a revised DMP to the Resource Consents Manager for certification. The certification process shall follow the same procedure and requirements as outlined in condition 4.

#### Erosion control

6. The certified DMP may be amended at any time by the Consent Holder. Any amendments to the DMP shall be submitted by the Consent Holder to the Council for certification. Any amendments to the DMP shall be:
  - a) for the purposes of improving the measures outlined in the DMP for achieving the DMP purpose (see condition 3), and;
  - b) consistent with the conditions of this resource consent.

If the amended DMP is certified, then it becomes the certified DMP for the purposes of condition 16 and will thereafter form part of the Approved Consent Document.

7. The consent holder must notify Christchurch City Council no less than three working days prior to works commencing, (via email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz)) of the earthworks start date and the name and contact details of the site supervisor. The consent holder shall at this time also provide confirmation of the installation of ESCP measures as per the certified DMP referred to in Condition 3 above.
8. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road (including kerb and channel), 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. *Note: For the purpose of this condition muddy water is defined as water with a total suspended solid (TSS) content greater than 50mg/L.*
9. No earthworks shall commence until the ESCP has been implemented on site. The ESCP measures shall be maintained over the period of the deconstruction and earthworks phases, 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 found to be inadequate. All disturbed surfaces shall be adequately topsoiled and vegetated or otherwise stabilised as soon as possible to limit sediment mobilisation.
10. Dust emissions shall be appropriately managed within the boundary of the property in compliance with the *Regional Air Plan*. Dust mitigation measures such as water carts, sprinklers or polymers shall be used on any exposed areas. The roads to and from the site, and the site entrance and exit, must remain tidy and free of dust and dirt at all times.
11. All loading and unloading of trucks with excavation or fill material shall be carried out within the subject site.
12. Any surplus or unsuitable material from the project works shall be removed from site and disposed at a facility authorised to receive such material.
13. Any backfilling in the area of the excavated foundations shall be with clean fill only.
14. All public roads and footpaths shall be kept clear of any tracked material from the demolition site.
15. 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.
16. Any change in ground levels shall not cause a ponding or drainage nuisance to neighbouring properties. All filled land shall be shaped to fall to the road boundary. Existing drainage paths from neighbouring properties shall be maintained.

#### Noise and vibration

17. The use of machinery in association with the demolition and earthworks shall be limited to between 7.30am – 6.00pm Monday to Saturday and truck movements limited to between 7.30am – 5.00pm Monday to Saturday. There shall be no works associated with the demolition on Sundays and public holidays except in cases of operational necessity where there has been prior approval of a Council Environmental Health Officer.
18. The maximum permitted vibrations outlined in the German Standard DIN 4150-3:1999 "Structural Vibration – Part 3: Effects of Vibrations on Structures" shall be adhered to during all deconstruction and excavation works.

#### Advice notes:

- i) 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) An administration fee of \$107 to cover the cost of setting up the monitoring programme; and

- (b) A monitoring fee of \$123 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, or additional monitoring activities (including those relating to non-compliance with conditions), are required.

The monitoring programme administration fee and initial inspection fee / documentation fee / 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) There may be archaeology on this site as protected under the Heritage New Zealand Pouhere Taonga Act 2014. Archaeological sites are defined in the Act as any place where there is physical evidence of pre-1900 occupation, regardless of whether the site is known or recorded or not. Authority from Heritage New Zealand Pouhere Taonga (HNZPT) is required for any work that affects or may affect an archaeological site. Please contact the regional archaeologist at Heritage New Zealand Pouhere Taonga (HNZPT): [archaeologistcw@heritage.org.nz](mailto:archaeologistcw@heritage.org.nz) or 03 363 1880 before commencing any work on the land. For more information visit <http://archaeology.nz>

Reported and recommended by: Andrew Long, Senior Planner

Date: 27 February 2024

Reviewed by: Ruth Markham-Short, Senior Planner

Date: 27 February 2024