

5th May 2014

Sue McGregor
Case Manager
Ministry of Education
Via e-mail

Dear Sue

RE: PLANNING ADVICE REGARDING PROPOSED ROCKFALL BUND AT REDCLIFFS PRIMARY SCHOOL

In accordance with your instructions dated 1st May, I have undertaken a review of the RMA consenting issues concerning a proposed rockfall bund as shown on Plan C001 Rev B prepared by MWH. It is understood that the Ministry is proposing to withdraw from that part of the site to the north and west (cliff-side) of the bund due to potential rockfall risk. The bund is understood to be a gabion construction that is some 3.9m high and 4.2m wide at the base, narrowing to 1.1m wide at the top. As an alternative solution, a wire mesh 4m high fence may be used.

The entire Redcliffs School site is designated in the Christchurch City Plan for 'primary school' purposes. The proposed bund is located wholly within the designation. Provided works are in accordance with the purpose of the designation, the Requiring Authority (Minister of Education) is able to progress works through the submission to Council of an Outline Plan under s.176A. In my view the proposed bund (or alternatively rockfall fence) are clearly within the purposes of the designation as the works are integral to enabling the safe functioning of the Redcliffs school. Without the bund the School would presumably not be able to operate from the site i.e. could not fulfil the purpose of the designation.

The Council is required to consider the Outline Plan and may request amendments to the plan to the Requiring Authority. It is important to emphasise that the underlying City Plan zone rule package does not have any regulatory applicability if proposed works are undertaken via the Outline Plan process and within the purpose of the designation. In considering an Outline Plan, Councils nonetheless typically refer to the underlying zone rule package to provide a gauge as to the appropriate scale and nature of development that would reasonably be anticipated in the area, and in particular by adjoining residential land owners. The proposed gabion structure (or fence) both fall within the definition of a 'building' in the City Plan due to their height, with the underlying zoning (Cultural 3) requiring buildings to be setback a minimum of 6m from internal boundaries with Living Zoned sites and complying with recession plane requirements. Whilst the future of adjoining red zoned land to the north and west of the bund has yet to be confirmed, it is reasonable to anticipate that it will not be used for residential or other activities that would be sensitive to the amenity effects of the bund. The only exception is immediately adjacent to Main Road, where two dwellings to the northwest of the school site are green zoned. It is recommended that in order to facilitate the Outline Plan process and to minimise the prospects of

Council requests for amendments, that the bund be setback 6m from the boundary with these adjoining dwellings, with existing hedging along the boundary retained in order to provide amenity screening. If the bund is setback 6m, then it will easily comply with recession plane requirements. Alternatively, an Outline Plan with the bund located immediately adjacent to the boundary with these neighbours (as shown on the MWH plan) could be submitted to Council, with setting back the bund retained as a mitigating option should Council request changes on this element.

It is also recommended that the Outline Plan include construction phase guidance in terms of noise and dust management to demonstrate that short-term effects on these residential neighbours will be appropriately managed.

If the Council does request any changes to the Outline Plan, the Requiring Authority then has 15 working days to inform the Council as to whether or not it is willing to accept the request. If the Requiring Authority decides not to make the changes requested, then the Council has the right to appeal to the Environment Court. It is important to emphasise that adjacent landowners or the wider public do not have the opportunity to make submissions on an Outline Plan. In short, Outline Plans are matters that are confined to consideration by the Council and no third parties have any ability to participate in the process.

Canterbury Regional Plans

In addition to the City Plan, the Canterbury Regional Council has responsibility for managing effects on water and air quality. Designations do not override the need for Regional Council resource consents. The construction of the gabion wall is not considered to constitute 'earthworks' or the filling or excavation of land as gabions use rocks as part of the building fabric as opposed to the general deposition of soil and gravel to change ground levels. Given the porous nature of gabion structure, the bund should not exacerbate or increase stormwater discharges to an extent that would require a specific stormwater management system, although this later point should be confirmed with the bund design engineers. Provided construction phase dust emissions received by sensitive activities e.g. residential neighbours are not 'offensive or objectionable', then the proposal is not considered to trigger the need for Regional Council consent.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

As with Regional Council consents, National Environmental Standards are not overridden by designations. The NES on soil contamination may apply to construction phase works if there is evidence that past activities on the site could have led to soil contamination occurring. On school sites it is typically unlikely that soil contamination will have occurred beyond possible carbon leaching associated with school boiler heating systems. Whilst it is unlikely that the proposed bund will cross areas where soil contamination may have occurred in the past, it is recommended that the location of the school boiler and the likelihood of any historic contaminating activities is confirmed to ensure that the NES consent requirements will not be triggered by the proposal (or indeed wider site rebuilding proposals for the School more generally). In a worst case that the likelihood of contamination is identified, the focus of assessment is on the effectiveness of any proposed remediation solutions and site management. The prospect of third party approvals being considered necessary is therefore extremely low.

I trust that the above advice provides a sufficient basis for considering the RMA consenting issues for the proposed bund. If you have any queries, please do not hesitate to contact me on 946-4630.

Yours faithfully

PLANZ CONSULTANTS LTD

A handwritten signature in blue ink, appearing to read 'Jonathan Clease'.

Jonathan Clease

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