

# Resource Consent Decision

## RC225866



<b>APPLICANT:</b>	Yoursection FV Limited
<b>PROPOSAL:</b>	RC225866: To undertake a subdivision to create 57 residential lots and to cancel a consent notice.
<b>LOCATION:</b>	153 Lincoln Rolleston Road, Rolleston
<b>LEGAL DESCRIPTION:</b>	Lot 1 DP 568976 being 10ha in area more or less, as contained in Record of Title 1024686.
<b>ZONING:</b>	<b>Operative Selwyn District Plan (2016)</b> The property is zoned <b>Living Z</b> and is within Outline Development Plan Area 14 under the provisions of the Operative District Plan (Townships) Volume
<b>STATUS:</b>	<b>225866 - Subdivision:</b> <b>Operative Selwyn District Plan (2016)</b> This application has been assessed as a subdivision consent for a <b>Non-Complying</b> activity under the Operative District Plan.
This application was formally received by the Selwyn District Council on 9 December 2022. Assessment and approval took place on 16 February 2023 under a delegation given by the Council.	

## Decision

- A. Resource consent 225866 be processed on a **non-notified** basis in accordance with sections 95A-F of the Resource Management Act 1991; and
- B. Resource consent 225866 be **granted** pursuant to sections 104, 104B and 104D of the Resource Management Act 1991 subject to the following conditions imposed under sections 108 and 220 of the Act:

### General

1. That the following conditions of consent shall be met prior to the issue of the Section 224(c) Completion Certificate, at the expense of the Consent Holder.
2. That the subdivision shall proceed in general accordance with the attached approved subdivision plan (now marked SDC 225866) and the details included with the application, including the creation of any additional utility lots except where varied by the following conditions of consent.
3. That all required easements shall be duly created and granted or reserved.

4. That should any utility lot be created, a consent notice shall be registered on the Record of Title stating that this lot shall be used as a utility lot only and may not be used for the purpose of any future subdivision or boundary adjustment calculation.
5. That the subdivision may be carried out in stages in no particular order in accordance with the attached approved subdivision plan.

#### Water, sewer and stormwater- General

6. Each lot within the subdivision shall be separately serviced with water, sewer and stormwater systems. This condition does not apply to stormwater where ground soakage is available.
7. Where sewer and water mains and stormwater systems in private property are to be vested, a written request shall be submitted for Council approval. Easements in gross in favour of Council shall be provided.

#### Water

8. The net area of each lot shall be provided with an individual potable high pressure connection to the Rolleston water supply in accordance with the approved Engineering Plans.
9. Water meters shall be installed in the road reserve only (please note that multi meter boxes may be utilised).
10. Connection into Council's reticulated water supply must either be carried out or supervised by Council's contractor CORDE at the cost of the consent holder.

#### Sewer

11. That each lot shall be provided with a sewer lateral laid to the boundary of the net area of that lot in accordance with the approved Engineering Plans.
12. All laterals shall be installed ensuring grade and capacity are provided for and in accordance with Council engineering standards, giving regard to maximum upstream development density.
13. All sewer reticulation to be vested shall meet Council CCTV standards.
14. Connection to the Council sewer shall be arranged by the consent holder and the work shall be done by a registered drainlayer.

#### Stormwater

15. The consent holder shall install stormwater reticulation treatment and disposal systems to service the subdivision in accordance with the approved engineering plans and the requirements of Canterbury Regional Council.
16. The consent holder shall prepare and submit a Stormwater Design Report and Management Plan in accordance with the requirements of Selwyn District Council and Canterbury Regional Council. This plan shall be provided for Selwyn District Council's approval and sign-off at the consent holder's cost. It shall include, but not be limited to:
  - i. A plan showing existing ground levels on neighbouring properties along with proposed levels on the subdivision sites. Interference with pre-existing stormwater flows needs to be considered so as not to cause ponding or nuisance on neighbouring or developed land.

- ii. Existing and proposed drainage plan with sub catchments and flow arrows to show how the drainage will be affected.
  - iii. Calculations to demonstrate compliance with the Engineering Code of Practice and any relevant Environment Canterbury consent conditions.
  - iv. Ongoing operation and maintenance requirements.
17. Where stormwater discharges are to be undertaken as a permitted activity, confirmation in writing of permitted status shall be provided from Canterbury Regional Council in the form of a certificate of compliance.
18. The proposed development shall not discharge run off onto adjacent properties unless via a controlled outlet approved as part of the Engineering Design Approval.
19. In the event that an adjacent neighbour's historical stormwater drainage was onto the site, the proposed development must maintain or mitigate the historical discharge.
20. Where a specific discharge consent is issued by Canterbury Regional Council (Environment Canterbury), any consent or associated conditions will be subject to Selwyn District Council acceptance, where these obligations will be transferred to Selwyn District Council. The consent holder will hold, operate and maintain the stormwater consent for a minimum of two years after the section 224(c) Completion Certificate has been issued. Council must be satisfied at the end of this period that all aspects of the system, including but not limited to compliance with consent conditions, operations and maintenance costs are acceptable to Council.
21. The consent holder shall provide a Stormwater Operations and Maintenance Manual prior to the approval of the section 224(c) Completion Certificate.
22. Where stormwater mains in private property are to be vested in Selwyn District Council, a written request shall be submitted to the Development Engineering Manager. Easements in gross in favour of Council shall be provided.

### Utilities

23. The consent holder shall provide electricity and telecommunications to the net area of each lot of the subdivision with direct frontage to a road by way of underground reticulation in accordance with the standards of the relevant network utility operator.
24. The consent holder shall provide infrastructure to the net area of each rear lot of the subdivision to enable electricity and telecommunications connections by way of underground reticulation in accordance with the standards of the relevant network utility operator.
25. The consent holder shall provide evidence in writing from the relevant authorities that electrical and telephone service connections have been installed to each lot.

### Fencing

26. Unless a resource consent has been granted otherwise, any fence or freestanding wall shall comply with the requirements of the District Plan at the time the fence or freestanding wall is constructed. For further information please refer to the relevant rule in the District Plan or contact the duty planner at the Selwyn District Council.

On-going compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for each lot. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.

#### Site stability and site works

27. That all site works are to be undertaken in accordance with the conditions of resource consent RC225867.
28. All construction noise on the site shall be planned and undertaken to ensure that construction noise emitted from the site does not exceed the noise limits outlined in Table 2 of NZS6803:1999 Acoustics – Construction Noise. Sound levels associated with construction activities shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise.
29. That the Consent Holder shall ensure on a continuing basis (until Record of Titles are available for each lot) that dust is not generated from: consolidated material; the disturbance or transportation of material; or earthworks activities by keeping the surface of the material damp or by using another appropriate method of dust suppression. This applies to exposed areas of earth, stockpiles and unsealed roads.
30. The consent holder shall implement best practicable option measures to avoid or mitigate the discharge of sediment laden runoff beyond the boundary of the property.
31. That the consent holder shall ensure on a continuing basis that dust created by the disturbance or transportation of materials is confined to within the boundaries of the application site.
32. Any filling on the site is to take into account the current land stormwater and drainage pattern and is not to divert stormwater onto adjoining properties.
33. The Consent Holder shall confirm whether any earth fill has been placed on site. All earthworks completed on site are to be carried out in accordance with New Zealand Standard (NZS) 4431:2022 – Engineered fill construction for lightweight structures.
34. At the completion of all earthworks Certificates satisfying the conditions of New Zealand Standard (NZS) 4431:2022 – Engineered fill construction for lightweight structures, are to be provided to the Selwyn District Council. These certificates will detail the extent and nature of all earthworks undertaken.
35. On the completion of works:
  - a) All disturbed areas shall be returned to its original state as near as is practicable and stabilised and/or revegetated; and
  - b) All spoil and other waste material from the works shall be removed.

#### Landscaping and irrigation

36. The consent holder shall landscape the street frontages. The minimum standard (unless otherwise agreed through Engineering Design Approval) will include grass berms and street trees. A landscaping proposal shall be submitted to the Council for approval at the time of submission of the engineering plans and specifications, and the landscaping shall be undertaken in accordance with the approved plans.
37. Entrance structures shall not be placed on Council road reserve

### Roading and access

38. All roads shall be constructed in accordance with the approved engineering plans. All roads shall be vested in the Selwyn District Council as road.
39. The corner of any lot at a road intersection shall be splayed with a rounded minimum radius of 3 metres.
40. Street lighting shall be provided on all new roads and existing roads in accordance with the Engineering Approval.
41. A vehicle crossing to service Lot 20 shall be formed in accordance with Appendix 13 of the District Plan (Townships Volume). The vehicle crossing shall be sealed/metalled to match the existing road surface for the full width of the crossing between the site boundary and sealed carriageway.
42. The vehicle accessway servicing Lot 20 shall be formed in accordance with Appendix 13 of the District Plan (Townships Volume).

### Point strips (Lot 347 DP 535296 and Lot 348 DP 535296)

43. That each road, and accordingly each lot, with the exception of Lot 501 (Future Development lot), shall have full physical and legal connection to the Council roading network in accordance with the approved plan and shall connect to roads and related Council infrastructure where these have been provided in advance and maybe subject to a Point Strip Agreement.
44. Given that this land (Lot 347 DP 535296 and Lot 348 DP 535296) is held in Council's legal ownership as fee simple land, such access can only occur with the Council's consent, otherwise technically it will be a legal trespass. Access should only be given by Council on the basis the Point Strip Agreed Sum has or will be paid, given the requirements of the Point Strip Agreement. This will likely arise as part of the Engineering Approvals process on how the roading and services connections are required to be made across the Point Strip.

### Lots 500 and 501- Balance and future development lot

45. That pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lot 500 recording the following restrictions:
- a) *This lot is an unserviced development lot. No services (power, phone, water or sewer) have been provided to this lot. Connections to the relevant services will be required at the time future development occurs. No development contributions (water, sewer, roading and reserves) have been paid and no credits are available. No residential dwelling shall be erected on this lot.*
  - b) *A road frontage upgrade for Lincoln Rolleston Road will be required when Balance Lot 500 is subdivided. This future road frontage upgrade is to tie into Saker Place and shall extend for the full length of the road frontage and formed to the corner/intersection with Saker Place.*
46. That pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lot 501 recording the following restrictions:

*This lot is an unserviced development lot. No services (power, phone, water or sewer) have been provided to this lot. Connections to the relevant services will be required at the time future development occurs. No development contributions (water, sewer, roading and reserves) have been paid and no credits are available. No residential dwelling shall be erected on this lot.*

### Cancellation of consent notices

47. Existing consent notice CN 12285127.4 and CN 12285127.2 registered on Record of Title 1024686 (Lot 1 DP 568976) shall be cancelled.

### Potential Contamination

48. Where evidence of a contaminated site not identified in the application is found at any stage of the site development works, then work shall cease at that site until the risk has been assessed by an Suitably Qualified Environmental Practitioner in accordance with current Ministry for the Environment Guidelines and, if required, a resource consent obtained under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (or most recent subsequent amendment). Once the risk has been assessed and any required resource consent obtained, the consent holder shall undertake all necessary work to rehabilitate the site in accordance with either the standards for permitted activities or the conditions of the resource consent (as appropriate). All works shall be undertaken at the consent holders' expense.

### Natural Hazards

49. That a report be provided by a suitably qualified and experienced person confirming that either:

- a) The engineering design of the subdivision is sufficient to mitigate flooding on every site, based on a 200-year Annual Exceedance Probability flood event; or
- b) Where the engineering design is insufficient to satisfy Condition 50(a) above, the required minimum building finished floor height above ground level for dwellings or other principal buildings, in order to achieve a 300mm freeboard above a 200-year Annual Exceedance Probability flood event.

On-going compliance with condition 50(b) above shall be ensured through the registration of a consent notice to this effect on every affected site.

### Engineering- General

50. The engineering design plans and specifications for all works shall be submitted to the Development Engineering Manager for approval including, but not limited to:

- Water supply
- Sewerage
- Stormwater
- Rooding, including streetlighting and entrance structures
- Upgrade of existing road frontages
- Shared accessways
- Landscaping and irrigation.

No work shall commence until Engineering Approval has been confirmed in writing. Any subsequent amendments to the plans and specifications shall be submitted to the Development Engineering Manager for approval.

51. All work shall comply with the conditions set out in the Engineering Approval and be constructed in accordance with the approved engineering plans.

52. All work shall comply with the Engineering Code of Practice, except as agreed in the Engineering Approval.

53. The consent holder shall include with the engineering plans and specifications submitted for Engineering Approval, copies of any other consents required and granted in respect of this subdivision, including any certificate of compliance or consent required by Canterbury Regional Council.
54. Unless specific provision is made otherwise through the Engineering Approval the services to all lots shall extend from the road boundary to a point one metre inside the net area of the lot. Please note that the net area is the area excluding any right of way or accessway.
55. The consent holder shall provide accurate 'as built' plans of all services to the satisfaction of the Development Engineering Manager. All assets being vested in Council shall be provided in an appropriate electronic format for integration into Council's systems. Any costs involved in provision and transfer of this data to Council's systems shall be borne by the consent holder.
56. The consent holder shall provide a comprehensive electronic schedule of any assets to be vested in the Council to the satisfaction of the Development Engineering Manager. The schedule shall include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.
57. *Maintenance Bonds (In accordance with the Council's Bonding Policy of Subdivision Works and Large Projects as at the date of issue of this consent)*

The Consent Holder shall enter into a bond and be responsible for the maintenance of all subdivision and associated works vested in the Council in relation to the Consent at the issuance of the section 224(c) certificate and continue until the Council tests and accepts the quality of the bonded infrastructure and the agreed or stipulated maintenance period taking into account any needed repairs, replacement or rectification required for a period of:

- a. 12 months for roading, water, sewer and stormwater reticulation; and
- b. 24 months for landscaping, reserve assets, stormwater treatment and discharge systems and sewer pump stations.

## **Attachments**

1. Approved Plan

## **Development Contributions (Subdivision Consents)**

Development contributions are not conditions of this resource consent and there is no right of objection or appeal under the Resource Management Act 1991. Objections and applications for reconsideration can be made under the Local Government Act 2002.

The consent holder is advised that pursuant to the Local Government Act 2002 and the Council's Development Contribution Policy the following contributions are to be paid in respect of this subdivision before the Council will issue its certificate pursuant to section 224(c) of the Resource Management Act 1991.

Note: The amounts set out in the attached table are applicable at the time of the granting of this consent. If the time between the date the resource consent is granted and the time which the Council would normally invoice for the development contributions (usually the time an application is made for the issue of Council's section 224(c) certificate for the subdivision) is more than 24 months, the development contributions will be reassessed in accordance with the development contributions policy in force at the time the consent was submitted. To avoid delays, the consent holder should seek the reassessed amounts prior to the application for the section 224(c) Resource Management Act 1991 certificate. Please contact our Development Contributions Assessor on 03 347 2800 or at [development.contributions@selwyn.govt.nz](mailto:development.contributions@selwyn.govt.nz).

Activity	Demand Post Development (HUE)	Credits for Existing Demand (HUE)	Additional Demand (HUE)	Development Contribution per HUE (\$)	Development Contribution (\$ Excl. GST)	GST (\$)	Development Contribution (\$ Incl. GST)
Water Supply	57.00	0.00	57.00	2,192.00	124,944.00	18,741.60	143,685.60
Wastewater	57.00	0.00	57.00	5,138.00	292,866.00	43,929.90	336,795.90
Stormwater	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Reserves	57.00	0.00	57.00	10,352.00	590,064.00	88,509.60	678,573.60
Roading	57.00	0.00	57.00	1,310.00	74,670.00	11,200.50	85,870.50
Lowes Road ODP	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contribution</b>					<b>1,082,544.00</b>	<b>162,381.60</b>	<b>1,244,925.60</b>

## Notes to the Consent Holder

### Lapse Period (Subdivision Consents)

- a) Under section 125 of the RMA, this subdivision consent lapses five years after the date it is granted unless:
  - (i) A survey plan is submitted to Council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or
  - (ii) An application under section 125 of the RMA is made to the council before the consent lapses (five years) to extend the period after which the consent lapses and the council grants an extension.

### Monitoring

- b) In accordance with section 36 of the Resource Management Act 1991, the Council's basic monitoring fee has been charged.
- c) If the conditions of this consent require any reports or information to be submitted to the Council, additional monitoring fees for the review and certification of reports or information will be charged on a time and cost basis. This may include consultant fees if the Council does not employ staff with the expertise to review the reports or information.
- d) Where the conditions of this consent require any reports or information to be submitted to the Council, please forward to the Council's Compliance and Monitoring Team, [compliance@selwyn.govt.nz](mailto:compliance@selwyn.govt.nz)
- e) Any resource consent that requires additional monitoring due to non-compliance with the conditions of the resource consent will be charged additional monitoring fees on a time and cost basis.

### Vehicle Crossings

- f) Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Assets Department prior to installation. For any questions regarding this process please contact [transportation@selwyn.govt.nz](mailto:transportation@selwyn.govt.nz). You can use the following link for a vehicle crossing information pack and to apply online: <https://www.selwyn.govt.nz/services/roads-And-transport/application-to-form-a-vehicle-crossing-entranceway>

### Regional Consents

- g) This activity may require resource consent from Environment Canterbury. It is the consent holder's responsibility to ensure that all necessary resource consents are obtained prior to the commencement of the activity.



### *Impact on Council Assets*

- h) Any damage to fixtures or features within the Council road reserve that is caused as a result of construction or demolition on the site shall be repaired or reinstated and the expense of the consent holder.

### *Vehicle Parking During the Construction Phase*

- i) Selwyn District Council is working to keep our footpaths safe and accessible for pedestrians. During the construction phase (and at all other times):
  - Please park on the road or fully within your property.
  - It is illegal to park on or obstruct a footpath.
  - Arrange large deliveries when school children are not around
  - Blocking the footpath can cause a school child to have to move out onto the road or cross the road at a location they are not familiar with.
  - Parking on the footpath also damages the utility services like internet fibre underneath

### *General*

- j) Engineering Approval – All applications for Engineering Approval shall be uploaded electronically to the Selwyn District Council Website at the following address:  
[www.selwyn.govt.nz/services/subdivisions/engineering-approval/](http://www.selwyn.govt.nz/services/subdivisions/engineering-approval/)

The application shall include:

1. Design specifications
2. Design drawings
3. Design calculations
4. Relevant Resource Consents or Certificates of Compliance.

All correspondence regarding engineering approvals is to be directed to:  
[Development.Engineer@selwyn.govt.nz](mailto:Development.Engineer@selwyn.govt.nz)

k)

- k) *Maintenance Bonds (In accordance with the [Council's Bonding Policy of Subdivision Works and Large Projects](#) as at the date of issue of this consent)*

Maintenance bonds shall be valued at 5% of the total value of works (plus GST).

1. The resource consent holder shall provide costings and estimates for the total value of works from an independent quantity surveyor, acceptable to Council, at the resource consent holder's expense.
2. The Council may re-evaluate the value and duration of the maintenance bond for the following reasons:
  - a) Inflation;
  - b) Delays in works being completed; or
  - c) Repairs, rectification and or replacement is required
  - d) Price escalations.
- l) *Street names, numbering and signage:* Road and street names and individual property address numbers shall be adopted only upon Council approval. The applicant shall supply to Council for consideration a minimum of 3 names, listed in preference, for those roads or streets that are to be vested in Council. This may be done at Engineering Approval.

Council will arrange for the installation of the street name signs and poles at each intersection to the Council's standard, at the consent holder's cost.

- m) *Property numbering*: All new residential lots adjoining legal roads and/or private roads/rights of way created by this subdivision will be issued property numbers by Council in accordance with Council Policy. The consent holder shall supply Council with a finalised Deposited Plan to enable numbers to be generated for issue and adoption.
- n) *Vesting of roads and reserves subject to land covenants*: The Council accepts new roads or reserves subject to land covenants in limited circumstances as outlined in the Policy for the Vesting of Road and Reserves Subject to Land Covenants which is attached to this decision.
- o) *Vehicle Crossings*: Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Assets Department prior to installation. For any questions regarding this process please contact [transportation@selwyn.govt.nz](mailto:transportation@selwyn.govt.nz). You can use the following link for a vehicle crossing information pack and to apply online: <https://www.selwyn.govt.nz/services/roads-And-transport/application-to-form-a-vehicle-crossing-entranceway>

### *Water Supply*

- p) For supervision purposes a minimum of 2 working days' notice is required. Please note a connection fee being the actual cost quoted by CORDE will apply.

### *Sewer*

- q) The developer retains responsibility for checking system capacity and confirming when a new sewer Pump Station will be required to service the development.

### *Stormwater*

- r) The Stormwater Operations and Maintenance Manual shall include but not be limited to:
  - As built documents/images of system for baseline records. This would include the extent of the stormwater catchments, surveyed long-sections and x-sections of pipelines and stormwater management devices e.g. basins wetlands and swales, and where available, any baseline data i.e. water quality, quantity or soil monitoring results.
  - Contact details for maintenance personnel engaged by the developer over the maintenance period
  - As built documents/images of system for baseline records. This would include the extent of the stormwater catchments and any baseline data i.e. heavy metal level in receiving environment.
  - Maintenance procedures and how compliance with the consent conditions shall be achieved and recorded. This will also cover stormwater system maintenance during the maintenance period(s).
  - What actions will be undertaken when non-compliance is detected and recorded.
  - Where all cleanings from sumps are proposed to be disposed of – in accordance with Regional and local landfill requirements.
  - Summary of costs to maintain the system including details of the number of inspections and cleaning of sumps/disposal of sump material.
  - What actions will be undertaken before handover to Selwyn District Council is proposed ie notification procedure at least two months prior to requesting handover.
- s) Where the collection and disposal of roof/surface water is to ground, the suitability of the natural ground to receive and dispose of the water without causing damage or nuisance to neighbouring properties, shall be determined by a suitably qualified person/engineer and evidence of results is to be provided at engineering approval.

- t) Council has the right to have designs peer reviewed at the consent holder's cost.
- u) All stormwater reticulation to be vested shall meet council CCTV standards.
- v) The discharge of roof stormwater must not arise from unpainted galvanised sheet materials or copper building materials. The use of these materials is prohibited in accordance with the conditions of Selwyn District Council's global stormwater consent.

#### *Utilities*

- w) In the case of rear allotments accessed and serviced via private accessways, the condition requires that the infrastructure is in place to make a connection to services ie that a conduit is in place to enable cables to be installed in the accessway without disturbing it. The cables themselves are not required to be installed.

#### *Landscaping*

- x) The Council does not encourage permanent irrigation systems in reserves to be vested in Council. The need for an irrigation system will be assessed on a case by case basis and approval given through the Engineering Approval process.

#### *Point Strip*

- y) A point strip exists separating the allotments of this subdivision from Hazelnut Avenue, thereby preventing full physical and legal access to the Council roading network. A Point Strip Agreement has been entered into between the first developer and the Council to ensure the benefiting land owner of a subsequent development pays a fair share of the cost of providing those connections. The agreement sets out the amount to be paid in order for the Council to allow the necessary access and the eventual vesting of the Point Strip as legal road.

Once full payment is made to Council, the Council will grant the owner of Lot 1 DP 568976 legal and physical access over that point strip to enable issue of the Section 224 Certificate (subject to all other requirements being met).

Yours faithfully,

**Selwyn District Council**



**Charlotte Scotchbrook**

# Sections 95A-E, 104, 104B, 106, 108, 108AA, 127, 220



## Resource Management Act 1991

### Decision/Report

**Report** pursuant to section 42A of the Resource Management Act 1991 recommending whether or not an application for resource consent should be:

- Publicly notified, limited notified or non-notified
- Granted or declined, and, if granted, the conditions of consent

**Decision** pursuant to section 113 of the Resource Management Act 1991

<b>APPLICATION NUMBER:</b>	<b>RC235357, RC235358, RC235500 &amp; RC235511</b>
<b>APPLICANT:</b>	Yoursection FV Limited
<b>BRIEF DESCRIPTION OF APPLICATION:</b>	<p>This is a joint application for subdivision, change of conditions, and land use consent:</p> <p>Subdivision consent RC235357 is sought to undertake a subdivision creating 71 residential lots, roads, reserves and shared accessways within a Flood Management Overlay.</p> <p>Land use consent RC235358 is sought to undertake earthworks, and establish an accessway, roads, and a wastewater pump station.</p> <p>Change of conditions consent RC235500 is sought to cancel conditions of subdivision consent RC225866</p> <p>Change of conditions consent RC235511 is sought to cancel conditions of subdivision consent RC235161</p>
<b>SITE DESCRIPTION:</b>	<p>Address: 153 Lincoln Rolleston Road, Rolleston</p> <p>Lot 501 of the subdivision of RC225866, being 9,216m<sup>2</sup> in area more or less, as currently contained within Lot 1 DP 568976 of Record of Title 1024686.</p> <p>Lot 502 of the subdivision of RC235161, being 1.8147ha in area more or less, as currently contained within Lot 1 DP 568976 of Record of Title 1024686 and Lot 2 DP 568976 of Record of Title 1024687.</p> <p>Lot 503 of the subdivision of RC235161, being 9,715m<sup>2</sup> in area more or less, as currently contained within Lot 2 DP 568976 of Record of Title 1024687 and Lot 2 DP 578200 of Record of Title 1084943.</p>
<b>ZONING / OVERLAYS</b>	<p><b>Operative Selwyn District Plan (2016), Township Volume</b></p> <p>Living MD1</p> <p>ODP Area 14 of Rolleston</p> <p><b>Partially Operative Selwyn District Plan (decisions notified 19 August 2023)</b></p> <p>MRZ Zone</p>

	Development Area: DEV-RO10, Plains Flood Management Overlay, Liquefaction Damage Unlikely Overlay
<b>OVERALL ACTIVITY STATUS:</b>	<b>Discretionary</b>

## The Application

1. The application was formally received by the Selwyn District Council on 30 June 2023. Further information was received on 13 October 2023 & 3 November 2023, and this information now forms part of the application.
2. The application proposes to undertake a staged subdivision of previously consented balance allotments to create 71 residential lots, roads & reserves to vest, and accessways, within a Flood Management Overlay. This subdivision would be undertaken in three separate stages (Stages 5, 18 & 19), as set out in the application plans and below in **Figure 1**.
3. In addition, land use consent is sought to undertake earthworks exceeding the maximum permitted threshold (approx. 7,200m<sup>3</sup> cut/fill proposed, with average depth of 300mm), and to establish non-compliant road widths, an accessway and a wastewater pump station.
4. This subdivision/land use proposal also seeks to amend or cancel conditions of approved subdivision consents, rather than the cancellation of consent notices (as plans have not deposited for the consent notices to be cancelled). It is therefore proposed to amend or cancel conditions of RC225866 & RC235161 that require that these consent notices (as identified in the application).



Figure 1: Plan of consented and proposed stages (Source: Applicant)

5. The main aspects of the application are as follows:
  - (a) The subdivision proposal would create 71 residential allotments, ranging from 330m<sup>2</sup> to 608m<sup>2</sup> in net site area.
  - (b) The applicant volunteers that a consent notice be imposed on all allotments not achieving a 16m x 23m dimension, specifying that not more than one residential unit shall be established on each allotment.
  - (c) The residential lots will be vacant and will be provided with the necessary services for residential use.

- (d) The applicant will construct a wastewater pump station on the eastern side of Lincoln Rolleston Road, which will provide gravity reticulation for this subdivision (and RC235161) and will have capacity to service other subdivision development planned by the applicant.
- There will be no section 224 certification for stages 18 & 19 of this subdivision until the pump station is constructed to the required standard and vested, along with the relevant land, in Council; and
  - An agreement will be entered into between Council and the landowner, for the Council to acquire the pump station.
  - The agreement will be on that basis that:
    - The land is acquired by Council under the Public Works Act (PWA), with no subdivision consent therefore required.
    - A caveat or compensation certificate is registered by Council against the pump station land.
    - The developer meets all costs relating to the agreement/arranges the necessary survey, etc.
    - Settlement only occurs once Council is satisfied for the pump station to vest.
    - If the agreement is with the current landowner, the developer would pay all applicable PWA compensation to the owner (then deducted from the balance owing when they do finally settle up), and the current owner would acknowledge Council has no obligations to them. If the agreement is directly with the developer as owner, no compensation would be effectively payable.
    - The developer indemnifies Council in relation to the arrangement.
- (e) The applicant states that the subdivision will achieve a density of 19.1hh/ha in stages 5, 18 & 19 and will enable a future density of at least 13.8hh/ha across all stages, including those already consented.
- (f) Two reserves, Lots 400 & 404 would vest in Council to provide pedestrian/cycle connections to adjoining subdivisions.
- (g) The applicant has confirmed that this subdivision would not proceed until such time as the remedial works under the conditions of RC235161 & RC235162 have been completed and the site has been validated.
- (h) The applicant has confirmed that the staging order will be undertaken in a manner that maintains legal road access to any completed stage.

## Background

6. The application site was recently rezoned from Rural Inner Plains to Living Z as part of private Plan Change 75 (PC75). The plan change application was received by the Council in December 2020, and was publicly notified on the 5th of May 2021.
7. The Plan Change hearings took place in November 2021 and the Council considered the recommendation of the Commissioner on the 13th of April 2022. The recommendation was accepted by Council, and PC75 became operative on the 7th of September 2022.
8. Resource consent 225866 was approved on the 16th of February 2023 to undertake a subdivision on the northern portion of the application site creating 57 residential lots and to cancel a consent notice, as stages 1-4 & 6 of the 'Falcon View' subdivision. Resource consent 225867 was approved on the same date to undertake earthworks exceeding the maximum permitted volume and for roading non-compliances.
9. Resource consent 235161 was approved on the 3rd of July 2023 to undertake a subdivision creating 195 residential lots, two balance allotments, roads, reserves, accessways and one allotment for future business development, and cancel consent notices, as stages 7-17 of the 'Falcon View' subdivision. Resource consent 235162 was approved on the same date to undertake earthworks and establish non-compliant roads, accessways and crossings, in addition to consent under the NESCS.
10. As part of RC225866, Lot 1 DP 568976 will be subdivided and create stages 1-4 and 6, and create balance allotments 500 and 501. Lot 500 is to be further subdivided by RC235161 and this consent creates Lots 502 & 503. All of these parcels (Lots 501, 502 & 503) are to be subdivided as part of this application. Those consented and proposed parcels are shown above in **Figure 1**.

11. During the processing of these consents, Lot 2 DP 568976 was identified as a HAIL site, and resource consent (RC235162) was obtained under the NESCS to remediate contamination and for the change to residential uses.
12. On the 19<sup>th</sup> of August 2023, the site was re-zoned from Living Z to Living MD1 under the Operative District Plan (Townships Volume) at the same time that the decisions on the Partially Operative District Plan were released. This was due to the site being re-zoned through a private Plan Change, being a new 'relevant residential zone', and the MDRS provisions did not have immediate legal effect at the time of notification for this site.

## The Existing Environment

13. The underlying site is physically described as 153 Lincoln Rolleston Road, Rolleston. Lincoln Rolleston Road is a formed and sealed arterial classification road with a posted speed limit of 60km/hr at the northern end of the site, that currently increases to 80km/hr in the southerly direction. There is a shared pedestrian and cycle path contained within this road reserve. Each of the parcels subject to this application will be vacant, with generally flat topography.
14. The northern boundary of Lot 501 has road frontage to Flight Close and to Saker Place, while the western boundary of the site joins an adjacent residential subdivision. Stages 1-4 & 6 of the consented subdivision are largely developed, as shown below in **Figure 2**. There is a point strip adjoining each of Saker Place and Flight Close. The northern portion of the overall site is mainly developed.
15. The Lincoln Rolleston Road boundary has stock fencing and also contains a mature shelterbelt hedge. There are some remaining shelterbelt hedges internal to the underlying site, which follow existing fence lines. There is an existing water race that runs along the rear boundary of Lot 503, which the applicant has confirmed (via RC235161) is to be piped.



Figure 2: View from Saker Place south-west across stages 1-6 of overall subdivision (Source: Site visit)

16. The existing Rolleston Township is located to the north and west of the application site. This includes the “Falcons Landing” subdivision to the north of the site. Land to the south and east of the site is predominantly used for rural and rural-residential activities. The application site and surrounds are shown below in **Figure 3**.

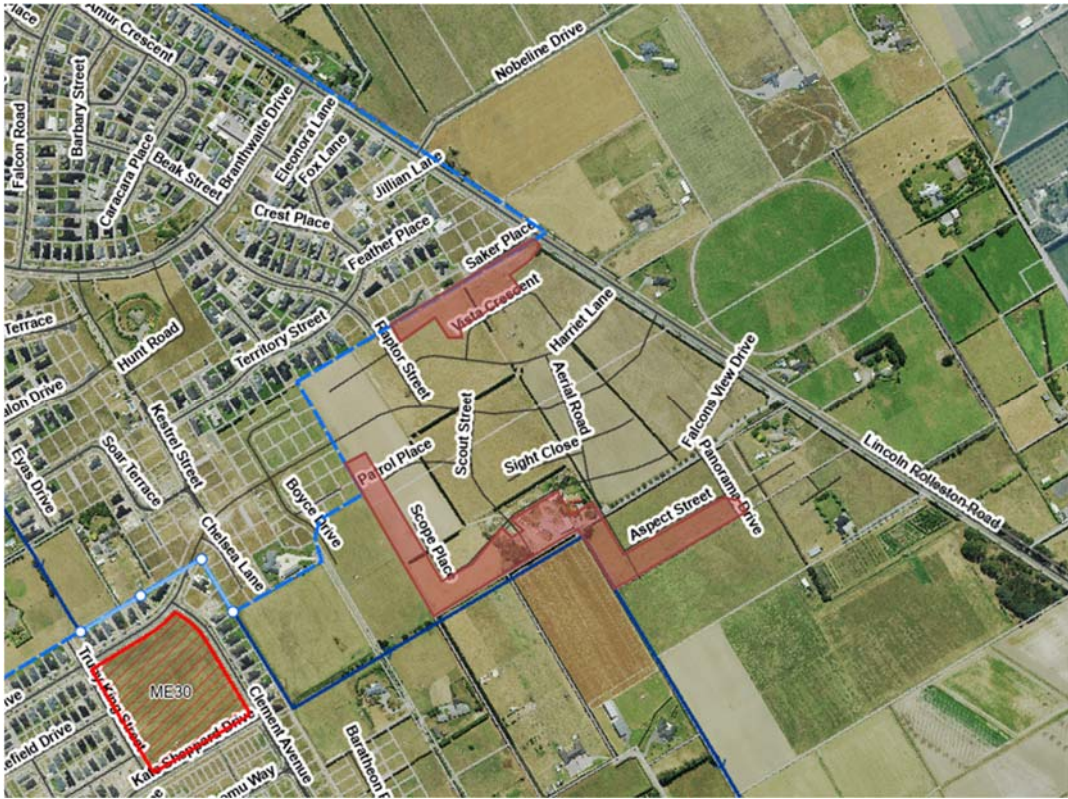


Figure 3: Approximate location of the application site (shaded red) and surrounds

17. I visited the site on Thursday, 12<sup>th</sup> October 2023.

## Statutory Considerations – RC235500 & RC235511

18. Section 127 of the Resource Management Act states:

### **127. Change or cancellation of consent condition on application by consent holder –**

- (1) *The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent (other than any condition as to the duration of the consent)*
- ...
- (3) *Sections **88 to 121 apply**, with all necessary modifications, as if –*
  - (a) *the application were an application for a resource consent for a discretionary activity; and*
  - (b) *the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*
- (4) *For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who –*
  - (a) *made a submission on the original application; and*
  - (b) *may be affected by the change or cancellation.”.*

## Activity Status

### Operative Selwyn District Plan (2016), Township Volume – At time of lodgement

19. The application site was zoned Living Z under the Operative District Plan (Townships Volume) and the following matters applied for the purpose of determining the activity status at the time of lodgement.

#### Subdivision

20. The proposed subdivision did not meet the following rules at lodgement:



RULE	TOPIC	COMPLIANCE	STATUS
12.1.3.6	Allotment shape	<p>Rule 12.1.3.6 requires that any allotment created contains a building area of not less than 15m x 15m, except for sites greater than 400m<sup>2</sup> in area in a medium density area shown on an ODP.</p> <p>Lots 501-503 are not located within a medium density area shown on the ODP for Area 14 of Rolleston. Lots 90, 82, 93, 250, 312-314, 319, 321 and 322 will not achieve a minimum building area of not less than 15m x 15m</p>	Non-Complying (Rule 12.1.7)
12.1.3.7	Allotment size	<p>The minimum required average net lot size for Living Z low-density development in Rolleston is 650m<sup>2</sup>, with a minimum individual lot size of 550m<sup>2</sup>.</p> <p>The proposed net average lot size will be less than 650m<sup>2</sup> and the minimum allotment size will be 330m<sup>2</sup>.</p>	Non-Complying (Rule 12.1.7)
12.1.3.58	Outline development plans	<p>Any subdivision within a Living Z Zone, Living MD1 Zone or Living 3 Zone that is subject to an Operative Outline Development Plan within the District Plan shall be in general compliance with that Outline Development Plan and shall comply with any standards referred to in that Outline Development Plan.</p> <p>The proposed subdivision includes the distribution of small-lot medium density sized allotments that are not in accordance with the requirements of the Outline Development Plan for Area 14 of Rolleston.</p>	Non-complying (Rule 12.1.7.10)

21. Therefore, the subdivision proposal was a Non-Complying activity under the Operative Selwyn District Plan at the time of lodgement.
22. In regard to the relevant land use provisions, the activity status at the time of lodgement is the same as it is at the time of decision and an assessment is included below.

### Operative Selwyn District Plan (2016), Township Volume – At time of Decision

23. As discussed, the application site was zoned Living Z at the time of lodgement and is now zoned Living MD1. The site is also subject to the Outline Development Plan for Area 14 of Rolleston.
24. The Council notified its decisions on the Proposed Selwyn District Plan, Variation 1 and Notices of Requirement on 19 August 2023, with all provisions having legal effect from that date. The appeals closed on 6 October 2023; however, the Council is still currently working through the appeals, and the consequential implications of those, in order to identify which rules of the Partially Operative District Plan can be treated as operative and which rules of the Operative Plan can be treated as inoperative. Therefore, a conservative approach has been adopted at this point and the rules of both Plans have been assessed where relevant.
25. A number of rules can be treated as inoperative following the notification of decisions, but the rules that still apply to this proposal following decisions are as follows.

#### Subdivision

26. Subdivision rules and related provisions from the Partially Operative District Plan (PODP) for the Medium Density Residential Zone (MRZ) are now operative (per Clause 103, Schedule 1 of the Act), and therefore, the equivalent Rules from the Operative Selwyn District Plan (2016), Township Volume are now inoperative.
27. No assessment of subdivision matters from the Operative District Plan is required.

#### Land Use

28. Land use provisions from the Partially Operative District Plan (PODP) in the Medium Density Residential Zone Chapter (MRZ) are now operative (per Clause 103, Schedule 1 of the Act), and therefore, the equivalent Rules from the Operative Selwyn District Plan (2016), Township Volume are now inoperative.
29. The proposed land use activity does not meet the following other rules:

RULE	TOPIC	COMPLIANCE	STATUS
2.1	Earthworks	Earthworks are limited to a volume of no more than 2,000m <sup>3</sup> per project. The applicant proposes up to 7,200m <sup>3</sup> of soil disturbance (including cut & fill) to an average depth of 300mm, otherwise the applicable standards will be complied with.	Discretionary (Rule 2.1.8.2)
5.3	Vehicle crossings	Proposed Lot 301 will have 6.76m of road frontage and will be unable to establish a future crossing that is at least 7m from the vehicle crossing of Lot 441 (shared access lot).	Restricted Discretionary (Rule 5.3.2)

30. Therefore, the land use proposal is a Discretionary activity under the Operative Selwyn District Plan.

### Status – Operative Selwyn District Plan

31. Overall, the bundled proposal is a Discretionary activity under the Operative Selwyn District Plan at the time of decision.

### Partially Operative Selwyn District Plan (Decisions Version – notified 19 August 2023)

32. The application site is zoned Medium Density Residential (MRZ). The site is also subject to Development Area: DEV-RO10 Overlay, Plains Flood Management Overlay, and Liquefaction Damage Unlikely Overlay.

33. The Council notified its decisions on the Proposed Selwyn District Plan, Variation 1 and Notices of Requirement on 19 August 2023, with all provisions having legal effect from that date. The appeals closed on 6 October 2023; however, the Council is still currently working through the appeals, and the consequential implications of those, in order to identify which rules of the Partially Operative District Plan can be treated as operative and which rules of the Operative Plan can be treated as inoperative. Therefore, a conservative approach has been adopted at this point and the rules of both Plans have been assessed where relevant.

### Subdivision

34. The proposed subdivision does not meet the following rules:

RULE	TOPIC	COMPLIANCE	STATUS
SUB-R1	Subdivision in the Residential Zones	SUB-R1.5 a. requires that every vacant site has a dimension of not less than 16m x 23m and a building square of not less than 8m x 15m.  The proposal includes the creation of a number of vacant allotments that will not meet the minimum required site dimension of 16m x 23m. All sites will provide the minimum building square required.	Discretionary (SUB-R1.7A)
SUB-R1/ SUB-REQ3	Outline Development Plan	SUB-REQ3.4 requires that where the site is subject to an Outline Development Plan, no more than 10% of the sites created in any one subdivision shall be rear sites served by an accessway serving three sites or fewer.  More than 10% of the sites created in this subdivision are rear sites from an accessway serving 3 lots or less. (12.7% proposed)	Discretionary (SUB-REQ3.5)
SUB-R17	Subdivision and Natural Hazards	SUB-R17.4 states that subdivision within the Plains Flood Management Overlay is a restricted discretionary activity, provided every site created is outside of a high hazard area.  The application site is located within the Plains Flood Management Overlay and is not located within a high hazard area.	Restricted Discretionary (SUB-R17.4)

35. Therefore, the subdivision proposal is a Discretionary activity under the Partially Operative Selwyn District Plan.

## Land Use

36. The proposed land use activity does not meet the following rules:

RULE	TOPIC	COMPLIANCE	STATUS
EI-R35	Other Activities	EI-R35 requires resource consent for the establishment or a new, or expansion of existing important infrastructure, excluding network utility structures, where it has not been provided for elsewhere.  The proposed wastewater pump station is 'important infrastructure', as it will be part of the Public and community wastewater collection, treatment and disposal network.	Discretionary (EI-R35)
EW-R5A	Earthworks for Subdivision	Under EW-R5A.1, the maximum area of land subject to the works is 1,000m <sup>2</sup> .  The proposed earthworks for the development of land for subdivision will be undertaken on an area exceeding 1,000m <sup>2</sup> .	Restricted Discretionary (EW-R5A.2)
TRAN-R2/TRAN-REQ18	Land transport corridor creation standards	The creation of a new land transport corridor is permitted by TRAN-R2, provided that TRAN-REQ18 (among others) is complied with.  Under TRAN-REQ18, all land transport corridors shall comply with the legal widths listed in TRAN-TABLE7 - Road formation standards, unless provided for in TRAN-REQ18.3 or TRAN-REQ18.5.  Roads 406-409 require a Local (MRZ) standard. Proposed Roads 406-409 all exceed the maximum permitted legal width of 17m (18m to 20m proposed). These roads also exceed the maximum formed width of 8m (up to 9m proposed).	Discretionary (TRAN-REQ18.2)
TRAN-R5/ TRAN-REQ7	Accessway design, formation and use	The establishment and use of an accessway is permitted by TRAN-R5, provided that TRAN-REQ7 and NH-REQ4 are complied with.  TRAN-REQ7.1 specifies the minimum accessway requirements for the MRZ zone. An accessway shall be formed to comply with the design requirements listed in TRAN-TABLE3 - Minimum requirements for accessways.  Lot 444 (three sites) – 4.5m legal and 3.5m formed. A 5.0m legal width is required to comply. The formed width complies.	Restricted Discretionary (TRAN-REQ7.2 & NH-REQ4)

37. Therefore, the land use proposal is a Discretionary activity under the Partially Operative Selwyn District Plan.

### Status – Partially Operative Selwyn District Plan

38. Overall, the bundled proposal is a Discretionary activity under the Partially Operative Selwyn District Plan.

## National Environmental Standards

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

39. The proposal is not a change of use of Lots 501, 502 & 503, and a residential use scenario was considered under the underlying subdivisions, and a resource consent (RC235162) was obtained under the NESCS as a Restricted Discretionary activity. The applicant has confirmed that this subdivision would not proceed until such time as the remedial works under the conditions RC235161 & RC235162 have been completed and the site has been validated.
40. Therefore, the NES for Assessing and Managing Contaminants in Soil to Protect Human Health does not apply.

## Overall Activity Status

41. This application was lodged on 30 June 2023, i.e. prior to the decisions being notified on 19 August 2023. As such, pursuant to s 88A, the application continues to be processed, considered and decided as an application for the type of activity that it was for, or was treated as being for, at the time the application was lodged.
42. In this case, the status under the Partially Operative District Plan is less restrictive than the status under the Operative District Plan at time of lodgement (Non-Complying). Therefore, taking guidance from case law, it is appropriate that the applicant receive the benefit of that less restrictive status. As such, this proposal is being considered as a **Discretionary** activity.

## Written Approvals (Sections 95D(e), 95E(3)(a) and 104(3)(a)(ii))

43. The provision of written approvals is relevant to the notification and substantive assessments of the effects of a proposal under sections 95D, 95E(3)(a) and 104(3)(a)(ii). Where written approval has been provided, the consent authority must not have regard to any effect on that person. In addition, that person is not to be considered an affected person for the purposes of limited notification.
44. No written approvals have been provided.

## Notification Assessment

### Assessment of Adverse Environmental Effects (Sections 95A, 95B, 95D and 95E)

#### Permitted Baseline

45. Sections 95D(b) and 95E(2)(a) allow that a consent authority “may disregard an adverse effect” if a rule or a national environmental standard permits an activity with that effect, a concept known as ‘the permitted baseline’. The application of the permitted baseline is discretionary, as denoted by the use of the word “may”. It is understood that its intention is to identify and exclude those adverse effects that would be permitted by the Plan from consideration.
46. In this case, there is no relevant permitted baseline for subdivision, because every subdivision application requires at least a controlled activity resource consent. As such, no consideration is given to this for subdivision in the following assessment.

#### Rules

##### *Operative Selwyn District Plan*

47. The proposal does not comply with the relevant earthworks limit, as approximately 7,200m<sup>3</sup> of cut/fill is proposed, exceeding the 2,000m<sup>3</sup> permitted threshold. In addition, the proposal does not comply with the transportation standards, as Lot 301 is geometrically incapable of establishing a future vehicle crossing that is at least 7m from the shared crossing of Lot 441, as is required by Rule 5.3.

##### *Partially Operative Selwyn District Plan (PODP)*

48. In respect of subdivision, the proposal includes the creation of a number of vacant lots that will not meet the minimum required site dimension for MRZ, more than 10% of the sites created (12.7% proposed) will be rear sites from an accessway serving 3 lots or less, and the site is located within the Plains Flood Management Overlay (PFMO). In regard to land use, the earthworks for the development of land for subdivision will be undertaken on an area exceeding 1,000m<sup>2</sup>, an accessway will not meet the minimum required legal width, and the proposed roads will exceed the permitted legal and formed widths.

#### Comparison

49. Those notable differences between the Operative and Partially Operative Plans include the restriction for no more than 10% of sites created being rear sites from an accessway serving 3 or fewer lots, and the creation of the Plains Flood Management Overlay, which results in a Restricted Discretionary Activity status. The proposal does not comply with permitted earthworks standards from either Plan.

#### Assessment

50. As discussed above, this application was lodged prior to 19 August 2023; however, the status under the Partially Operative Plan is less restrictive. As such, this proposal is to be assessed as a Discretionary activity.

51. The Council's discretion is unrestricted, and all adverse effects must be considered. The assessment matters in the Plans provide useful guidance when considering the adverse effects of the proposal and these are relied upon in the following assessment.
52. The receiving environment for this proposal includes the existing environment and the future environment as it could be, i.e. as modified by non-fanciful permitted activities and unimplemented resource consents. In this case, the receiving environment includes residentially zoned land (MRZ), that includes resource consents for residential subdivision which I consider are reasonably likely to be implemented. This includes RC225866 for stages 1-4 & 6 of the 'Falcon View' subdivision, and RC235161 for stages 7-17 of the same development (as shown in **Figure 1**). It also includes residentially developed land, and surrounding land that is yet to be developed.
53. The adverse effects that might be considered relevant to this proposal are access, servicing, reserves & cycleways, point strips, cultural effects, earthworks, flood hazard, site size & shape, rear sites, and the change/cancellation of consent conditions.

#### **Access (SUB-MAT9)**

54. The application proposes to create allotments that will either have access established to a new road constructed as part of this subdivision, or to a road that will already be constructed by the implementation of an approved subdivision consent. Notably, those lots adjoining Saker Place and Flight Close will have access created by the removal/vesting of existing point strips and this is discussed in further detail below. Therefore, all proposed allotments can achieve legal access to a formed and sealed road that will be vested in Council.
55. The proposed stages are not able to be completed in any order, as this subdivision access is reliant on the other subdivision consents being implemented in order to achieve legal access to all lots. The applicant has confirmed that the staging order will be undertaken in a manner that maintains legal road access to any completed stage. The proposed roading layout appears to be in substantial accordance with the relevant ODP for Development Area: DEV-RO10, which includes connections to the adjoining land located to the west and south of the site.
56. The proposed roading widths and formed widths are non-compliant with those applicable requirements from the Partially Operative District Plan for MRZ development. Ms. Helen Pullar, Consultant Development Engineer, has assessed the roading network and is satisfied with the formation and nature of the transport network proposed, noting that the Springston Rolleston Road frontage for Lot 55 is already required to be upgraded to an urban standard by a condition of RC235161.
57. Proposed Lots 430, 441 & 444 will be created as access lots and are to be held in undivided equal shares amongst the relevant residential lots that will rely on these lots for access. The amalgamation conditions have been confirmed as practicable by Land Information New Zealand (LINZ) (ref #1863927). These accesses are compliant with the applicable width and formation standards, except for Lot 444, which will not achieve the minimum legal width required. In addition, none of the accessways will exceed the four site threshold that may require access to be provided by a road instead of a shared access. The design of these shared accesses may preclude further subdivision, and this is considered below.
58. Lot 444 will serve three sites. A minimum legal width of 5.0m and a minimum formed width of 3.5m is required to comply with the PODP in order to facilitate up to three residential units per site. The access proposes a minimum formed width of 3.5m, however a legal width of only 4.5m is proposed. As the required formed width is achieved, I consider that any adverse effects on the ease and safety of vehicle manoeuvring will be insignificant. In regard to the potential for further development and the adequacy of the 4.5m legal width, the applicant has volunteered a condition that these allotments be restricted to a single residential unit (due to the dimensions proposed). Therefore, I consider that the legal width would be sufficient for the extent of development that could be undertaken by the applicant.
59. The following amalgamation conditions are proposed, and were confirmed as practicable (LINZ ref #1863927):
- "That Lot 430 (legal access) hereon be held as to two undivided one-half shares by the owners of Lots 45 & 48 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."
  - "That Lot 441 (legal access) hereon be held as to two undivided one-half shares by the owners of Lots 302 & 303 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."
  - "That Lot 444 (legal access) hereon be held as to three undivided one-third shares by the owners of Lots 320, 321 & 322 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."
60. A future vehicle crossing on proposed Lot 301 will be unable to provide a 7m separation distance from the adjoining crossing of the shared access Lot 441, as is required by the Operative District Plan (Townships Volume).

It is not geometrically possible to comply with the standard due to the lot dimensions and placement, as the site would only have 6.76m of road frontage. Lot 301 is positioned at the head of a cul-de-sac and will have excellent visibility along the consented road and also to the adjacent shared accessway. Notably, there is no equivalent separation distance requirement in this context in the Partially Operative District Plan and a future crossing would be compliant, provided that the minimum/maximum widths and other crossing standards are adhered to.

61. Given those proposed roads exceed the applicable formation standards and would be provided in substantial accordance with the relevant development area plan (DEV-RO10), I consider that any access related adverse effects on adjoining landowners/occupiers will be less than minor.
62. The proposed transportation network conforms to the applicable development standards, and those existing point strips will be removed/vested to ensure that the transportation network supports the anticipated degree of connectivity. I consider that access related adverse effects on the wider environment will also be less than minor.

### **Servicing (SUB-MAT3 to SUB-MAT8)**

63. The application proposes to establish servicing to each residential allotment proposed, including potable water, wastewater, power, and telecommunications. The servicing report provided with the application also covered the consented development for Stages 7-17, and the servicing network proposed represents an extension of this consented development.
64. A series of new water mains and sub-mains will be established within the road reserve throughout the development, as confirmed in the engineering approval. Each proposed residential allotment will be provided with a separate metered potable water connection to the net area of the lot. This development will comply with EI-R10 (Below Ground Network Utilities Upgrading or Installation) in the Partially Operative District Plan.
65. In regard to firefighting, all reticulated supply would be unrestricted, and as such would be subject to the provisions of FW2 (water supply classification) from Standards New Zealand (SNZ) Publicly Available Specification (PAS) 4509:2008 (New Zealand Fire Service Firefighting Water Supplies Code of Practice). All new water mains will have hydrants at appropriately spaced distances. The applicant has agreed to a condition requiring that detailed designs will be submitted to Council at engineering approval stage.
66. In regard to waste management, public solid waste disposal, recycling and greenwaste collection services are available in the Rolleston Township and can service this development.
67. For wastewater, the servicing report states that there is no existing connection available for this proposal, and that the previous stages consented will use an existing pump station in the development located to the north. Notably, the applicant has clarified that this existing pump station will service Stage 5 of this subdivision, and that the gravity reticulation is currently insufficient to accommodate Stages 18 & 19 only. A connection for Stages 18 & 19 could be provided through either a yet to be constructed pump station on Selwyn Road, or from the radar pump station to be installed on Selwyn Road. Council have previously indicated that the proposed pump station on Selwyn Road would have sufficient capacity for this proposed development. However, it is reliant on other parties to install parts of the network, which could affect the applicant's timing.
68. The applicant's intended solution is to construct a new wastewater pump station on the eastern side of Lincoln Rolleston Road, as set out in the updated subdivision design report and supporting plan (refer **Figure 4** below). The applicant would install a new rising main through the proposed roading network. These works, including the design and specifications of the wastewater pump station, would be subject to engineering approval.
69. As outlined prior, there will be no section 224 certification for this subdivision until the pump station is constructed to the required standard and vested, along with the relevant land, in Council; and an agreement will be entered into between Council and the landowner, for the Council to acquire the pump station. These form conditions of consent, which I note are volunteered/agreed by the applicant. Ms. Chrissie Reid, Development Engineering Manager, has reviewed this wastewater solution and considered that the arrangement is acceptable. Minimum gradients for top of wastewater lines will meet the requirements of the Council's Engineering Code of Practice.

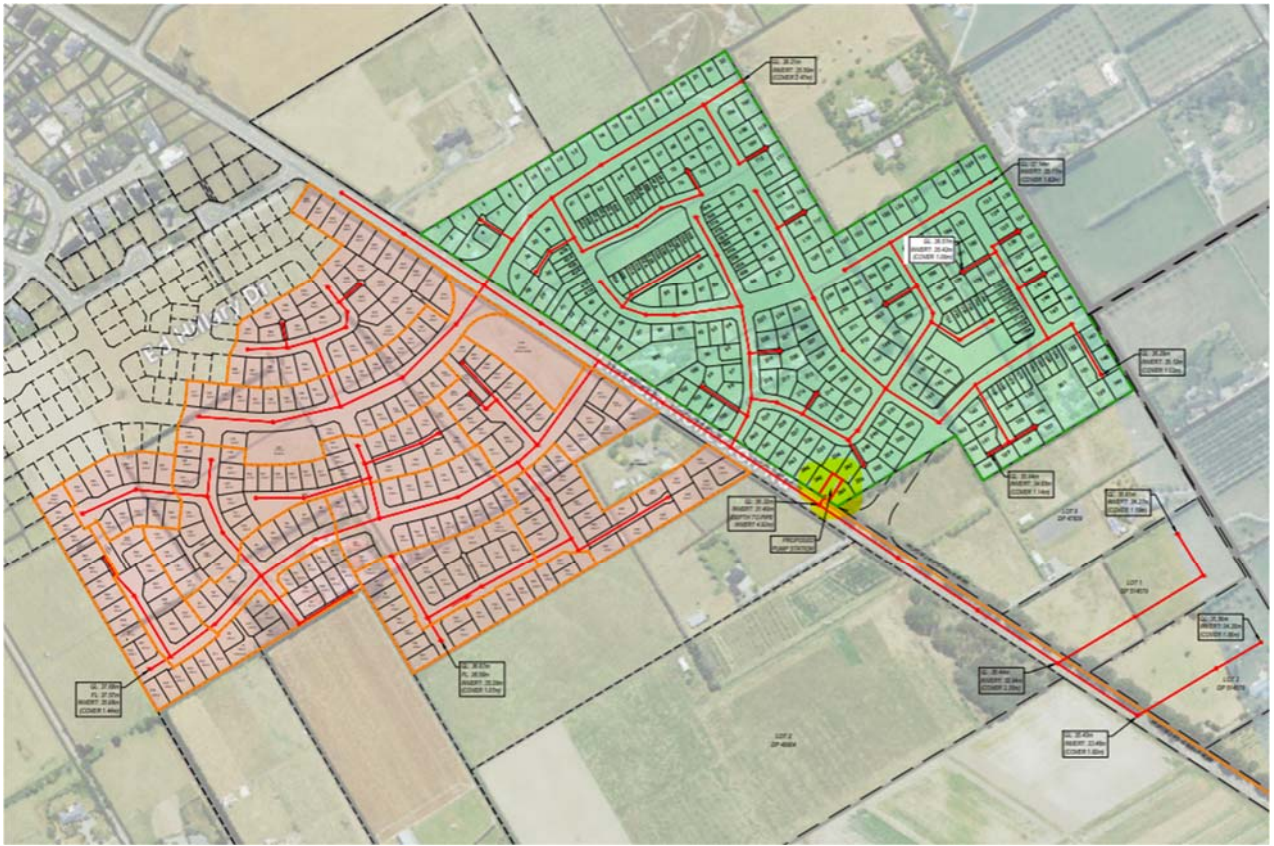


Figure 4: Proposed gravity reticulation and wastewater pump station (shaded yellow) (Source: Updated subdivision consent design report)

70. All proposed telecommunications and power reticulations established as part of the subdivision proposal will be laid underground. With regard to telecommunications, the site is located within an Enable supply area and the net area of each proposed lot will be provided with a connection to the network, and this is an agreed condition of consent. In respect of power, the net area of each proposed lot will be provided with a separate connection to the distribution network, and this is an agreed condition of consent. This development will comply with EI-R10 (Below Ground Network Utilities Upgrading or Installation) in the Partially Operative District Plan. As each stage is prepared for engineering approval, the detailed design for the network would be submitted by the applicant to Orion for their approval.
71. A single utility lot for the wastewater pump station will be required for Stages 18 & 19, although this will be acquired by the Council outside of a subdivision process and under the PWA, therefore no subdivision consent for this parcel is required. The agreement for the Council to acquire the land will be voluntary and the applicant will meet all costs relating to the agreement and will arrange for the necessary survey to occur. If the agreement is with the current landowner (due to settlement timing), the applicant would pay all applicable PWA compensation to the landowner, and the landowner would acknowledge that the Council has no obligations to them. If the agreement is directly with the applicant as the landowner (post-settlement), no compensation would be effectively payable. Stage 5 can be serviced by gravity reticulation that will drain north towards an existing subdivision and is not affected by the pump station or this proposed arrangement. All proposed roads will be provided with standard street lighting. A detailed design will be undertaken for the development and submitted to Council as part of the engineering approval.
72. The application site is not connected to a reticulated stormwater network and stormwater infrastructure will be established as part of the development. The infrastructure will control primary run-off to ensure that there is no surface flooding or ponding, and control secondary run-off to ensure that surface water does not cause nuisance or damage to property. This will be designed to meet the recently revised engineering code of practice (ECOP). This development will comply with EI-R10 (Below Ground Network Utilities Upgrading or Installation) in the Partially Operative District Plan.
73. For individual lots, the runoff from impermeable surfaces will be collected and disposed of to the ground in accordance with the Clause E1 of the New Zealand Building Code (Building Regulations 1992). All other run-off will flow to the road corridor and be intercepted by swales or kerb/channel, incorporating primary for removal of sediment and debris. This water will then be conveyed to rock-filled soak pits via underground pipes for disposal. The applicant will require a construction phase stormwater discharge consent and operation discharge consent

from ECan, and these consents will be obtained prior to any works. All of the infrastructure will be subject to engineering approval, and this forms an agreed condition of consent.

74. Roads and utilities would be vested in Council as part of the proposed subdivision and would comply with the Council's Engineering Code of Practice, or otherwise be agreed to by the Development Engineers as part of the engineering approval. This would ensure that roads and utilities would operate at a satisfactory standard aligned with the Council's expectations for delivery of services.
75. There is an existing water race running along the rear boundary of Lot 503 of RC235161. The applicant has signalled intent to apply for formal closure of the water race. However, until the water race is formally closed, the applicant will provide for the on-going operation of the water race through a piped distribution network (including necessary easements).
76. Based on the above assessment, I consider that the servicing related adverse effects of the proposal on the adjoining environment will be less than minor. I also conclude that servicing adverse effects on the wider environment would be less than minor.

#### **Reserves & cycleways (SUB-MAT10)**

77. The application proposes to vest two allotments as part of this proposal in the Council as Local Purpose Access reserve. Lot 400 will provide a pedestrian/cycle connection from this subdivision north to a reserve within the established "Falcons Landing" subdivision. Lot 404 will provide a pedestrian/cycle connection from an existing reserve to the adjoining residentially zoned land within the DEV-RO11 - Rolleston 11 Development Area. Each reserve would include a 2.5m minimum width shared use path supporting off-street connectivity. Mr Andrew Mazey, Council's Strategic Transport Lead, has reviewed the subdivision proposal and agrees that the proposed reserves will be suitable for their intended use.
78. The applicant has agreed to a condition of consent that would establish a covenant and indemnify the Council from contributing towards costs of fencing adjoining these reserves. No conditions relating to the height or transparency of the fencing adjoining the reserve are considered to be necessary, recognising that there is a relevant rule that applies to fencing within the MRZ zone, which must be complied with and would ensure sufficient surveillance and outlook.
79. I consider that the proposed reserves will no adverse effects on both the adjoining and wider environment.

#### **Point strips**

80. The applicant recognises the presence of and proposes to vest two existing point strips in the Council as Road. One point strip extends along the boundary of the site with Flight Close, whilst the other extends along the boundary of the site and Saker Place. Each of the point strips is owned by the Selwyn District Council and the access over the point strip will be subject to an existing point strip agreement. An agreed sum to be paid by the consent holder will recover original infrastructure costs incurred by the adjoining owner from which the consent holder will benefit.
81. The agreed sum will be Consumer Price Index adjusted from the time it was agreed to when it is paid. On payment of the agreed sum the Council will transfer by vesting or dedication the Point Strip held under its title to legal road. A Section 224(c) certificate will not be issued for this subdivision until such time as the Point Strip has been vested as road.
82. I consider that the proposed vesting of the point strips will have no adverse effects on both the adjoining and wider environment.

#### **Cultural effects**

83. The Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga were consulted with (via Mahaanui Kurataio Ltd) and a cultural advice report has been obtained to understand the potential cultural effects of concern. The Rūnanga consider that the effects of the proposal will be appropriately mitigated by some recommended conditions of consent and advice notes, which the applicant has agreed to adopt. Consequently, I consider that the proposal will have less than minor cultural adverse effects on the adjoining and wider environment.

#### **Earthworks (EW-R5A.4)**

84. The application proposes approximately 7,200m<sup>3</sup> of cut & fill associated with the formation and shaping of the residential allotments and the formation of the roading & reserves, to an average depth of approximately 300mm. The earthworks exceed the maximum permitted threshold for the development of land for subdivision under the Operative and Partially Operative District Plans.
85. Earthworks of the scale proposed may have the potential to generate adverse dust, noise, and visual amenity effects for adjoining/adjacent property owners and occupiers. With regards to the visual effects of the temporary earthworks, I consider that nearby residents or owners/occupiers of adjoining land would be aware of the



development potential of the subject site and visual effects resulting from earthworks of a limited duration would be acceptable in this context.

86. The applicant has confirmed that any filling would be carried out in accordance with Council's Engineering Code of Practice and the New Zealand Standard – Engineered Fill construction for lightweight structures (NZS 4431:2022). In addition, the applicant has agreed to conditions of consent that would mitigate effects associated with construction noise, dust dispersal and management, sediment management and run-off, and reinstatement of disturbed surfaces following the completion of works.

87. Based on the extent of the works proposed and the conditions agreed to by the applicant, I consider that the earthworks related adverse effects on the adjoining and wider environment will be less than minor.

#### ***Flood hazard (NH-MAT1)***

88. The application proposes to undertake subdivision within the Plains Flood Management Overlay (PFMO). The PFMO includes hazard modelling for during both a one-in-200-year and a one-in 500-year flood event. The LiDAR derived information identifies areas of potential flooding and water depths based on the average height of the surveyed land area. The subdivision site does not contain any defined high hazard areas.

89. The modelling indicates that during a one in 200-year flood event the water depth on parts of the site would vary, with some areas of the site not having any flooding and other areas having water depths of less than 0.2m or between 0.2m to 0.5m or 0.5m to 1m. The proposed bulk earthworks (approx. 7,200m<sup>3</sup>) will change existing ground levels.

90. The roading network will be designed to assist in managing stormwater disposal in the design event, and works will ensure that sites have sufficient adequate elevation above the created secondary flow paths. This is supported by the servicing report provided by the applicant, which also states that the overall site will be graded in a way that directs flooding down the roading corridors and effectively maintains the existing overland flow directions.

91. The applicant has agreed to a condition of consent requiring that a report be provided at engineering approval stage to confirm that the design of the subdivision is sufficient to mitigate flooding on every site, based on the 200-year ARI event. A flood assessment certificate (FAC) will also be obtained after the earthworks and reporting are completed, to ensure that a residential unit or principal building can be efficiently developed on the site, without passing on that requirement to the individual lot purchasers.

92. Based on the above assessment and condition agreed by the applicant, I consider that the flood related adverse effects on the adjoining and wider environment will be less than minor.

#### ***Site size & shape (SUB-MAT1)***

93. The application proposes to undertake subdivision of land that is zoned MRZ in the Partially Operative District Plan and is subject to the requirements of DEV-RO11 - Rolleston 11 Development Area. There are no special features located on the site that are considered to limit the proposed subdivision layout, with the exception of the existing/consented development pattern and density. The development area requires a minimum net density of 15hh/ha.

94. Whilst the proposal will achieve a density of 19.1hh/ha within the relevant stages of this subdivision (Stages 5, 18 & 19), the existing consents within the same development area would only enable a future density of at least 13.8hh/ha across all stages. I consider that the proposed density is acceptable in the context of the consented development pattern, which may limit the overall below 15hh/ha, but is greater than the 12hh/ha bottom line, where there are 'existing' constraints. In this context, the development plan area is consented and partially developed under the Operative District Plan (Townships Volume), and it required larger lot sizes and resulted in a lower overall density. I consider that this is an 'existing' constraint.

95. It is proposed that all residential lots will be created vacant for future development. The MRZ subdivision standards in the Partially Operative Plan require a minimum site dimension of not less than 16m x 23m for vacant sites. The proposal includes a number of sites that will not achieve the minimum site dimension.

96. The applicant has volunteered a condition of consent that those allotments which do not meet the minimum required dimensions would be limited to the establishment of a single residential unit. All proposed allotments can accommodate a minimum building square of 8m x 15m and are considered to be an adequate size and shape for a single residential unit. However, I recognise that these sites would not be suitable for the full range of typologies envisaged for the development area and are likely to be limited to standalone or duplex typologies. The Council's Urban Design Lead, Ms. Gabi Wolfer, has reviewed the subdivision proposal and was satisfied that the 'under-dimensioned' allotments will be suitable for a single residential unit. I note that there are no minor residential units in the MRZ zone under the PODP.

97. The subdivision will not result in the creation of any residential blocks with a maximum perimeter exceeding 1,000m, although some blocks will not be confirmed until the adjoining land is developed.

98. Based on the above assessment and condition agreed by the applicant, I consider that the site size and shape related adverse effects on the adjoining and wider environment will be less than minor.

**Rear sites (SUB-MAT1.2)**

99. Both District Plans seek to limit the creation of rear allotments within areas that are subject to development plans, and that they should only occur where it is necessary to reach awkward parts of a site with no practical alternative. Reducing the number of rear sites will support a high level of interaction with the street environment, which will enhance amenity values, encourage passive surveillance within and through the subdivision and support the fostering of a sense of community. More than 10% of the sites created in this subdivision are rear sites from an accessway serving three lots or less. In this context, the development pattern of the underlying subdivision has limited options for access to rear sites and the 12.7% proposed is, in my view, insignificant. I consider that the proportion of rear sites will have less than minor adverse effects on the adjoining and wider environment.

**Change and cancellation of conditions – RC225866**

100. It is appropriate to consider this application (RC225866) as a change or cancellation of conditions pursuant to section 127 because the proposal will not result in materially different effects compared to the original consent.

101. The applicant seeks to cancel the following condition:

*26. Unless a resource consent has been granted otherwise, any fence or freestanding wall shall comply with the requirements of the District Plan at the time the fence or freestanding wall is constructed. For further information please refer to the relevant rule in the District Plan or contact the duty planner at the Selwyn District Council.*

*On-going compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for each lot. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.*

102. In respect of Condition 26, the PODP contains an operative fencing rule (MRZ-R5) that will apply to future development on any site created. Consent notices recording fencing restrictions were historically applied to subdivisions within the Living Z zone (and a few other zones within outline development plans (ODP) areas) under the Operative District Plan to alert prospective purchasers and landowners to the fencing rule that existed in the Plan. As most other residential zones under the Operative Plan had no fencing restrictions, there was common confusion regarding when/where the fencing rules applied to a residential site and the Council was receiving a significant number of retrospective resource consent applications for non-compliant fencing. There are now fencing rules that will apply to all residential zones under the PODP and there will no longer be any potential confusion whether a residential site will be affected by a fencing rule in the Plan or not. It is my view that the consent notice is no longer necessary in the context of its original intended purpose and that the effects of the proposed condition cancellation would be insignificant, as a fencing rule contained in the PODP will apply to any residential site created.

103. The applicant also seeks to amend the following consent condition:

*49. That a report be provided by a suitably qualified and experienced person confirming that either:*

*a) The engineering design of the subdivision is sufficient to mitigate flooding on every site, based on a 200-year Annual Exceedance Probability flood event; or*

*b) Where the engineering design is insufficient to satisfy Condition 50(a) above, the required minimum building finished floor height above ground level for dwellings or other principal buildings, in order to achieve a 300mm freeboard above a 200-year Annual Exceedance Probability flood event [sic].*

*On-going compliance with condition 50(b) above shall be ensured through the registration of a consent notice to this effect on every affected site [sic].*

104. It is proposed that Condition 49 be amended as set out below, to align with the recent provisions contained in the PODP and the requirement for residential units and principal buildings to have a flood assessment certificate for development within the PFMO.

*A report and certificate from a Suitably Qualified Expert shall be included in the Engineering Approval application that demonstrates the finished ground level for each residential site created will achieve a finished floor level that has a minimum of 300mm freeboard above the 200 year Average Recurrence Interval (ARI) level for a foundation that is constructed in accordance with the Building Act Acceptable Solutions guidelines.*

*Prior to the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall apply for and be issued with a Global Flood Assessment Certificate from Selwyn District Council for the subdivision or subdivision stage.*

105. The applicant also seeks to amend the following consent condition:

46. That pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lot 501 recording the following restrictions:

*This lot is an unserviced development lot. No services (power, phone, water or sewer) have been provided to this lot. Connections to the relevant services will be required at the time future development occurs. No development contributions (water, sewer, roading and reserves) have been paid and no credits are available. No residential dwelling shall be erected on this lot.*

106. In regard to Condition 46, the subdivision proposal will develop Lot 501 for residential uses, which will include the provision of services and the payment of applicable development contributions. However, it is appropriate that the consent notice be retained in the event that RC225866 is given effect to, and the subdivision consent currently sought is not. The applicant requests that the consent notice be amended to enable a residential unit or principal building to be established once the applicable development contributions are paid and services are installed. The consent notice was intended to prevent the establishment of a residential unit, which would not be permitted in the absence of service connections and to alert any prospective purchaser to the costs associated with extending the required services to the site. However, if the landowner installs the necessary services and pays the applicable development contribution, there is no adverse effect that would result from the establishment of a residential unit. I agree with the applicant and recommend the following condition:

*46. That pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lot 501 recording the following restrictions:*

*“This is an un-serviced development lot. No services (power, phone, water, sewer or stormwater) have been provided to this lot. Connections to the relevant services will be required at the time future development occurs. This includes the establishment of a residential unit or principal building on the lot. No contributions (water, sewer, roading and reserves) have been paid and no credits are available, and they will be payable at the time future development occurs.”*

107. I consider that the effects of the proposed changes to these conditions would have insignificant and less than minor adverse effects on adjoining persons. I consider that the effects of the proposed changes would have less than minor adverse effects on the wider environment.

**Change and cancellation of conditions – RC235161**

108. It is appropriate to consider this application (RC235161) as a change or cancellation of conditions pursuant to section 127 because the proposal will not result in materially different effects compared to the original consent.

109. The applicant seeks to cancel the following conditions:

*8. No residential dwelling shall be erected on Lots 502 and 503. This is an un-serviced development lot. No services (power, phone, water, sewer or stormwater) have been provided to this lot. Connections to the relevant services will be required at the time future development occurs. This includes the erection of a dwelling or principal building on the lot. No contributions (water, sewer, roading and reserves) have been paid and no credits are available.*

*Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for Lots 502 & 503 hereon. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.*

*11. Unless a resource consent has been granted otherwise, any fence or freestanding wall shall comply with the requirements of the District Plan at the time the fence or freestanding wall is constructed. For further information please refer to the relevant rule in the District Plan or contact the duty planner at the Selwyn District Council.*

*On-going compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for each lot hereon. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.*

*12. Unless a resource consent has been granted otherwise or otherwise permitted by the District Plan, any lot which shares a boundary with a reserve or walkway shall be limited to a single fence erected within 5m of any Council reserve that is at least 50% visually transparent where it exceeds 1.2m in height (which shall be applied to the whole fence in its entirety).*

*On-going compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for each lot (other than roads and reserves) that borders a reserve or walkway.*

110. In regard to cancelling conditions 11 & 12, as discussed prior, the PODP contains an operative fencing rule (MRZ-R5) that will apply to future development on any site created. I consider that the adverse effects of the proposed change to cancel these conditions would be insignificant.

111. In regard to Condition 8, the subdivision proposal will develop Lots 502 & 503 for residential uses, which will include establishing services and the payment of necessary development contributions. I consider it is appropriate that the consent notices be retained in the event that RC235161 is given effect to, and the subdivision consent currently sought is not. The applicant requests that the consent notice be amended to enable a residential unit or principal building to be established once the applicable development contributions are paid and services are installed. The consent notice was intended to prevent the establishment of a residential unit, which would not be permitted in the absence of service connections and to alert any prospective purchaser to the costs associated with extending the required services to the site. However, if the landowner installs the necessary services and pays the applicable development contribution, there is no adverse effect that would result from the establishment of a residential unit. I agree with the applicant and recommend the following condition:

8. “

*“This is an un-serviced development lot. No services (power, phone, water, sewer or stormwater) have been provided to this lot. Connections to the relevant services will be required at the time future development occurs. This includes the establishment of a residential unit or principal building on the lot. No contributions (water, sewer, roading and reserves) have been paid and no credits are available, and they will be payable at the time future development occurs.”*

*Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for Lots 502 & 503 hereon. The consent notice shall be prepared and registered by Council’s solicitor at the request and expense of the consent holder.*

112. I consider that the effects of the proposed changes to these conditions would have insignificant and less than minor adverse effects on adjoining persons. I consider that the adverse effects of the proposed changes would have less than minor effects on the wider environment.

**Positive Effects**

113. Positive effects are not relevant to the consideration of notification and will be considered as part of the s 104 assessment later in this report.

**Conclusion**

114. Overall, I conclude that the adverse effects of the proposal on any persons will be less than minor.

115. Overall, I conclude that the adverse effects of the proposal on the wider environment will be less than minor.

**Public Notification (Section 95A)**

116. Section 95A states that a consent authority must follow the steps in the order given to determine whether to publicly notify an application for resource consent.

<b>Step 1: mandatory public notification in certain circumstances (sections 95A(2) and 95A(3))</b>	Y	N
Has the applicant requested that the application be publicly notified?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is public notification required under section 95C (no response or refusal to provide information or agree to the commissioning of a report under section 92)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has the application has been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*If the answer to any of the above criteria is yes, the application must be **publicly notified**, and no further Steps are necessary.*

*If the answer is no, continue to **Step 2**.*

<b>Step 2: public notification precluded in certain circumstances (sections 95A(4) and 95A(5))</b>	Y	N
Are all activities in the application subject to one or more rules or national environmental standards that preclude public notification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the application for one or more of the following, but no other types of activities:		
• A controlled activity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• A boundary activity only (as per the definition of “boundary activity” in s 87AAB of the Act)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*If the answer to any of the above criteria is yes, continue to **Step 4**.*

*If the answer is no, continue to **Step 3**.*

<b>Step 3: public notification required in certain circumstances (sections 95A(7) and 95A(8))</b>	Y	N
Is the activity subject to a rule or national environmental standard that requires public notification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer to any of the above criteria is yes, the application must be **publicly notified**, and no further Steps are necessary.

If the answer is no, continue to **Step 4**.

<b>Step 4: public notification in special circumstances (section 95A(9))</b>	Y	N
Do special circumstances exist in relation to the application that warrant public notification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer is yes, the application must be **publicly notified**.

If the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application.

117. In conclusion, in accordance with the provisions of section 95A, the application must not be publicly notified and a determination on limited notification must be made, as follows.

### Limited Notification (Section 95B)

118. Section 95B states that a consent authority must follow the steps in the order given to determine whether to give limited notification of an application for resource consent, if it is not publicly notified under section 95A.

<b>Step 1: certain affected groups and affected persons must be notified (sections 95B(1)-(4))</b>	Y	N
Are there any affected protected customary rights groups, as defined in s 95F?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are there any affected customary marine title groups, as defined in s 95G (in the case of an application for a resource consent for an accommodated activity (as defined in the Act))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the proposed activity on or adjacent to, or may it affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and is the person to whom that statutory acknowledgement is made an affected person under s 95E?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer is yes, **notify the application to each affected group/person** and continue to **Step 2**.

If the answer is no, continue to **Step 2**.

<b>Step 2: limited notification precluded in certain circumstances (sections 95B(5) and 95B(6))</b>	Y	N
Are all activities in the application subject to one or more rules or national environmental standards that preclude public notification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the application for a controlled activity only and not a subdivision of land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer is yes, continue to **Step 4**.

If the answer is no, continue to **Step 3**.

<b>Step 3: certain other affected persons must be notified (sections 95B(7)-(9))</b>	Y	N
In the case of a "boundary activity", is an owner of an allotment with an infringed boundary an affected person?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
For any other activity, are there any affected persons in accordance with section 95E of the Act (as assessed in the Assessment of Adverse Environmental Effects above)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer is yes, **notify the application to each affected person** and continue to **Step 4**.

If the answer is no, continue to **Step 4**.

<b>Step 4 – Limited notification in special circumstances</b>	Y	N
Do any special circumstances exist in relation to the application that warrant notification to any other persons not already determined to be eligible for limited notification (excludes persons assessed under section 95E as not being affected)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer is yes, **notify the application to those persons**.

If the answer is no, do not notify anyone else.

119. In conclusion, in accordance with the provisions of section 95B, the application must not be limited notified.


## Notification Recommendation

120. I recommend that the applications (RC235357, RC235358, RC235500 & RC235511) are processed on a **non-notified** basis in accordance with sections 95A-E of the Resource Management Act 1991.

<b>Reported and recommended by:</b> Richard Bigsby, Senior Resource Management Planner	<b>Date: 22 November 2023</b>
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## Notification Decision

121. For the reasons set out in the report above, the Notification Recommendation is adopted under delegated authority.

 <b>Janette Dovey, Team Leader Resource Consents</b>	<b>Date: 24 November 2023</b>
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## Section 104 Assessment

122. Section 104 of the Act sets out the matters the Council must have regard to when considering an application for resource consent.

123. Section 104(1), in particular, states as follows:

**104 Consideration of applications**

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M [Effect of incorporation of MDRS in district plan], have regard to—*
- (a) *any actual and potential effects on the environment of allowing the activity; and*
  - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
  - (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.*
- ...

124. Section 104(2) states that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan, i.e. the operative plan, permits an activity with that effect.

125. Other sections of relevance are summarised below:

## Section 104B – Determination of applications for discretionary or non-complying activities

After consideration of an application for a discretionary or non-complying activity, a consent authority may grant or refuse the application and, if granted, may impose conditions under section 108.

## Section 104 – Effects on the Environment

126. An assessment of the adverse environmental effects of the proposal was completed above as part of the notification section of this report. That assessment is equally applicable to section 104 and is applied as such.
127. It is also appropriate to consider the positive effects of the proposal at this section 104 stage. The proposal will increase the supply of vacant allotments for residential development in Rolleston. In addition, the proposal will provide anticipated transportation links to adjoining sites in accordance with the relevant development area plan.
128. I consider that the adverse effects on the environment resulting from the proposal will be less than minor. In relation to positive effects, the proposal will increase the supply of allotments for development in Rolleston and will support the connectivity of the wider transportation network. On balance and overall, I conclude that the adverse effects of the proposal will be insignificant.

## Section 106 – Natural Hazards and Access

129. Section 106 of the Act states as follows:

### **106 Consent authority may refuse subdivision consent in certain circumstances**

- (1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—
- (a) there is a significant risk from natural hazards; or
  - (b) [Repealed]
  - (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.
- (1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—
- (a) the likelihood of natural hazards occurring (whether individually or in combination); and
  - (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and
  - (c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).
- (2) Conditions under subsection (1) must be—
- (a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and
  - (b) of a type that could be imposed under section 108.

130. In this case, appropriate legal and physical access can be provided to all lots, and no balance lots are proposed. The application site is not at significant risk from natural hazards, nor will the proposed subdivision exacerbate any existing hazards. The applicant has accepted suggested conditions of consent that would mitigate the potential effects of inundation on residential units or principal buildings.

## Section 104(1)(b) – Relevant Provisions of Statutory Documents

### District Plans (section 104(1)(b)(vi))

#### Operative Selwyn District Plan – Objectives and Policies

131. The Operative Selwyn District Plan objectives and policies that I consider relevant relate to earthworks and transportation.
132. The relevant earthworks provisions (Objective B3.4.3, Policy B3.4.14 & Policy B4.2.5) seek to avoid or minimise potential nuisance effects caused by activities including construction work within Living zones. Whilst the proposal will exceed the maximum volume permitted by the Operative District Plan, a number of conditions are agreed to by the applicant that will avoid or mitigate potential adverse effects associated with the temporary works. The earthworks proposed will be consistent with these provisions.

133. The relevant transport provisions (Objective B2.1.1, & Policy B2.1.10 seek an integrated approach to transport planning to ensure the safe and efficient operation of the District's Roads. This includes ensuring that vehicle crossings are design and positioned to ensure good visibility for all road users, and to ensure safe access and egress. It was concluded that Lot 301 will have safe and efficient access and egress. The subdivision proposal will not generate any inconsistency with these provisions.
134. Overall, I consider the proposal to be consistent with the Operative Selwyn District Plan.

### **Partially Operative Selwyn District Plan – Objectives and Policies**

135. The Partially Operative District Plan objectives and policies that I consider relevant relate to subdivision design & layout, servicing, site sizes, transportation, earthworks, and natural hazards.
136. The subdivision objectives seek an efficient use of land and compatibility with planned urban form (SUB-O1), that sites have the services and characteristics for their intended use (SUB-O2), and that site areas align with the development outcomes of the relevant zone (SUB-O3).
137. The MRZ specifically seeks to enable a mix of densities, which includes a range of housing typologies (MRZ-P1). A large proportion of the proposed allotments will not meet the 16m x 23m minimum site dimension that was developed to accommodate at least three residential units on a site, although the applicant recognises that these allotments may not be suitable for multiple residential units and has volunteered a restriction on these sites to a single residential unit. All sites achieve a minimum building square and could accommodate standalone or duplex typologies (with use of an adjoining site). In addition, approximately one quarter of the proposed sites will achieve the minimum site dimension and will enable the subdivision development to still deliver a range of housing typologies and densities.
138. All lots will be provided with the necessary services and facilities as part of the subdivision works to enable residential development (SUB-P3). No balance lots are proposed or required. Each allotment will have acceptable legal access to a road vested in Council and the shared accessways will provide necessary easements and amalgamation conditions. The land use consent considers the vehicle accessway and roading non-compliances. Although the roads exceed the permitted dimensions, the effects are considered acceptable and will be consistent with the form and function of the existing roads consented in the development area (TRAN-P7). I consider that each lot created will have safe and efficient access to an urban standard road in alignment with SUB-O2 and SUB-P2.
139. The earthworks provisions seek to limit adverse effects on the surrounding environment (EW-O1), and the proposed earthworks will temporary (EW-P1), in association with the development of the land for subdivision. The applicant has agreed to a suite of earthworks related consent conditions that will appropriately minimise and mitigate adverse effects (EW-P4).
140. In respect of natural hazards, new subdivision, use and development should be undertaken in a manner that ensures that the risks of natural hazards to people, property and infrastructure is mitigated (NH-O1 & NH-P1). The site is located within the PFMO, and the proposal includes reporting to confirm that the development of each site created will provide appropriate mitigation for future development. An FAC will be obtained to confirm that the risk to people, property and infrastructure is appropriately mitigated.
141. Overall, I consider the proposal to be consistent with the Partially Operative Selwyn District Plan.

### **Plan Weighting**

142. Section 104(1)(b)(vi) requires the consent authority to have regard to an [operative] plan or proposed plan. Where there is conflict between the provisions of an operative and proposed plan, a weighting assessment is required to determine which plan may be afforded more weight.
143. Case law indicates that the extent to which the provisions of the proposed plan are relevant should be considered on a case-by-case basis and might include:
- how far through the plan making process the proposed plan is, and the extent to which it has been tested and undergone independent decision making;
  - any circumstances of injustice if the provisions are given more or less weight;
  - the extent to which a new provision, or the absence of a provision, implements a coherent pattern of objectives and policies;
  - whether the new provisions represent a significant shift in Council policy; and
  - whether the new provisions are in accordance with Part 2 of the Act.



144. The majority of the proposal is permitted by the Operative District Plan rules, and the need for resource consent is largely required by the Partially Operative District Plan. Therefore, there is some conflict between the provisions contained in each District Plan. However, those relevant provisions relating to the MRZ are now operative (per Clause 103, Schedule 1 of the Act) and greater weight is given to the Partially Operative District Plan for this reason.

### Other Relevant Documents (section 104(1)(b)(i)-(v))

#### Canterbury Regional Policy Statement (CRPS)

145. The District Plans give effect to the relevant higher order documents, including the CRPS. Therefore, I consider there is no need to assess these provisions.

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

146. The NES-CS was discussed earlier in this report, with my conclusion being that it does not apply to this subdivision proposal.
147. There are no other National Environmental Standards (NES) or National Policy Statements (NPS) that warrant consideration in relation to this subdivision proposal.

### Section 104(1)(c) – Other Matters

148. There are no ‘other matters’ considered to be relevant to this proposal.

### Section 104(3)(d) – Notification consideration

149. Section 104(3)(d) states that a consent authority must not grant a resource consent if the application should have been notified and was not. This consideration under s 104 does not raise any issues that would lead me to the conclusion that the application should have been notified. Therefore, it is my view that section 104(3)(d) does not preclude the granting of consent in this case.

## Part 2 – Purpose and principles

150. The consideration under section 104 is subject to Part 2 of the Act – Purpose and principles.
151. The purpose of the Act is contained within section 5 and it is to promote the sustainable management of natural and physical resources. *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 well-being and for their health and safety while: sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.
152. The other sections of Part 2, sections 6, 7 and 8, address matters of national importance, other matters and Te Tiriti o Waitangi (the Treaty of Waitangi) respectively.
153. The relevant District Plans have been prepared having regard to Part 2, with a coherent set of policies designed to achieve clear environmental outcomes; therefore, taking into account relevant case law, I consider that assessment under Part 2 is unlikely to be necessary. For the sake of completeness, however, Part 2 is briefly assessed below.
154. In addition to section 5, I note that the following clauses of Part 2 would be particularly relevant:
- 7(b) *the efficient use and development of natural and physical resources*
  - ...
  - 7(c) *the maintenance and enhancement of amenity values*
  - ...
  - 7(f) *the maintenance and enhancement of the quality of the environment.*

155. Based on my assessment of the proposal in this report, I consider it to be consistent with Part 2 of the Act, as the proposal will promote the sustainable management of natural and physical resources, through avoiding, remedying, or mitigating adverse effects of activities on the environment.

## Conclusions

156. This is a joint application for subdivision, land use and change and cancellation of conditions. The subdivision application proposes to undertake a staged subdivision of previously consented balance allotments to create 71 residential lots, roads & reserves to vest, and accessways, within a Flood Management Overlay.
157. Land use consent is sought to undertake earthworks exceeding the maximum permitted threshold, and to establish non-compliant road widths, a vehicle crossing, an accessway, and a wastewater pump station.
158. It is also proposed to amend or cancel conditions of subdivision consents RC225866 & RC235161 in relation to consent notices.
159. Overall, the proposal is a Discretionary activity.
160. In my view, no adjoining owners/occupiers are considered to be adversely affected by the proposal.
161. I consider that the adverse effects from the proposal on the wider environment will be less than minor.
162. There are no known constraints associated with the proposal that could prevent the granting of this consent under Section 106 of the RMA.
163. I consider that the proposal is consistent with the relevant provisions of the Plans.
164. Having considered all relevant matters, on balance and overall, I conclude that the application may be granted, subject to conditions of consent.

## Recommendation

165. I recommend that subdivision consent RC235357, land use consent RC235358, and change of conditions RC235500 & RC235511 are **granted**, pursuant to sections 104, 104B & 127 of the Resource Management Act 1991, subject to the conditions of consent below pursuant to sections 108, 108AA and 220 of the Act.

## Conditions of Consent

### RC235357 Subdivision Consent Conditions

1. The following conditions of consent shall be met prior to the issue of a section 224(c) Completion Certificate at the expense of the consent holder.
2. The subdivision shall proceed in general accordance with the information submitted with the application on 30 June 2023, the further information provided on 13 October 2023 & 3 November 2023, and the attached stamped Approved Plans entitled "Proposed Subdivision of Lots 501, 502 & 503 RC...." and dated June 2023, including the addition of any utility allotments as required, except where another condition of this consent must be complied with.
3. All required easements shall be created and granted or reserved.
4. The remedial works under the conditions of resource consents RC235161 & RC235162 shall be completed and the site shall be validated.
5. A report and certificate from a Suitably Qualified Expert shall be included in the Engineering Approval application that demonstrates the finished ground level for each residential site created will achieve a finished floor level that has a minimum of 300mm freeboard above the 200 year Average Recurrence Interval (ARI) level for a foundation that is constructed in accordance with the Building Act Acceptable Solutions guidelines.
6. Prior to the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall apply for and be issued with a Global Flood Assessment Certificate from Selwyn District Council for the subdivision or subdivision stage.

7. Lots 44, 45, 55, 49-51, 41-43, 96-102, 323, 104, 108, 109, 324, 236, 237, 89-95, 320-322, 78, 76, 319, 311-318, 296, 297, 317, 298-301, 250-252 shall be restricted to the establishment of not more than one residential unit or principal building. Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for those Lots hereon. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.

#### *Amalgamation*

8. "That Lot 430 (legal access) hereon be held as to two undivided one-half shares by the owners of Lots 45 & 48 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith" (LINZ reference #1863927).
9. "That Lot 441 (legal access) hereon be held as to two undivided one-half shares by the owners of Lots 302 & 303 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith" (LINZ reference #1863927).
10. "That Lot 444 (legal access) hereon be held as to three undivided one-third shares by the owners of Lots 320, 321 & 322 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith" (LINZ reference #1863927).

#### *Consent notices*

11. A consent notice be registered against the Record of Title for each utility lot created, to the effect that it shall be used as a utility lot only. Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for that Lot hereon. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.

#### *Engineering*

12. The engineering design plans and specifications for all works shall be submitted to the Development Engineering Manager for approval including, but not limited to:

- Water supply
- Wastewater
- Stormwater
- Roading, including streetlighting and entrance structures
- Upgrade of existing road frontages
- Shared accessways
- Landscaping and irrigation.

No work shall commence until Engineering Approval has been confirmed in writing. Any subsequent amendments to the plans and specifications shall be submitted to the Development Engineering Manager for approval.

13. All work shall comply with the conditions set out in the Engineering Approval and be constructed in accordance with the approved engineering plans.
14. All work shall comply with the Engineering Code of Practice, except as agreed in the Engineering Approval.
15. The consent holder shall include with the engineering plans and specifications submitted for Engineering Approval, copies of any other consents required and granted in respect of this subdivision, including any certificate of compliance or consent required by Canterbury Regional Council.
16. Unless specific provision is made otherwise through the Engineering Approval the services to all lots shall extend from the road boundary to a point one metre inside the net area of the lot. Please note that the net area is the area excluding any right of way or accessway.
17. The consent holder shall provide accurate 'as built' plans of all services to the satisfaction of the Development Engineering Manager. All assets being vested in Council shall be provided in an appropriate electronic format for integration into Council's systems. Any costs involved in provision and transfer of this data to Councils systems shall be borne by the consent holder.
18. The consent holder shall provide a comprehensive electronic schedule of any assets to be vested in the Council to the satisfaction of the Development Engineering Manager. The schedule shall include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.

19. The Consent Holder shall enter into a bond and be responsible for the maintenance of all subdivision and associated works vested in the Council in relation to the Consent at the issuance of the section 224(c) certificate and continue until the Council tests and accepts the quality of the bonded infrastructure and the agreed or stipulated maintenance period taking into account any needed repairs, replacement or rectification required for a period of:
- (a) 12 months for roading, water, sewer and stormwater reticulation; and
  - (b) 24 months for landscaping, reserve assets, stormwater treatment and discharge systems and sewer pump stations.

#### *Roading*

20. All roads shall be constructed in accordance with the approved engineering plans.
21. All roads shall be vested in the Selwyn District Council as road.
22. The corner of Lots 55, 78, 93, 104, and 237 at the road intersection shall be splayed with a rounded minimum radius of 3 metres.
23. Street lighting shall be provided on all new roads and existing roads in accordance with the Engineering Approval.
24. The consent holder shall install street name signs displaying the Council approved street name and poles at each intersection in accordance with Policy R430.
25. A 2.5m width shared use path shall be provided on Lot 400 & 404, connecting from the road to the adjoining property boundary and tapering where required at the boundary to match existing path widths.
26. A vehicle crossing to service Lots 45 and 48, Lot 79, Lot 253, Lots 302 and 303, and Lots 320, 321 and 322 shall be formed in accordance with the Partially Operative District Plan. The vehicle crossing shall be sealed to match the existing road surface for the full width of the crossing between the site boundary and sealed carriageway.
27. The vehicle accessway serving Lots 45 and 48, Lots 303 and 304, and Lots 320, 321 and 322 shall be formed and sealed in accordance with the Partially Operative District Plan.

#### *Water Supply, Stormwater and Sewer*

28. Each lot within the subdivision shall be separately serviced with water, sewer and stormwater systems. This condition does not apply to stormwater where ground soakage is available.
29. Where sewer and water mains and stormwater systems in private property are to be vested, a written request shall be submitted for Council approval. Easements in gross in favour of Council shall be provided.
30. The net area of each lot shall be provided with an individual potable high pressure connection to the Rolleston water supply in accordance with the approved Engineering Plans.
31. Water meters shall be installed in the road reserve only (please note that multi meter boxes may be utilised).
32. Connection into Council's reticulated water supply shall either be carried out or supervised by Council's contractor CORDE at the cost of the consent holder.
33. Each lot shall be provided with a sewer lateral laid to the boundary of the net area of that lot in accordance with the approved Engineering Plans.
34. All laterals shall be installed ensuring grade and capacity are provided for and in accordance with Council engineering standards, giving regard to maximum upstream development density.
35. All sewer reticulation to be vested shall meet Council CCTV standards.
36. Connection to the Council sewer shall be arranged by the consent holder and the work shall be done by a registered drainlayer.
37. A pump station and associated rising main shall be provided in accordance with the approved engineering plans. The pump station shall be located on that part of Lot 1 DP 427521 (RT 508789) shown as "Proposed Pump Station" of the proposed future subdivision known as Falcons East (the "Pump Station Land"). The consent holder shall be solely responsible for obtaining any necessary agreements and approvals, and meeting all costs, to ensure that the Pump Station Land is transferred to the Council and declared as local purpose (utility) reserve. The s224(c) certificate shall not be granted for Stages 18 & 19 until the pump station and associated rising main is provided, and the Pump Station Land vested, in accordance with this condition and all other requirements of this consent. *Please also refer to advice note "z)" in relation to this condition, included below.*

38. Prior to the issuance of the s224(c) certificate for Stages 18 & 19, either of the following wastewater outfalls shall be certified by the Development Engineering Manager as operational:
- a) A temporary rising main is installed within Lincoln Rolleston Road that is connected to the Rolleston South Pumpstation.
  - b) A direct connection to the wastewater network proposed within Plan Change 78 can be made.

The connection to either outfall will be at the consent holder's expense. The details of the selected connection option and design are to be confirmed at Engineering Approval stage.

39. Where a temporary rising main is established under Condition 38, the Consent Holder shall enter into a bond and be responsible for ensuring that the temporary rising main is disconnected once gravity reticulation is certified as being available by the Development Engineering Manager.
40. The wastewater pumpstation shall be maintained and operated by the consent holder until such time that Selwyn District Council issue an Acceptance Letter. Upon issuing of the letter the operation of the wastewater pumpstation will become the responsibility of Selwyn District Council.
41. An Acceptance Letter shall be issued to the consent holder (after the issuance of the s224(c) certificate) after the 2-year maintenance duration has passed, and once all defects associated with the physical works have been remediated and all quality assurance documents, including but not limited to, as-builts and operations manuals have been reviewed and accepted.
42. The consent holder shall install stormwater reticulation treatment and disposal systems to service the subdivision in accordance with the approved engineering plans and the requirements of Canterbury Regional Council.
43. The consent holder shall prepare and submit a Stormwater Design Report and Management Plan in accordance with the requirements of Selwyn District Council and Canterbury Regional Council. This plan shall be provided for Selwyn District Council's approval and sign-off at the consent holder's cost. It shall include, but not be limited to:
- A plan showing existing ground levels on neighbouring properties along with proposed levels on the subdivision sites. Interference with pre-existing stormwater flows needs to be considered so as not to cause ponding or nuisance on neighbouring or developed land.
  - Existing and proposed drainage plan with sub catchments and flow arrows to show how the drainage will be affected.
  - Calculations to demonstrate compliance with the Engineering Code of Practice and any relevant Environment Canterbury consent conditions.
  - Ongoing operation and maintenance requirements.
44. The proposed development shall not discharge run off onto adjacent properties unless via a controlled outlet approved as part of the Engineering Design Approval.
45. In the event that an adjacent neighbour's historical stormwater drainage was onto the site, the proposed development must maintain or mitigate the historical discharge.
46. Where a specific discharge consent is issued by Canterbury Regional Council (Environment Canterbury), any consent or associated conditions will be subject to Selwyn District Council acceptance, where these obligations will be transferred to Selwyn District Council. The consent holder will hold, operate and maintain the stormwater consent for a minimum of two years after the section 224(c) Completion Certificate has been issued. Council must be satisfied at the end of this period that all aspects of the system, including but not limited to compliance with consent conditions, operations and maintenance costs are acceptable to Council.
47. The consent holder shall provide a Stormwater Operations and Maintenance Manual prior to the approval of the section 224(c) Completion Certificate.
48. Where stormwater mains in private property are to be vested in Selwyn District Council, a written request shall be submitted to the Development Engineering Manager. Easements in gross in favour of Council shall be provided.
49. The Council vested stormwater reticulation system installed as a part of the subdivision works shall to be designed to cater to the following rainfall events:
- Primary system – 10% AEP Rainfall event
  - Secondary system – 1% AEP Rainfall event.

*Power and Telecommunications Services*

50. The consent holder shall provide electricity and telecommunications to the net area of each lot of the subdivision with direct frontage to a road by way of underground reticulation in accordance with the standards of the relevant network utility operator.
51. The consent holder shall provide infrastructure to the net area of each rear lot of the subdivision to enable electricity and telecommunications connections by way of underground reticulation in accordance with the standards of the relevant network utility operator.
52. The consent holder shall provide evidence in writing from the relevant authorities that electrical and telecommunications service connections have been installed to each lot.

#### *Water races*

53. The piped easement width is to be the greater of:

- 2 x (depth to invert) + OD
- 3.0 m

Where OD = Outside Diameter of the pipe laid in easement.

Access to all parts of the water race shall be made available at any time to Council.

#### *Site works*

54. The consent holder must ensure on a continuing basis (until Records of Title are available for each allotment) that dust is not generated from consolidated, disturbance or transportation of material or earthworks activities by keeping the surface of the material damp or by using another appropriate method of dust suppression.
55. A site ground investigation shall be carried out by a suitably qualified person and a report provided to council.
56. The Consent Holder shall confirm whether any earth fill has been placed on site. All earthworks completed on site are to be carried out in accordance with New Zealand Standard (NZS) 4431:2022 – Engineered fill construction for lightweight structures.
57. At the completion of all earthworks Certificates satisfying the conditions of New Zealand Standard (NZS) 4431:2022 – Engineered fill construction for lightweight structures are to be provided to the Selwyn District Council. These certificates will be accompanied by a detailed report highlighting the extent and nature of all earthworks undertaken.

#### *Landscaping*

58. The consent holder shall landscape the street frontages. The minimum standard (unless otherwise agreed through Engineering Design Approval) will include grass berms and street trees. A landscaping proposal shall be submitted to the Council for approval at the time of submission of the engineering plans and specifications, and the landscaping shall be undertaken in accordance with the approved plans.

#### *Fencing Covenants*

59. The consent holder shall ensure that Council is indemnified from liability to contribute to the cost of erection or maintenance of boundary fences between reserves and adjoining lots.
  - a) This shall be ensured by way of a fencing covenant registered against the computer freehold register to issue for each adjoining lot. The covenant is to be prepared by Council's solicitor at the expense of the consent holder.
  - b) The consent holder shall procure a written undertaking from the consent holder's solicitor that the executed fencing covenant will be registered on deposit of the subdivision plan.

#### *Reserves*

60. Pursuant to the relevant legislation the consent holder shall vest Lot 404 and Lot 400 in the Council as Local Purpose (Access) Reserve.
61. The consent holder shall supply to Council copies of all Records of Title for land, other than roads, that is vested in the Council.

### **RC235358 Land Use Consent Conditions**

1. The proposal shall proceed in general accordance with the information submitted with the application on 30 June 2023, the further information provided on 13 October 2023 & 3 November 2023, and the attached stamped Approved Plans entitled "Proposed Subdivision of Lots 501, 502 & 503 RC...." and dated June 2023, except where another condition of this consent must be complied with.

2. All construction noise on the site shall be planned and undertaken to ensure that construction noise emitted from the site does not exceed the noise limits outlined in Table 2 of NZS6803:1999 Acoustics – Construction Noise. Sound levels associated with construction activities shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise.
3. On the completion of works:
  - (a) All disturbed areas shall be returned to its original state as near as is practicable and stabilised and/or revegetated; and
  - (b) All spoil and other waste material from the works shall be removed.
4. An Accidental Discovery Protocol (Attachment 1) must be in place for the entirety of works and all contractors made familiar with this protocol as per policy CL3.8 in the Mahaanui Iwi Management Plan (2013).
5. An Erosion and Sediment Control Plan must be prepared, inspected, and maintained in accordance with Environment Canterbury’s Erosion and Sediment Control Toolbox for Canterbury.
6. An accidental contamination discovery protocol must be implemented during earthwork activity.
7. Fish salvage by a suitably qualified fish expert must be undertaken prior to diverting the water race into pipes.
8. The Applicant must follow Environment Canterbury guidelines to establish effective fish screens on the pipes.

## Attachments

1. RC235357 Subdivision Approved Plans – “Proposed Subdivision of Lots 501, 502 & 503 RC....”
2. RC235357 Accidental Discovery Protocol (ADP)

## RC235500 Cancellation and Change of Consent Conditions

Condition 26 shall be cancelled, and the remaining conditions shall be consequently re-numbered.

Condition 46 (now 45) shall now read:

That pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lot 501 recording the following restrictions:

*“This is an un-serviced development lot. No services (power, phone, water, sewer or stormwater) have been provided to this lot. Connections to the relevant services will be required at the time future development occurs. This includes the establishment of a residential unit or principal building on the lot. No contributions (water, sewer, roading and reserves) have been paid and no credits are available, and they will be payable at the time future development occurs.”*

Condition 49 (now 48) shall now read:

A report and certificate from a Suitably Qualified Expert shall be included in the Engineering Approval application that demonstrates the finished ground level for each residential site created will achieve a finished floor level that has a minimum of 300mm freeboard above the 200 year Average Recurrence Interval (ARI) level for a foundation that is constructed in accordance with the Building Act Acceptable Solutions guidelines.

Prior to the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall apply for and be issued with a Global Flood Assessment Certificate from Selwyn District Council for the subdivision or subdivision stage.

## Full conditions of RC225866 (as amended by RC235500)

### General

1. That the following conditions of consent shall be met prior to the issue of the Section 224(c) Completion Certificate, at the expense of the Consent Holder.
2. That the subdivision shall proceed in general accordance with the attached approved subdivision plan (now marked SDC 225866) and the details included with the application, including the creation of any additional utility lots except where varied by the following conditions of consent.
3. That all required easements shall be duly created and granted or reserved.
4. That should any utility lot be created, a consent notice shall be registered on the Record of Title stating that this lot shall be used as a utility lot only and may not be used for the purpose of any future subdivision or boundary adjustment calculation.
5. That the subdivision may be carried out in stages in no particular order in accordance with the attached approved subdivision plan.

### Water, sewer and stormwater- General

6. Each lot within the subdivision shall be separately serviced with water, sewer and stormwater systems. This condition does not apply to stormwater where ground soakage is available.
7. Where sewer and water mains and stormwater systems in private property are to be vested, a written request shall be submitted for Council approval. Easements in gross in favour of Council shall be provided.

### Water

8. The net area of each lot shall be provided with an individual potable high pressure connection to the Rolleston water supply in accordance with the approved Engineering Plans.
9. Water meters shall be installed in the road reserve only (please note that multi meter boxes may be utilised).
10. Connection into Council's reticulated water supply must either be carried out or supervised by Council's contractor CORDE at the cost of the consent holder.

### Sewer

11. That each lot shall be provided with a sewer lateral laid to the boundary of the net area of that lot in accordance with the approved Engineering Plans.
12. All laterals shall be installed ensuring grade and capacity are provided for and in accordance with Council engineering standards, giving regard to maximum upstream development density.
13. All sewer reticulation to be vested shall meet Council CCTV standards.
14. Connection to the Council sewer shall be arranged by the consent holder and the work shall be done by a registered drainlayer.

### Stormwater

15. The consent holder shall install stormwater reticulation treatment and disposal systems to service the subdivision in accordance with the approved engineering plans and the requirements of Canterbury Regional Council.
16. The consent holder shall prepare and submit a Stormwater Design Report and Management Plan in accordance with the requirements of Selwyn District Council and Canterbury Regional Council. This plan shall be provided for Selwyn District Council's approval and sign-off at the consent holder's cost. It shall include, but not be limited to:



- i. A plan showing existing ground levels on neighbouring properties along with proposed levels on the subdivision sites. Interference with pre-existing stormwater flows needs to be considered so as not to cause ponding or nuisance on neighbouring or developed land.
  - ii. Existing and proposed drainage plan with sub catchments and flow arrows to show how the drainage will be affected.
  - iii. Calculations to demonstrate compliance with the Engineering Code of Practice and any relevant Environment Canterbury consent conditions.
  - iv. Ongoing operation and maintenance requirements.
17. Where stormwater discharges are to be undertaken as a permitted activity, confirmation in writing of permitted status shall be provided from Canterbury Regional Council in the form of a certificate of compliance.
18. The proposed development shall not discharge run off onto adjacent properties unless via a controlled outlet approved as part of the Engineering Design Approval.
19. In the event that an adjacent neighbour's historical stormwater drainage was onto the site, the proposed development must maintain or mitigate the historical discharge.
20. Where a specific discharge consent is issued by Canterbury Regional Council (Environment Canterbury), any consent or associated conditions will be subject to Selwyn District Council acceptance, where these obligations will be transferred to Selwyn District Council. The consent holder will hold, operate and maintain the stormwater consent for a minimum of two years after the section 224(c) Completion Certificate has been issued. Council must be satisfied at the end of this period that all aspects of the system, including but not limited to compliance with consent conditions, operations and maintenance costs are acceptable to Council.
21. The consent holder shall provide a Stormwater Operations and Maintenance Manual prior to the approval of the section 224(c) Completion Certificate.
22. Where stormwater mains in private property are to be vested in Selwyn District Council, a written request shall be submitted to the Development Engineering Manager. Easements in gross in favour of Council shall be provided.

#### Utilities

23. The consent holder shall provide electricity and telecommunications to the net area of each lot of the subdivision with direct frontage to a road by way of underground reticulation in accordance with the standards of the relevant network utility operator.
24. The consent holder shall provide infrastructure to the net area of each rear lot of the subdivision to enable electricity and telecommunications connections by way of underground reticulation in accordance with the standards of the relevant network utility operator.
25. The consent holder shall provide evidence in writing from the relevant authorities that electrical and telephone service connections have been installed to each lot.

#### Site stability and site works

26. That all site works are to be undertaken in accordance with the conditions of resource consent RC225867.
27. All construction noise on the site shall be planned and undertaken to ensure that construction noise emitted from the site does not exceed the noise limits outlined in Table 2 of NZS6803:1999 Acoustics – Construction Noise. Sound levels associated with construction activities shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise.
28. That the Consent Holder shall ensure on a continuing basis (until Record of Titles are available for each lot) that dust is not generated from: consolidated material; the disturbance or transportation of material; or earthworks activities by keeping the surface of the material damp or by using another appropriate method of dust suppression. This applies to exposed areas of earth, stockpiles and unsealed roads.

29. The consent holder shall implement best practicable option measures to avoid or mitigate the discharge of sediment laden runoff beyond the boundary of the property.
30. That the consent holder shall ensure on a continuing basis that dust created by the disturbance or transportation of materials is confined to within the boundaries of the application site.
31. Any filling on the site is to take into account the current land stormwater and drainage pattern and is not to divert stormwater onto adjoining properties.
32. The Consent Holder shall confirm whether any earth fill has been placed on site. All earthworks completed on site are to be carried out in accordance with New Zealand Standard (NZS) 4431:2022 – Engineered fill construction for lightweight structures.
33. At the completion of all earthworks Certificates satisfying the conditions of New Zealand Standard (NZS) 4431:2022 – Engineered fill construction for lightweight structures, are to be provided to the Selwyn District Council. These certificates will detail the extent and nature of all earthworks undertaken.
34. On the completion of works:
  - a) All disturbed areas shall be returned to its original state as near as is practicable and stabilised and/or revegetated; and
  - b) All spoil and other waste material from the works shall be removed.

#### Landscaping and irrigation

35. The consent holder shall landscape the street frontages. The minimum standard (unless otherwise agreed through Engineering Design Approval) will include grass berms and street trees. A landscaping proposal shall be submitted to the Council for approval at the time of submission of the engineering plans and specifications, and the landscaping shall be undertaken in accordance with the approved plans.
36. Entrance structures shall not be placed on Council road reserve

#### Roading and access

37. All roads shall be constructed in accordance with the approved engineering plans. All roads shall be vested in the Selwyn District Council as road.
38. The corner of any lot at a road intersection shall be splayed with a rounded minimum radius of 3 metres.
39. Street lighting shall be provided on all new roads and existing roads in accordance with the Engineering Approval.
40. A vehicle crossing to service Lot 20 shall be formed in accordance with Appendix 13 of the District Plan (Townships Volume). The vehicle crossing shall be sealed/metalled to match the existing road surface for the full width of the crossing between the site boundary and sealed carriageway.
41. The vehicle accessway servicing Lot 20 shall be formed in accordance with Appendix 13 of the District Plan (Townships Volume).

#### Point strips (Lot 347 DP 535296 and Lot 348 DP 535296)

42. That each road, and accordingly each lot, with the exception of Lot 501 (Future Development lot), shall have full physical and legal connection to the Council roading network in accordance with the approved plan and shall connect to roads and related Council infrastructure where these have been provided in advance and maybe subject to a Point Strip Agreement.
43. Given that this land (Lot 347 DP 535296 and Lot 348 DP 535296) is held in Council's legal ownership as fee simple land, such access can only occur with the Council's consent, otherwise technically it will be a legal trespass. Access should only be given by Council on the basis the Point Strip Agreed Sum has or will be paid, given the requirements of the Point Strip Agreement. This will likely arise as part of the Engineering Approvals process on how the roading and services connections are required to be made across the Point Strip.

#### Lots 500 and 501- Balance and future development lot

44. That pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lot 500 recording the following restrictions:
- a) *This lot is an unserviced development lot. No services (power, phone, water or sewer) have been provided to this lot. Connections to the relevant services will be required at the time future development occurs. No development contributions (water, sewer, roading and reserves) have been paid and no credits are available. No residential dwelling shall be erected on this lot.*
  - b) *A road frontage upgrade for Lincoln Rolleston Road will be required when Balance Lot 500 is subdivided. This future road frontage upgrade is to tie into Saker Place and shall extend for the full length of the road frontage and formed to the corner/intersection with Saker Place.*
45. That pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lot 501 recording the following restrictions:

*“This is an un-serviced development lot. No services (power, phone, water, sewer or stormwater) have been provided to this lot. Connections to the relevant services will be required at the time future development occurs. This includes the establishment of a residential unit or principal building on the lot. No contributions (water, sewer, roading and reserves) have been paid and no credits are available, and they will be payable at the time future development occurs.”*

#### Cancellation of consent notices

46. Existing consent notice CN 12285127.4 and CN 12285127.2 registered on Record of Title 1024686 (Lot 1 DP 568976) shall be cancelled.

#### Potential Contamination

47. Where evidence of a contaminated site not identified in the application is found at any stage of the site development works, then work shall cease at that site until the risk has been assessed by an Suitably Qualified Environmental Practitioner in accordance with current Ministry for the Environment Guidelines and, if required, a resource consent obtained under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (or most recent subsequent amendment). Once the risk has been assessed and any required resource consent obtained, the consent holder shall undertake all necessary work to rehabilitate the site in accordance with either the standards for permitted activities or the conditions of the resource consent (as appropriate). All works shall be undertaken at the consent holders' expense.

#### Natural Hazards

48. A report and certificate from a Suitably Qualified Expert shall be included in the Engineering Approval application that demonstrates the finished ground level for each residential site created will achieve a finished floor level that has a minimum of 300mm freeboard above the 200 year Average Recurrence Interval (ARI) level for a foundation that is constructed in accordance with the Building Act Acceptable Solutions guidelines.

Prior to the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall apply for and be issued with a Global Flood Assessment Certificate from Selwyn District Council for the subdivision or subdivision stage.

#### Engineering- General

49. The engineering design plans and specifications for all works shall be submitted to the Development Engineering Manager for approval including, but not limited to:
- Water supply
  - Sewerage
  - Stormwater
  - Roading, including streetlighting and entrance structures
  - Upgrade of existing road frontages

- Shared accessways
- Landscaping and irrigation.

No work shall commence until Engineering Approval has been confirmed in writing. Any subsequent amendments to the plans and specifications shall be submitted to the Development Engineering Manager for approval.

50. All work shall comply with the conditions set out in the Engineering Approval and be constructed in accordance with the approved engineering plans.
51. All work shall comply with the Engineering Code of Practice, except as agreed in the Engineering Approval.
52. The consent holder shall include with the engineering plans and specifications submitted for Engineering Approval, copies of any other consents required and granted in respect of this subdivision, including any certificate of compliance or consent required by Canterbury Regional Council.
53. Unless specific provision is made otherwise through the Engineering Approval the services to all lots shall extend from the road boundary to a point one metre inside the net area of the lot. Please note that the net area is the area excluding any right of way or accessway.
54. The consent holder shall provide accurate 'as built' plans of all services to the satisfaction of the Development Engineering Manager. All assets being vested in Council shall be provided in an appropriate electronic format for integration into Council's systems. Any costs involved in provision and transfer of this data to Councils systems shall be borne by the consent holder.
55. The consent holder shall provide a comprehensive electronic schedule of any assets to be vested in the Council to the satisfaction of the Development Engineering Manager. The schedule shall include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.
56. Maintenance Bonds (In accordance with the Council's Bonding Policy of Subdivision Works and Large Projects as at the date of issue of this consent)

The Consent Holder shall enter into a bond and be responsible for the maintenance of all subdivision and associated works vested in the Council in relation to the Consent at the issuance of the section 224(c) certificate and continue until the Council tests and accepts the quality of the bonded infrastructure and the agreed or stipulated maintenance period taking into account any needed repairs, replacement or rectification required for a period of:

- a. 12 months for roading, water, sewer and stormwater reticulation; and
- b. 24 months for landscaping, reserve assets, stormwater treatment and discharge systems and sewer pump stations.

## **RC235511 Change of Consent Conditions**

Condition 8 shall now read:

*"This is an un-serviced development lot. No services (power, phone, water, sewer or stormwater) have been provided to this lot. Connections to the relevant services will be required at the time future development occurs. This includes the establishment of a residential unit or principal building on the lot. No contributions (water, sewer, roading and reserves) have been paid and no credits are available, and they will be payable at the time future development occurs."*

Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for Lots 502 & 503 hereon. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.

Condition 11 shall be cancelled, and the remaining conditions shall be consequently re-numbered.

Condition 12 shall be cancelled, and the remaining conditions shall be consequently re-numbered.

### **Full conditions of RC235161 (as amended by RC235511)**

## General

1. The following conditions of consent shall be met prior to the issue of a section 224(c) Completion Certificate at the expense of the consent holder.
2. The subdivision shall proceed in general accordance with the information submitted with the application on 28 March 2023, the further information dated 23 June 2023, and the attached approved subdivision plans entitled "Falcons View, Proposed subdivision of Lot 2 DP 578200, Lot 2 DP 568976, and Lot 500 RC....., Proposed Subdivision Consent 2", Revision 7 dated June 2023 (now marked RC235161), including the addition of any utility allotments as required, except where another condition of this consent must be complied with.
3. The subdivision may be undertaken in stages, as illustrated on the approved scheme plan. If the subdivision is undertaken in stages, the staging shall be undertaken in a manner that maintains servicing and legal access to each completed subdivision stage.
4. All required easements shall be created and granted or reserved.

## Amalgamation

5. That the following amalgamation conditions shall apply. (LINZ Reference #1847222)

### Stage 8

- "That Lot 431 (legal access) hereon be held as to two undivided one-half shares by the owners of Lots 114 & 115 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."

### Stage 10

- "That Lot 432 (legal access) hereon be held as to four undivided one-quarter shares by the owners of Lots 141, 142, 143 & 144 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."
- "That Lot 433 (legal access) hereon be held as to six undivided one-sixth shares by the owners of Lots 156, 157, 158, 159, 160 & 161 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."
- "That Lot 434 (legal access) hereon be held as to seven undivided one-seventh shares by the owners of Lots 166, 167, 168, 169, 170, 171 & 172 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."

### Stage 13

- "That Lot 435 (legal access) hereon be held as to four undivided one-quarter shares by the owners of Lots 207, 208, 209 & 210 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith.'
- "That Lot 443 (legal access) hereon be held as to two undivided one-half shares by the owners of Lots 205 & 206 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."

### Stage 14

- "That Lot 436 (legal access) hereon be held as to nine undivided one-ninth shares by the owners of Lots 228, 229, 230, 231, 232, 233, 234, 235 & Lot 1 DP 578200 (RT 1084942) hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."

### Stage 16

- "That Lot 437 (legal access) hereon be held as to two undivided one-half shares by the owners of Lots 294 & 295 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."
- "That Lot 442 (legal access) hereon be held as to six undivided one-sixth shares by the owners of Lots 193, 268, 269, 270, 271 & 272 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."
- "That Lot 438 (legal access) hereon be held as to two undivided one-half shares by the owners of Lots 285 & 286 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."
- "That Lot 445 (legal access) hereon be held as to three undivided one-third shares by the owners of Lots 273, 274 & 275 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."

## Consent notices

6. That a Consent notice be registered against the Record of Title for each utility lot created, to the effect that it shall be used as a utility lot only. Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for that Lot hereon. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.
7. That any temporary un-serviced balance lot shall be subject to the following consent notice which shall be prepared and registered by Council's solicitor at the request and expense of the consent holder:  

This is an un-serviced balance allotment. No services (power, phone, water, sewer or stormwater) have been provided to this lot. No contributions (water, sewer, roading and reserves) have been paid and no credits are available.

The consent notice shall be removed/cancelled as each subsequent stage of the subdivision is completed.
8. *"This is an un-serviced development lot. No services (power, phone, water, sewer or stormwater) have been provided to this lot. Connections to the relevant services will be required at the time future development occurs. This includes the establishment of a residential unit or principal building on the lot. No contributions (water, sewer, roading and reserves) have been paid and no credits are available, and they will be payable at the time future development occurs."*  

Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for Lots 502 & 503 hereon. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.
9. That the following consent notices shall be cancelled.
  - Lot 500 of RC225866:
    - i. CN12285127.2 (requiring a DSI prior to any residential development on the site).
    - ii. a new consent notice specifying no residential allotment to be erected on the lot due to it being unserviced and that a road frontage upgrade for Lincoln Rolleston Road is required for further subdivision.
  - Lot 2 DP 568976 – CN12285127.3 (requires a DSI prior to any residential development on site).
  - Lot 2 DP 578200 – CN12583717.2 (no residential dwellings to be erected, an unserviced lot).
10. Proposed Lot 316 shall be used as a local business centre, in alignment with the ODP requirements. That unless a resource consent has been granted otherwise, all future development and activities will be subject to the relevant Business 1 zone requirements in the Operative District Plan (Townships Volume)  

Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for Lot 316 hereon. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.

### Engineering

11. The engineering design plans and specifications for all works shall be submitted to the Development Engineering Manager for approval including, but not limited to:
  - Water supply
  - Sewerage
  - Stormwater
  - Roothing, including streetlighting and entrance structures
  - Upgrade of existing road frontages
  - Shared accessways
  - Landscaping and irrigation.

No work shall commence until Engineering Approval has been confirmed in writing. Any subsequent amendments to the plans and specifications shall be submitted to the Development Engineering Manager for approval.
12. All work shall comply with the conditions set out in the Engineering Approval and be constructed in accordance with the approved engineering plans.
13. All work shall comply with the Engineering Code of Practice, except as agreed in the Engineering Approval.

14. The consent holder shall include with the engineering plans and specifications submitted for Engineering Approval, copies of any other consents required and granted in respect of this subdivision, including any certificate of compliance or consent required by Canterbury Regional Council.
15. That a report be provided at Engineering Approval stage, by a suitably qualified and experienced person confirming that the engineering design of the subdivision is sufficient to mitigate flooding on every site, based on a 200-year Annual Exceedance Probability rainfall event.
16. Unless specific provision is made otherwise through the Engineering Approval the services to all lots shall extend from the road boundary to a point one metre inside the net area of the lot. Please note that the net area is the area excluding any right of way or accessway.
17. The consent holder shall provide accurate 'as built' plans of all services to the satisfaction of the Development Engineering Manager. All assets being vested in Council shall be provided in an appropriate electronic format for integration into Council's systems. Any costs involved in provision and transfer of this data to Councils systems shall be borne by the consent holder.
18. The consent holder shall provide a comprehensive electronic schedule of any assets to be vested in the Council to the satisfaction of the Development Engineering Manager. The schedule shall include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.
19. The Consent Holder shall enter into a bond and be responsible for the maintenance of all subdivision and associated works vested in the Council in relation to the Consent at the issuance of the section 224(c) certificate and continue until the Council tests and accepts the quality of the bonded infrastructure and the agreed or stipulated maintenance period taking into account any needed repairs, replacement or rectification required for a period of:
  - a) 12 months for roading, water, sewer and stormwater reticulation; and
  - b) 24 months for landscaping, reserve assets, stormwater treatment and discharge systems and sewer pump stations.

#### *Roading*

20. The full length of the existing Lincoln Rolleston Road frontage to the application site shall be upgraded to township/urban standards to the road centreline, including but not limited to seal widening, kerbing, shared use paths and street lighting.
21. All roads shall be constructed in accordance with the approved engineering plans. The Ed Hillary Drive extension shall specifically be formed to a Collector Road standard in regard to Appendix 13 of the Operative District Plan (Townships Volume).
22. All roads shall be vested in the Selwyn District Council as road.
23. The corners of the lots at the intersection of Lincoln Rolleston Road and Ed Hillary Drive shall be splayed to allow for the future construction of a roundabout. The corner of lots at all other road intersections shall be splayed with a rounded minimum radius of 3 metres.
24. Street lighting shall be provided on all new roads and existing roads in accordance with the Engineering Approval.
25. The consent holder shall install street name signs displaying the Council approved street name and poles at each intersection in accordance with Policy R430.
26. A vehicle crossing to service Lots 110, 218, 242, 304, 431, 432, 433, 434, 435, 443, 436, 437, 442, 438 & 445 shall be formed in accordance with Appendix 13 of the District Plan (Townships Volume). The vehicle crossing shall be sealed to match the existing road surface for the full width of the crossing between the site boundary and sealed carriageway.
27. Unless as agreed through engineering approval, the vehicle accessways serving 110, 218, 242, 304, 431, 432, 433, 434, 435, 443, 436, 437, 442, 438 & 445 shall be formed in accordance with Appendix 13 of the District Plan (Townships Volume). Those shared accessways serving more than 6 lots shall provide a minimum formed width of 5.5m.

#### *Water Supply, Stormwater and Sewer*

28. Each lot within the subdivision shall be separately serviced with water, sewer and stormwater systems. This condition does not apply to stormwater where ground soakage is available.
29. Where sewer and water mains and stormwater systems in private property are to be vested, a written request shall be submitted for Council approval. Easements in gross in favour of Council shall be provided.

30. The net area of each lot shall be provided with an individual potable high pressure connection to the Rolleston water supply in accordance with the approved Engineering Plans.
31. Water meters shall be installed in the road reserve only (please note that multi meter boxes may be utilised).
32. Connection into Council's reticulated water supply shall either be carried out or supervised by Council's contractor CORDE at the cost of the consent holder.
33. As part of the works to provide the water supply to the subdivision the applicant is to enter into a developer's agreement with council prior to commencement of works for Council to cover the extra over costs to install a 375 mm diameter water main in Lincoln Rolleston Road. Details of the agreement can be confirmed at Engineering Approval.
34. That each lot shall be provided with a sewer lateral laid to the boundary of the net area of that lot in accordance with the approved Engineering Plans.
35. All laterals shall be installed ensuring grade and capacity are provided for and in accordance with Council engineering standards, giving regard to maximum upstream development density.
36. All sewer reticulation to be vested shall meet Council CCTV standards.
37. Connection to the Council sewer shall be arranged by the consent holder and the work shall be done by a registered drainlayer.
38. The consent holder shall install stormwater reticulation treatment and disposal systems to service the subdivision in accordance with the approved engineering plans and the requirements of Canterbury Regional Council.
39. The Council vested stormwater reticulation system installed as a part of the subdivision works shall be designed to cater to the following rainfall events:
  - Primary system – 10% AEP Rainfall event
  - Secondary system – 1% AEP Rainfall event
40. The consent holder shall prepare and submit a Stormwater Design Report and Management Plan in accordance with the requirements of Selwyn District Council and Canterbury Regional Council. This plan shall be provided for Selwyn District Council's approval and sign-off at the consent holder's cost. It shall include, but not be limited to:
  - A plan showing existing ground levels on neighbouring properties along with proposed levels on the subdivision sites. Interference with pre-existing stormwater flows needs to be considered so as not to cause ponding or nuisance on neighbouring or developed land.
  - Existing and proposed drainage plan with sub catchments and flow arrows to show how the drainage will be affected.
  - Calculations to demonstrate compliance with the Engineering Code of Practice and any relevant Environment Canterbury consent conditions.
  - Ongoing operation and maintenance requirements.
41. The proposed development shall not discharge run off onto adjacent properties unless via a controlled outlet approved as part of the Engineering Design Approval.
42. In the event that an adjacent neighbour's historical stormwater drainage was onto the site, the proposed development must maintain or mitigate the historical discharge.
43. Where a specific discharge consent is issued by Canterbury Regional Council (Environment Canterbury), any consent or associated conditions will be subject to Selwyn District Council acceptance, where these obligations will be transferred to Selwyn District Council. The consent holder will hold, operate and maintain the stormwater consent for a minimum of two years after the section 224(c) Completion Certificate has been issued. Council must be satisfied at the end of this period that all aspects of the system, including but not limited to compliance with consent conditions, operations and maintenance costs are acceptable to Council.
44. The consent holder shall provide a Stormwater Operations and Maintenance Manual prior to the approval of the section 224(c) Completion Certificate.
45. Where stormwater mains in private property are to be vested in Selwyn District Council, a written request shall be submitted to the Development Engineering Manager. Easements in gross in favour of Council shall be provided.

*Power and Telecommunications Services*



46. The consent holder shall provide electricity and telecommunications to the net area of each lot of the subdivision with direct frontage to a road by way of underground reticulation in accordance with the standards of the relevant network utility operator.
47. The consent holder shall provide infrastructure to the net area of each rear lot of the subdivision to enable electricity and telecommunications connections by way of underground reticulation in accordance with the standards of the relevant network utility operator.
48. The consent holder shall provide evidence in writing from the relevant authorities that electrical and telecommunications service connections have been installed to each lot.

#### *Water races*

49. That unless the water race is formally closed, the water race within the site shall be piped. Engineering plans for the piping of the water race shall be submitted to the Development Engineering Manager for approval. For clarity, Conditions 52 & 53 shall not apply in the event of the water race closure.
50. The inlet and outlet of the piped water race shall be precast concrete headwalls (unless an alternative option is approved as part of Engineering Approval) and the minimum diameter of the pipe shall be 300mm. Pipe diameter must be confirmed by detailed design.
51. Where the alignment of the piping is not located within the road reserve, an easement in gross favour of Council to the width that is the greater of:
  - 2.0m x (depth to invert) + OD
  - 3.0mWhere OD is the outside diameter of the pipe laid.

#### *Site Stability and Site Works*

52. That the consent holder ensure on a continuing basis (until Certificates of Title are available for each allotment) that dust is not generated from consolidated, disturbance or transportation of material or earthworks activities by keeping the surface of the material damp or by using another appropriate method of dust suppression.
53. A site ground investigation shall be carried out by a suitably qualified person and a report provided to council.
54. The Consent Holder shall confirm whether any earth fill has been placed on site. All earthworks completed on site are to be carried out in accordance with New Zealand Standard (NZS) 4431:2022 – Engineered fill construction for lightweight structures.
55. At the completion of all earthworks Certificates satisfying the conditions of New Zealand Standard (NZS) 4431:2022 – Engineered fill construction for lightweight structures are to be provided to the Selwyn District Council. These certificates will be accompanied by a detailed report highlighting the extent and nature of all earthworks undertaken.

#### *Landscaping*

56. The consent holder shall landscape the street frontages. The minimum standard (unless otherwise agreed through Engineering Design Approval) will include grass berms and street trees. A landscaping proposal shall be submitted to the Council for approval at the time of submission of the engineering plans and specifications, and the landscaping shall be undertaken in accordance with the approved plans.
57. Entrance structures shall not be placed on Council road reserve.

#### *Fencing Covenants*

58. The consent holder shall ensure that Council is indemnified from liability to contribute to the cost of erection or maintenance of boundary fences between reserves and adjoining lots.
  - a) This shall be ensured by way of a fencing covenant registered against the computer freehold register to issue for each adjoining lot. The covenant is to be prepared by Council's solicitor at the expense of the consent holder.
  - b) The consent holder shall procure a written undertaking from the consent holder's solicitor that the executed fencing covenant will be registered on deposit of the subdivision plan.

#### *Reserves*

59. Pursuant to the relevant legislation the consent holder shall vest Lot 401 in the Council as Recreation Reserve and Lots 402 & 403 as Local Purpose (Accessway) Reserves.

60. The consent holder shall supply to Council copies of all Certificates of Title for land, other than roads, that is vested in the Council.


#### *Contaminated land*

61. Soil and material that contains concentrations of contaminants in excess of soil contaminants standards or guidelines for residential land use under the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health shall be remediated in accordance with the Remediation Action Plan, submitted with the application.
62. All contaminated material that is removed from the site shall be taken to an authorised facility for disposal.
63. Where contaminated material is removed from the site, the consent holder shall submit to the Team Leader Compliance waste manifests from the contractor and cartage company that clearly identify the stockpile reference number against the laboratory sample number at the end of the remediation process.
64. Any contaminated material that is excavated and stored on the site shall be stockpiled on an already contaminated part of the site or on a surface that will prevent the stockpile from contaminating a new part of the site.
65. Any replacement soils shall be certified as clean fill by the supplier or tested to confirm that they are suitable for residential land use under the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health.
66. The consent holder shall submit to the Team Leader Compliance a Site Validation Report prepared in accordance with the Ministry for the Environment Contaminated Land Management Guidelines No.1 – Reporting on Contaminated Sites in New Zealand (Revised 2011) at the end of the remediation process.
67. Where evidence of a contaminated site not identified in the application is found at any stage of the site development works, then work shall cease at that site until the risk has been assessed by an Suitably Qualified Environmental Practitioner in accordance with current Ministry for the Environment Guidelines and, if required, a resource consent obtained under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (or most recent subsequent amendment). Once the risk has been assessed and any required resource consent obtained, the consent holder shall undertake all necessary work to rehabilitate the site in accordance with either the standards for permitted activities or the conditions of the resource consent (as appropriate). All works shall be undertaken at the consent holders' expense.

<b>Reported and recommended by:</b> Richard Bigsby, Senior Resource Management Planner	<b>Date: 22 November 2023</b>
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## Decisions

For the reasons set out in the report above, the Recommendation is adopted under delegated authority.

 <b>Janette Dovey, Team Leader Resource Consents</b>	<b>Date: 24 November 2023</b>
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## Development Contributions (Subdivision Consent)

Development contributions are not conditions of this resource consent and there is no right of objection or appeal under the Resource Management Act 1991. Objections and applications for reconsideration can be made under the Local

Government Act 2002. Any objection or request for reconsideration must be made in writing in accordance with the Development Contribution Policy.

The consent holder is advised that, pursuant to the Local Government Act 2002 and the Council's Development Contribution Policy, the following contributions are to be paid in respect of this subdivision before the Council will issue its certificate pursuant to section 224(c) of the Resource Management Act 1991.

Note: The amounts set out in the attached table are applicable at the time of the granting of this consent. If the time between the date the resource consent is granted and the time which the Council would normally invoice for the development contributions (usually the time an application is made for the issue of Council's section 224(c) certificate for the subdivision) is more than 24 months, the development contributions will be reassessed in accordance with the development contributions policy in force at the time the consent was submitted. To avoid delays, the consent holder should seek the reassessed amounts prior to the application for the section 224(c) Resource Management Act 1991 certificate.

Please contact our Development Contributions Assessor on 03 347 2800 or at: [development.contributions@selwyn.govt.nz](mailto:development.contributions@selwyn.govt.nz).

Activity	Demand Post Development (HUE)	Credits for Existing Demand (HUE)	Additional Demand (HUE)	Development Contribution per HUE (\$)	Development Contribution (\$ Excl. GST)	GST (\$)	Development Contribution (\$ Incl. GST)
Water Supply	71.00	0.00	71.00	2,192.00	155,632.00	23,344.80	178,976.80
Wastewater	71.00	0.00	71.00	5,138.00	364,798.00	54,719.70	419,517.70
Stormwater	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Reserves	71.00	0.00	71.00	10,352.00	734,992.00	110,248.80	845,240.80
Roading	71.00	0.00	71.00	1,310.00	93,010.00	13,951.50	106,961.50
Lowes Road ODP	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contribution</b>					<b>1,348,432.00</b>	<b>202,264.80</b>	<b>1,550,696.80</b>

## Selwyn District Council Advice Notes for the Consent Holder

### Lapse Period (Subdivision Consent)

- a) Pursuant to section 125 of the Resource Management Act 1991, this subdivision consent lapses five years after the date of issue of the decision, i.e. the date of receipt of the Notice of Decision email, unless:
  - (i) A survey plan is submitted to Council for approval under section 223 of the Act before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the Act; or
  - (ii) Before the consent lapses an application is made to the Council to extend the period after which the consent lapses and the Council decides to grant an extension.

### Lapse Period (Land Use Consent)

- b) Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this land use consent shall lapse five years after the date of issue of the decision, i.e. the date of receipt of the Notice of Decision email, unless before the consent lapses an application is made to the Council to extend the period after which the consent lapses and the Council decides to grant an extension.

### Section 224 Certificate Issuing Requirements (Subdivision)

- c) A Section 224 Certificate will not be issued until all Council invoices, including engineering fees and any other related costs associated with the Resource Consent have been paid in full.

### Resource Consent Only

- d) This consent is a Selwyn District Council resource consent under the Resource Management Act. It is not an approval under any other Act, Regulation or Bylaw. Separate applications will need to be made for any other approval, such as a water race bylaw approval or vehicle crossing approval.

## Building Act

- e) This consent is not an authority to build or to change the use of a building under the Building Act. Building consent will be required before construction begins or the use of the building changes.

## Regional Consents

- f) This activity may require resource consent(s) from Environment Canterbury (ECan). It is the consent holder's responsibility to ensure that all necessary resource consents are obtained prior to the commencement of the activity.

## Monitoring

- g) In accordance with section 36 of the Resource Management Act 1991, the Council's basic monitoring fee has been charged. This covers setting up a monitoring programme and no site inspection.
- h) If the conditions of this consent require any reports or information to be submitted to the Council, additional monitoring fees for the review and certification of reports or information will be charged on a time and cost basis. This may include consultant fees if the Council does not employ staff with the expertise to review the reports or information.
- i) Where the conditions of this consent require any reports or information to be submitted to the Council, please forward to the Council's Compliance Team, [compliance@selwyn.govt.nz](mailto:compliance@selwyn.govt.nz).
- j) Any resource consent that requires additional monitoring due to non-compliance with the conditions of the resource consent will be charged additional monitoring fees at a time and cost basis.

## Vehicle Crossings

- k) Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Infrastructure Department prior to installation. For any questions regarding this process please contact [transportation@selwyn.govt.nz](mailto:transportation@selwyn.govt.nz). Use the following link for a vehicle crossing information pack and to apply online: [Selwyn District Council - Application to Form a Vehicle Crossing \(Entranceway\)](#)

## Impact on Council Assets

- l) Any damage to fixtures or features within the Council road reserve that results from construction or demolition on the site shall be repaired or reinstated at the expense of the consent holder.

## Vehicle Parking During the Construction Phase

- m) Selwyn District Council is working to keep our footpaths safe and accessible for pedestrians, including school children. The Council also seeks to avoid damage to underground utility services under footpaths, e.g. fibre broadband. During the construction phase (and at all other times), please:
  - park only on the road or fully within your property – it is illegal to obstruct or park on a footpath; and
  - arrange large deliveries outside of peak pedestrian hours, e.g. outside school start/finish times.

## General & Engineering

- n) Engineering Approval – All applications for Engineering Approval shall be uploaded electronically to the Selwyn District Council Website at the following address: [www.selwyn.govt.nz/services/subdivisions/engineering-approval/](http://www.selwyn.govt.nz/services/subdivisions/engineering-approval/)

The application shall include:

1. Design specifications
2. Design drawings
3. Design calculations
4. Relevant Resource Consents or Certificates of Compliance.

All correspondence regarding engineering approvals is to be directed to: [Development.Engineer@selwyn.govt.nz](mailto:Development.Engineer@selwyn.govt.nz)

- o) Maintenance Bonds (In accordance with the Council's Bonding Policy of Subdivision Works and Large Projects as at the date of issue of this consent) - Maintenance bonds shall be valued at 5% of the total value of works (plus GST).

1. The resource consent holder shall provide costings and estimates for the total value of works from an independent quantity surveyor, acceptable to Council, at the resource consent holder's expense.
2. The Council may re-evaluate the value and duration of the maintenance bond for the following reasons:
  - (a) Inflation;
  - (b) Delays in works being completed; or
  - (c) Repairs, rectification and or replacement is required
  - (d) Price escalations.
- p) Road and street names and individual property address numbers shall be adopted only upon Council approval. The applicant shall supply to Council for consideration a minimum of 3 names, listed in preference, for those roads or streets that are to be vested in Council. This may be done at Engineering Approval.
- q) Access to allotments in this subdivision relies upon legal access being provided over the Point Strips which were created by RC175169. Access over the Point Strip is subject to an existing Point Strip agreement. The agreement will include:
  - i. An agreed sum to be paid by the consent holder to recover original infrastructure costs incurred by the adjoining owner from which the consent holder will benefit. The agreed sum will be Consumer Price Index adjusted from the time it was agreed to when it is paid.
  - ii. That on payment of the agreed sum the Council will transfer by vesting or dedication the Point Strip held under its title to legal road.

The Section 224(c) certificate will not be issued (for Stage 5) until such time as the Point Strip has been vested as road.

- r) All new residential lots adjoining legal roads and/or private roads/rights of way created by this subdivision will be issued property numbers by Council in accordance with Council Policy. The consent holder shall supply Council with a finalised Deposited Plan to enable numbers to be generated for issue and adoption.
- s) The Council accepts new roads or reserves subject to land covenants in limited circumstances as outlined in the Policy for the Vesting of Road and Reserves Subject to Land Covenants which is attached to this decision.
- t) Water connections - For supervision purposes a minimum of 2 working days' notice is required. Please note a connection fee being the actual cost quoted by CORDE will apply.
- u) The Stormwater Operations and Maintenance Manual shall include but not be limited to:
  - o As built documents/images of system for baseline records. This would include the extent of the stormwater catchments, surveyed long-sections and x-sections of pipelines and stormwater management devices e.g. basins wetlands and swales, and where available, any baseline data i.e. water quality, quantity or soil monitoring results.
  - o Contact details for maintenance personnel engaged by the developer over the maintenance period
  - o As built documents/images of system for baseline records. This would include the extent of the stormwater catchments and any baseline data i.e. heavy metal level in receiving environment.
  - o Maintenance procedures and how compliance with the consent conditions shall be achieved and recorded. This will also cover stormwater system maintenance during the maintenance period(s).
  - o What actions will be undertaken when non-compliance is detected and recorded.
  - o Where all cleanings from sumps are proposed to be disposed of – in accordance with Regional and local landfill requirements.
  - o Summary of costs to maintain the system including details of the number of inspections and cleaning of sumps/disposal of sump material.
  - o What actions will be undertaken before handover to Selwyn District Council is proposed ie notification procedure at least two months prior to requesting handover.
- v) Where the collection and disposal of roof/surface water is to ground, the suitability of the natural ground to receive and dispose of the water without causing damage or nuisance to neighbouring properties, shall be determined by a suitably qualified person/engineer and evidence of results is to be provided at engineering approval.
- w) Early consultation with council's stormwater engineer is recommended to ensure the latest stormwater standards including design rainfall are incorporated into the detailed design.
- x) Council has the right to have designs peer reviewed at the consent holder's cost.
- y) All stormwater reticulation to be vested shall meet council CCTV standards.

- z) Council will assist with an agreement regarding the Pump Station Land with the consent owner and the land owner, provided that:
  - i. Council is satisfied that such an agreement is necessary (i.e. that any preferable alternatives cannot be effected);
  - ii. such agreement must be voluntary (i.e. for the avoidance of doubt, Council is not required to undertake any compulsory acquisition of the Pump Station Land);
  - iii. all terms of such agreement must be satisfactory to the Council;
  - iv. Council reserves the right to refuse to enter such agreement if satisfactory terms cannot be agreed, or cannot be agreed in a satisfactory timeframe; and
  - v. all costs of and relating the above are payable by the consent holder, irrespective of outcome.
- aa) The discharge of roof stormwater must not arise from unpainted galvanised sheet materials or copper building materials. The use of these materials is prohibited in accordance with the conditions of Selwyn District Council's global stormwater consent.
- bb) Power & Telecommunications - In the case of rear allotments accessed and serviced via private accessways, the condition requires that the infrastructure is in place to make a connection to services ie that a conduit is in place to enable cables to be installed in the accessway without disturbing it. The cables themselves are not required to be installed.
- cc) The Council Water Race Bylaw and the Council Policy Manual set out the rights and responsibilities of both the Council and landowners in relation to water races. More information can be found at <https://www.selwyn.govt.nz/services/water/water-race>
- dd) The landowner is responsible for cleaning and maintaining the water race as per Council bylaws and policies.
- ee) An application has been made in relation to the closure of the water race. Until the water race closure process is completed Engineering Approval will need to address the ongoing infrastructure required for the ongoing operation of the water race.
- ff) The Council does not encourage permanent irrigation systems in reserves to be vested in Council. The need for an irrigation system will be assessed on a case by case basis and approval given through the Engineering Approval process.

## Te Taumutu & Ngāi Tūāhuriri Rūnanga Advice Notes for the Consent Holder

- a) The ecological values of the water race should be assessed prior to the termination or piping of the water race and any ecological values determined in the water race should be protected and in agreement with tangata whenua before the any decision is made.
- b) The Applicant should plant indigenous vegetation on-site to help with the uptake of nutrients, binding of soils, and to increase biodiversity in the area.
- c) The future development of the lots should align with the Ngāi Tahu Subdivision and Development Guidelines (Appendix 2) to the greatest practical extent.
- d) The future development of the lots must incorporate sustainable urban design features with respect to stormwater runoff including:
  - i. Rainwater capture and reuse (i.e., rainwater collection tanks).
  - ii. Minimising impervious cover (e.g., using permeable paving and maintaining grass cover).
  - iii. The use of rain gardens and swales (or other land-based methods) rather than standard kerb and channel.
  - iv. Avoiding the use of building material known to generate contaminants such as copper guttering and roofing.

# Resource Consent Decision

## RC235161



<b>APPLICANT:</b>	Your Section FV Limited
<b>PROPOSAL:</b>	RC235161 – To undertake a subdivision creating 195 residential lots, two balance allotments, roads, reserves, accessways and one allotment for future business development.
<b>LOCATION:</b>	153 Lincoln Rolleston Road, Rolleston
<b>LEGAL DESCRIPTION:</b>	Lot 1 DP 568976 being 10.0000ha in area more or less, as contained in Record of Title 1024686. Lot 2 DP 568976 being 10.6750ha in area more or less, as contained in Record of Title 1024687. Lot 2 DP 578200 being 3.3080ha in area more or less, as contained in Record of Title 1084943.
<b>ZONING:</b>	<b>Operative Selwyn District Plan (2016)</b> The property is zoned Living Z and is within ODP Area 14 of Rolleston under the provisions of the Operative District Plan (Townships) Volume
<b>STATUS:</b>	<b>Operative Selwyn District Plan (2016)</b> RC235161 has been assessed as a subdivision consent for a Non-Complying activity under the Operative District Plan.

This application was formally received by the Selwyn District Council on 28 March 2023. Assessment and approval took place on 3 July 2023 under a delegation given by the Council.

## Decision

- A. Resource consent 235161 be processed on a **non-notified** basis in accordance with sections 95A-F of the Resource Management Act 1991; and
- B. Resource consent 235161 be **granted** pursuant to sections 104, 104B and 104D of the Resource Management Act 1991 subject to the following conditions imposed under sections 108 and 220 of the Act:

### *General*

1. The following conditions of consent shall be met prior to the issue of a section 224(c) Completion Certificate at the expense of the consent holder.
2. The subdivision shall proceed in general accordance with the information submitted with the application on 28 March 2023, the further information dated 23 June 2023, and the attached approved subdivision plans entitled "Falcons View, Proposed subdivision of Lot 2 DP 578200, Lot 2 DP 568976, and Lot 500 RC....., Proposed Subdivision Consent 2", Revision 7 dated June 2023 (now marked RC235161), including the addition of any utility allotments as required, except where another condition of this consent must be complied with.

3. The subdivision may be undertaken in stages, as illustrated on the approved scheme plan. If the subdivision is undertaken in stages, the staging shall be undertaken in a manner that maintains servicing and legal access to each completed subdivision stage.
4. All required easements shall be created and granted or reserved.

#### *Amalgamation*

5. That the following amalgamation conditions shall apply. (LINZ Reference #1847222)

##### Stage 8

- "That Lot 431 (legal access) hereon be held as to two undivided one-half shares by the owners of Lots 114 & 115 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."

##### Stage 10

- "That Lot 432 (legal access) hereon be held as to four undivided one-quarter shares by the owners of Lots 141, 142, 143 & 144 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."
- "That Lot 433 (legal access) hereon be held as to six undivided one-sixth shares by the owners of Lots 156, 157, 158, 159, 160 & 161 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."
- "That Lot 434 (legal access) hereon be held as to seven undivided one-seventh shares by the owners of Lots 166, 167, 168, 169, 170, 171 & 172 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."

##### Stage 13

- "That Lot 435 (legal access) hereon be held as to four undivided one-quarter shares by the owners of Lots 207, 208, 209 & 210 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith.'
- "That Lot 443 (legal access) hereon be held as to two undivided one-half shares by the owners of Lots 205 & 206 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."

##### Stage 14

- "That Lot 436 (legal access) hereon be held as to nine undivided one-ninth shares by the owners of Lots 228, 229, 230, 231, 232, 233, 234, 235 & Lot 1 DP 578200 (RT 1084942) hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."

##### Stage 16

- "That Lot 437 (legal access) hereon be held as to two undivided one-half shares by the owners of Lots 294 & 295 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."
- "That Lot 442 (legal access) hereon be held as to six undivided one-sixth shares by the owners of Lots 193, 268, 269, 270, 271 & 272 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."
- "That Lot 438 (legal access) hereon be held as to two undivided one-half shares by the owners of Lots 285 & 286 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."
- "That Lot 445 (legal access) hereon be held as to three undivided one-third shares by the owners of Lots 273, 274 & 275 hereon as tenants in common in the said shares and that individual titles shall be issued in accordance therewith."

#### *Consent notices*

6. That a Consent notice be registered against the Record of Title for each utility lot created, to the effect that it shall be used as a utility lot only. Ongoing compliance with this condition shall be



ensured by way of a consent notice registered against the Record of Title to issue for that Lot hereon. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.

7. That any temporary un-serviced balance lot shall be subject to the following consent notice which shall be prepared and registered by Council's solicitor at the request and expense of the consent holder:

This is an un-serviced balance allotment. No services (power, phone, water, sewer or stormwater) have been provided to this lot. No contributions (water, sewer, roading and reserves) have been paid and no credits are available.

The consent notice shall be removed/cancelled as each subsequent stage of the subdivision is completed.

8. No residential dwelling shall be erected on Lots 502 and 503. This is an un-serviced development lot. No services (power, phone, water, sewer or stormwater) have been provided to this lot. Connections to the relevant services will be required at the time future development occurs. This includes the erection of a dwelling or principal building on the lot. No contributions (water, sewer, roading and reserves) have been paid and no credits are available.

Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for Lots 502 & 503 hereon. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.

9. That the following consent notices shall be cancelled.

- Lot 500 of RC225866:
  - i. CN12285127.2 (requiring a DSI prior to any residential development on the site).
  - ii. a new consent notice specifying no residential allotment to be erected on the lot due to it being unserviced and that a road frontage upgrade for Lincoln Rolleston Road is required for further subdivision.
- Lot 2 DP 568976 – CN12285127.3 (requires a DSI prior to any residential development on site).
- Lot 2 DP 578200 – CN12583717.2 (no residential dwellings to be erected, an unserviced lot).

10. Proposed Lot 316 shall be used as a local business centre, in alignment with the ODP requirements. That unless a resource consent has been granted otherwise, all future development and activities will be subject to the relevant Business 1 zone requirements in the Operative District Plan (Townships Volume)

Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for Lot 316 hereon. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.

11. Unless a resource consent has been granted otherwise, any fence or freestanding wall shall comply with the requirements of the District Plan at the time the fence or freestanding wall is constructed. For further information please refer to the relevant rule in the District Plan or contact the duty planner at the Selwyn District Council.

On-going compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for each lot hereon. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.

12. Unless a resource consent has been granted otherwise or otherwise permitted by the District Plan, any lot which shares a boundary with a reserve or walkway shall be limited to a single fence erected within 5m of any Council reserve that is at least 50% visually transparent where it exceeds 1.2m in height (which shall be applied to the whole fence in its entirety).

On-going compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for each lot (other than roads and reserves) that borders a reserve or walkway.

### *Engineering*

13. The engineering design plans and specifications for all works shall be submitted to the Development Engineering Manager for approval including, but not limited to:

- Water supply
- Sewerage
- Stormwater
- Roothing, including streetlighting and entrance structures
- Upgrade of existing road frontages
- Shared accessways
- Landscaping and irrigation.

No work shall commence until Engineering Approval has been confirmed in writing. Any subsequent amendments to the plans and specifications shall be submitted to the Development Engineering Manager for approval.

14. All work shall comply with the conditions set out in the Engineering Approval and be constructed in accordance with the approved engineering plans.
15. All work shall comply with the Engineering Code of Practice, except as agreed in the Engineering Approval.
16. The consent holder shall include with the engineering plans and specifications submitted for Engineering Approval, copies of any other consents required and granted in respect of this subdivision, including any certificate of compliance or consent required by Canterbury Regional Council.
17. That a report be provided at Engineering Approval stage, by a suitably qualified and experienced person confirming that the engineering design of the subdivision is sufficient to mitigate flooding on every site, based on a 200-year Annual Exceedance Probability rainfall event.
18. Unless specific provision is made otherwise through the Engineering Approval the services to all lots shall extend from the road boundary to a point one metre inside the net area of the lot. Please note that the net area is the area excluding any right of way or accessway.
19. The consent holder shall provide accurate 'as built' plans of all services to the satisfaction of the Development Engineering Manager. All assets being vested in Council shall be provided in an appropriate electronic format for integration into Council's systems. Any costs involved in provision and transfer of this data to Councils systems shall be borne by the consent holder.
20. The consent holder shall provide a comprehensive electronic schedule of any assets to be vested in the Council to the satisfaction of the Development Engineering Manager. The schedule shall include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.
21. The Consent Holder shall enter into a bond and be responsible for the maintenance of all subdivision and associated works vested in the Council in relation to the Consent at the issuance of the section 224(c) certificate and continue until the Council tests and accepts the quality of the bonded infrastructure and the agreed or stipulated maintenance period taking into account any needed repairs, replacement or rectification required for a period of:
- a) 12 months for roading, water, sewer and stormwater reticulation; and
  - b) 24 months for landscaping, reserve assets, stormwater treatment and discharge systems and sewer pump stations.

### *Roothing*

22. The full length of the existing Lincoln Rolleston Road frontage to the application site shall be upgraded to township/urban standards to the road centreline, including but not limited to seal widening, kerbing, shared use paths and street lighting.
23. All roads shall be constructed in accordance with the approved engineering plans. The Ed Hillary Drive extension shall specifically be formed to a Collector Road standard in regard to Appendix 13 of the Operative District Plan (Townships Volume).
24. All roads shall be vested in the Selwyn District Council as road.
25. The corners of the lots at the intersection of Lincoln Rolleston Road and Ed Hillary Drive shall be splayed to allow for the future construction of a roundabout. The corner of lots at all other road intersections shall be splayed with a rounded minimum radius of 3 metres.
26. Street lighting shall be provided on all new roads and existing roads in accordance with the Engineering Approval.
27. The consent holder shall install street name signs displaying the Council approved street name and poles at each intersection in accordance with Policy R430.
28. A vehicle crossing to service Lots 110, 218, 242, 304, 431, 432, 433, 434, 435, 443, 436, 437, 442, 438 & 445 shall be formed in accordance with Appendix 13 of the District Plan (Townships Volume). The vehicle crossing shall be sealed to match the existing road surface for the full width of the crossing between the site boundary and sealed carriageway.
29. Unless as agreed through engineering approval, the vehicle accessways serving 110, 218, 242, 304, 431, 432, 433, 434, 435, 443, 436, 437, 442, 438 & 445 shall be formed in accordance with Appendix 13 of the District Plan (Townships Volume). Those shared accessways serving more than 6 lots shall provide a minimum formed width of 5.5m.

#### *Water Supply, Stormwater and Sewer*

30. Each lot within the subdivision shall be separately serviced with water, sewer and stormwater systems. This condition does not apply to stormwater where ground soakage is available.
31. Where sewer and water mains and stormwater systems in private property are to be vested, a written request shall be submitted for Council approval. Easements in gross in favour of Council shall be provided.
32. The net area of each lot shall be provided with an individual potable high pressure connection to the Rolleston water supply in accordance with the approved Engineering Plans.
33. Water meters shall be installed in the road reserve only (please note that multi meter boxes may be utilised).
34. Connection into Council's reticulated water supply shall either be carried out or supervised by Council's contractor CORDE at the cost of the consent holder.
35. As part of the works to provide the water supply to the subdivision the applicant is to enter into a developer's agreement with council prior to commencement of works for Council to cover the extra over costs to install a 375 mm diameter water main in Lincoln Rolleston Road. Details of the agreement can be confirmed at Engineering Approval.
36. That each lot shall be provided with a sewer lateral laid to the boundary of the net area of that lot in accordance with the approved Engineering Plans.
37. All laterals shall be installed ensuring grade and capacity are provided for and in accordance with Council engineering standards, giving regard to maximum upstream development density.
38. All sewer reticulation to be vested shall meet Council CCTV standards.
39. Connection to the Council sewer shall be arranged by the consent holder and the work shall be done by a registered drainlayer.

40. The consent holder shall install stormwater reticulation treatment and disposal systems to service the subdivision in accordance with the approved engineering plans and the requirements of Canterbury Regional Council.
41. The Council vested stormwater reticulation system installed as a part of the subdivision works shall be designed to cater to the following rainfall events:
  - Primary system – 10% AEP Rainfall event
  - Secondary system – 1% AEP Rainfall event
42. The consent holder shall prepare and submit a Stormwater Design Report and Management Plan in accordance with the requirements of Selwyn District Council and Canterbury Regional Council. This plan shall be provided for Selwyn District Council's approval and sign-off at the consent holder's cost. It shall include, but not be limited to:
  - A plan showing existing ground levels on neighbouring properties along with proposed levels on the subdivision sites. Interference with pre-existing stormwater flows needs to be considered so as not to cause ponding or nuisance on neighbouring or developed land.
  - Existing and proposed drainage plan with sub catchments and flow arrows to show how the drainage will be affected.
  - Calculations to demonstrate compliance with the Engineering Code of Practice and any relevant Environment Canterbury consent conditions.
  - Ongoing operation and maintenance requirements.
43. The proposed development shall not discharge run off onto adjacent properties unless via a controlled outlet approved as part of the Engineering Design Approval.
44. In the event that an adjacent neighbour's historical stormwater drainage was onto the site, the proposed development must maintain or mitigate the historical discharge.
45. Where a specific discharge consent is issued by Canterbury Regional Council (Environment Canterbury), any consent or associated conditions will be subject to Selwyn District Council acceptance, where these obligations will be transferred to Selwyn District Council. The consent holder will hold, operate and maintain the stormwater consent for a minimum of two years after the section 224(c) Completion Certificate has been issued. Council must be satisfied at the end of this period that all aspects of the system, including but not limited to compliance with consent conditions, operations and maintenance costs are acceptable to Council.
46. The consent holder shall provide a Stormwater Operations and Maintenance Manual prior to the approval of the section 224(c) Completion Certificate.
47. Where stormwater mains in private property are to be vested in Selwyn District Council, a written request shall be submitted to the Development Engineering Manager. Easements in gross in favour of Council shall be provided.

#### *Power and Telecommunications Services*

48. The consent holder shall provide electricity and telecommunications to the net area of each lot of the subdivision with direct frontage to a road by way of underground reticulation in accordance with the standards of the relevant network utility operator.
49. The consent holder shall provide infrastructure to the net area of each rear lot of the subdivision to enable electricity and telecommunications connections by way of underground reticulation in accordance with the standards of the relevant network utility operator.
50. The consent holder shall provide evidence in writing from the relevant authorities that electrical and telecommunications service connections have been installed to each lot.

#### *Water races*

51. That unless the water race is formally closed, the water race within the site shall be piped. Engineering plans for the piping of the water race shall be submitted to the Development Engineering Manager for approval. For clarity, Conditions 52 & 53 shall not apply in the event of the water race closure.
52. The inlet and outlet of the piped water race shall be precast concrete headwalls (unless an alternative option is approved as part of Engineering Approval) and the minimum diameter of the pipe shall be 300mm. Pipe diameter must be confirmed by detailed design.
53. Where the alignment of the piping is not located within the road reserve, an easement in gross favour of Council to the width that is the greater of:
  - 2.0m x (depth to invert) + OD
  - 3.0mWhere OD is the outside diameter of the pipe laid.

#### *Site Stability and Site Works*

54. That the consent holder ensure on a continuing basis (until Certificates of Title are available for each allotment) that dust is not generated from consolidated, disturbance or transportation of material or earthworks activities by keeping the surface of the material damp or by using another appropriate method of dust suppression.
55. A site ground investigation shall be carried out by a suitably qualified person and a report provided to council.
56. The Consent Holder shall confirm whether any earth fill has been placed on site. All earthworks completed on site are to be carried out in accordance with New Zealand Standard (NZS) 4431:2022 – Engineered fill construction for lightweight structures.
57. At the completion of all earthworks Certificates satisfying the conditions of New Zealand Standard (NZS) 4431:2022 – Engineered fill construction for lightweight structures are to be provided to the Selwyn District Council. These certificates will be accompanied by a detailed report highlighting the extent and nature of all earthworks undertaken.

#### *Landscaping*

58. The consent holder shall landscape the street frontages. The minimum standard (unless otherwise agreed through Engineering Design Approval) will include grass berms and street trees. A landscaping proposal shall be submitted to the Council for approval at the time of submission of the engineering plans and specifications, and the landscaping shall be undertaken in accordance with the approved plans.
59. Entrance structures shall not be placed on Council road reserve.

#### *Fencing Covenants*

60. The consent holder shall ensure that Council is indemnified from liability to contribute to the cost of erection or maintenance of boundary fences between reserves and adjoining lots.
  - a) This shall be ensured by way of a fencing covenant registered against the computer freehold register to issue for each adjoining lot. The covenant is to be prepared by Council's solicitor at the expense of the consent holder.
  - b) The consent holder shall procure a written undertaking from the consent holder's solicitor that the executed fencing covenant will be registered on deposit of the subdivision plan.

#### *Reserves*

61. Pursuant to the relevant legislation the consent holder shall vest Lot 401 in the Council as Recreation Reserve and Lots 402 & 403 as Local Purpose (Accessway) Reserves.
62. The consent holder shall supply to Council copies of all Certificates of Title for land, other than roads, that is vested in the Council.

## *Contaminated land*

63. Soil and material that contains concentrations of contaminants in excess of soil contaminants standards or guidelines for residential land use under the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health shall be remediated in accordance with the Remediation Action Plan, submitted with the application.
64. All contaminated material that is removed from the site shall be taken to an authorised facility for disposal.
65. Where contaminated material is removed from the site, the consent holder shall submit to the Team Leader Compliance waste manifests from the contractor and cartage company that clearly identify the stockpile reference number against the laboratory sample number at the end of the remediation process.
66. Any contaminated material that is excavated and stored on the site shall be stockpiled on an already contaminated part of the site or on a surface that will prevent the stockpile from contaminating a new part of the site.
67. Any replacement soils shall be certified as clean fill by the supplier or tested to confirm that they are suitable for residential land use under the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health.
68. The consent holder shall submit to the Team Leader Compliance a Site Validation Report prepared in accordance with the Ministry for the Environment Contaminated Land Management Guidelines No.1 – Reporting on Contaminated Sites in New Zealand (Revised 2011) at the end of the remediation process.
69. Where evidence of a contaminated site not identified in the application is found at any stage of the site development works, then work shall cease at that site until the risk has been assessed by an Suitably Qualified Environmental Practitioner in accordance with current Ministry for the Environment Guidelines and, if required, a resource consent obtained under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (or most recent subsequent amendment). Once the risk has been assessed and any required resource consent obtained, the consent holder shall undertake all necessary work to rehabilitate the site in accordance with either the standards for permitted activities or the conditions of the resource consent (as appropriate). All works shall be undertaken at the consent holders' expense.

## **Attachments**

1. 235161 Approved Plans
2. 235161 Cultural ADP

## **Development Contributions (Subdivision Consents)**

Development contributions are not conditions of this resource consent and there is no right of objection or appeal under the Resource Management Act 1991. Objections and applications for reconsideration can be made under the Local Government Act 2002.

The consent holder is advised that pursuant to the Local Government Act 2002 and the Council's Development Contribution Policy the following contributions are to be paid in respect of this subdivision before the Council will issue its certificate pursuant to section 224(c) of the Resource Management Act 1991.

Note: The amounts set out in the attached table are applicable at the time of the granting of this consent. If the time between the date the resource consent is granted and the time which the Council would normally invoice for the development contributions (usually the time an application is made for the issue of Council's section 224(c) certificate for the subdivision) is more than 24 months, the development contributions will be reassessed in accordance with the development contributions policy in force at the time the consent was submitted. To

avoid delays, the consent holder should seek the reassessed amounts prior to the application for the section 224(c) Resource Management Act 1991 certificate. Please contact our Development Contributions Assessor on 03 347 2800 or at [development.contributions@selwyn.govt.nz](mailto:development.contributions@selwyn.govt.nz) .

Activity	Demand Post Development (HUE)	Credits for Existing Demand (HUE)	Additional Demand (HUE)	Development Contribution per HUE (\$)	Development Contribution (\$ Excl. GST)	GST (\$)	Development Contribution (\$ Incl. GST)
Water Supply	195.00	0.00	195.00	2,192.00	427,440.00	64,116.00	491,556.00
Wastewater	195.00	0.00	195.00	5,138.00	1,001,910.00	150,286.50	1,152,196.50
Stormwater	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Reserves	195.00	1.00	194.00	10,352.00	2,008,288.00	301,243.20	2,309,531.20
Roading	195.00	1.00	194.00	1,310.00	254,140.00	38,121.00	292,261.00
Lowes Road ODP	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contribution</b>					<b>3,691,778.00</b>	<b>553,766.70</b>	<b>4,245,544.70</b>

## Notes to the Consent Holder

### *Lapse Period (Subdivision Consents)*

- a) Under section 125 of the RMA, this subdivision consent lapses five years after the date it is granted unless:
  - (i) A survey plan is submitted to Council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or
  - (ii) An application under section 125 of the RMA is made to the council before the consent lapses (five years) to extend the period after which the consent lapses and the council grants an extension.

### *S.224 Issued requirements*

- b) S.224 will not be issued until all Council invoices, including engineering fees, and any other related costs associated with the Resource Consent have been paid in full.

### *Monitoring*

- c) In accordance with section 36 of the Resource Management Act 1991, the Council's basic monitoring fee has been charged.
- d) If the conditions of this consent require any reports or information to be submitted to the Council, additional monitoring fees for the review and certification of reports or information will be charged on a time and cost basis. This may include consultant fees if the Council does not employ staff with the expertise to review the reports or information.
- e) Where the conditions of this consent require any reports or information to be submitted to the Council, please forward to the Council's Compliance and Monitoring Team, [compliance@selwyn.govt.nz](mailto:compliance@selwyn.govt.nz)
- f) Any resource consent that requires additional monitoring due to non-compliance with the conditions of the resource consent will be charged additional monitoring fees on a time and cost basis.

### *Vehicle Crossings*

- g) Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Assets Department prior to installation. For any questions regarding this process please contact [transportation@selwyn.govt.nz](mailto:transportation@selwyn.govt.nz). You can use the following link for a vehicle crossing information

pack and to apply online: <https://www.selwyn.govt.nz/services/roads-And-transport/application-to-form-a-vehicle-crossing-entranceway>

### *Building Act*

- h) This consent is not an authority to build or to change the use of a building under the Building Act. Building consent will be required before construction begins or the use of the building changes.

### *Regional Consents*

- i) This activity may require resource consent from Environment Canterbury. It is the consent holder's responsibility to ensure that all necessary resource consents are obtained prior to the commencement of the activity.

### *Impact on Council Assets*

- j) Any damage to fixtures or features within the Council road reserve that is caused as a result of construction or demolition on the site shall be repaired or reinstated and the expense of the consent holder.

### *Vehicle Parking During the Construction Phase*

- k) Selwyn District Council is working to keep our footpaths safe and accessible for pedestrians. During the construction phase (and at all other times):

- Please park on the road or fully within your property.
- It is illegal to park on or obstruct a footpath.
- Arrange large deliveries when school children are not around
- Blocking the footpath can cause a school child to have to move out onto the road or cross the road at a location they are not familiar with.
- Parking on the footpath also damages the utility services like internet fibre underneath

### *Engineering/general*

- l) Engineering Approval – All applications for Engineering Approval shall be uploaded electronically to the Selwyn District Council Website at the following address: [www.selwyn.govt.nz/services/subdivisions/engineering-approval/](http://www.selwyn.govt.nz/services/subdivisions/engineering-approval/)

The application shall include:

1. Design specifications
2. Design drawings
3. Design calculations
4. Relevant Resource Consents or Certificates of Compliance.

All correspondence regarding engineering approvals is to be directed to: [Development.Engineer@selwyn.govt.nz](mailto:Development.Engineer@selwyn.govt.nz)

- m) Maintenance Bonds (In accordance with the Council's Bonding Policy of Subdivision Works and Large Projects as at the date of issue of this consent) - Maintenance bonds shall be valued at 5% of the total value of works (plus GST).

The resource consent holder shall provide costings and estimates for the total value of works from an independent quantity surveyor, acceptable to Council, at the resource consent holder's expense.

The Council may re-evaluate the value and duration of the maintenance bond for the following reasons:

1. Inflation;
2. Delays in works being completed; or
3. Repairs, rectification and or replacement is required



4. Price escalations.
- n) Road and street names and individual property address numbers shall be adopted only upon Council approval. The applicant shall supply to Council for consideration a minimum of 3 names, listed in preference, for those roads or streets that are to be vested in Council. This may be done at Engineering Approval.
  - o) Where existing road frontages are to be upgraded, this work is required to be approved and undertaken through the Engineering Approval.
  - p) All new residential lots adjoining legal roads and/or private roads/rights of way created by this subdivision will be issued property numbers by Council in accordance with Council Policy. The consent holder shall supply Council with a finalised Deposited Plan to enable numbers to be generated for issue and adoption.
  - q) The Council accepts new roads or reserves subject to land covenants in limited circumstances as outlined in the Policy for the Vesting of Road and Reserves Subject to Land Covenants which is attached to this decision. Water supply - For supervision purposes a minimum of 2 working days' notice is required. Please note a connection fee being the actual cost quoted by CORDE will apply.
  - r) A private road/right of way that serves a minimum of 5 (five) properties can be named if requested. The applicant shall supply a minimum of 3 names listed in preference for Council consideration. Council will consider those names that are deemed appropriate and approve a name that does not already exist or is not similar to any other name in Selwyn District.
  - s) The Stormwater Operations and Maintenance Manual shall include but not be limited to:
    - As built documents/images of system for baseline records. This would include the extent of the stormwater catchments, surveyed long-sections and x-sections of pipelines and stormwater management devices e.g. basins wetlands and swales, and where available, any baseline data i.e. water quality, quantity or soil monitoring results.
    - Contact details for maintenance personnel engaged by the developer over the maintenance period
    - As built documents/images of system for baseline records. This would include the extent of the stormwater catchments and any baseline data i.e. heavy metal level in receiving environment.
    - Maintenance procedures and how compliance with the consent conditions shall be achieved and recorded. This will also cover stormwater system maintenance during the maintenance period(s).
    - What actions will be undertaken when non-compliance is detected and recorded.
    - Where all cleanings from sumps are proposed to be disposed of – in accordance with Regional and local landfill requirements.
    - Summary of costs to maintain the system including details of the number of inspections and cleaning of sumps/disposal of sump material.
    - What actions will be undertaken before handover to Selwyn District Council is proposed ie notification procedure at least two months prior to requesting handover.
  - t) Where the collection and disposal of roof/surface water is to ground, the suitability of the natural ground to receive and dispose of the water without causing damage or nuisance to neighbouring properties, shall be determined by a suitably qualified person/engineer and evidence of results is to be provided at engineering approval.
  - u) Early consultation with council's stormwater engineer is recommended to ensure the latest stormwater standards including design rainfall are incorporated into the detailed design.
  - v) Council has the right to have designs peer reviewed at the consent holder's cost.
  - w) All stormwater reticulation to be vested shall meet council CCTV standards

- x) The discharge of roof stormwater must not arise from unpainted galvanised sheet materials or copper building materials. The use of these materials is prohibited in accordance with the conditions of Selwyn District Council's global stormwater consent.
- y) Power & Telecommunications - In the case of rear allotments accessed and serviced via private accessways, the condition requires that the infrastructure is in place to make a connection to services ie that a conduit is in place to enable cables to be installed in the accessway without disturbing it. The cables themselves are not required to be installed.
- z) The Council does not encourage permanent irrigation systems in reserves to be vested in Council. The need for an irrigation system will be assessed on a case by case basis and approval given through the Engineering Approval process.

Yours faithfully

**Selwyn District Council**

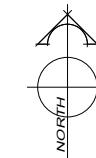


**Richard Bigsby**

AS APPROVED BY  
SELWYN DISTRICT COUNCIL  
Planning Department

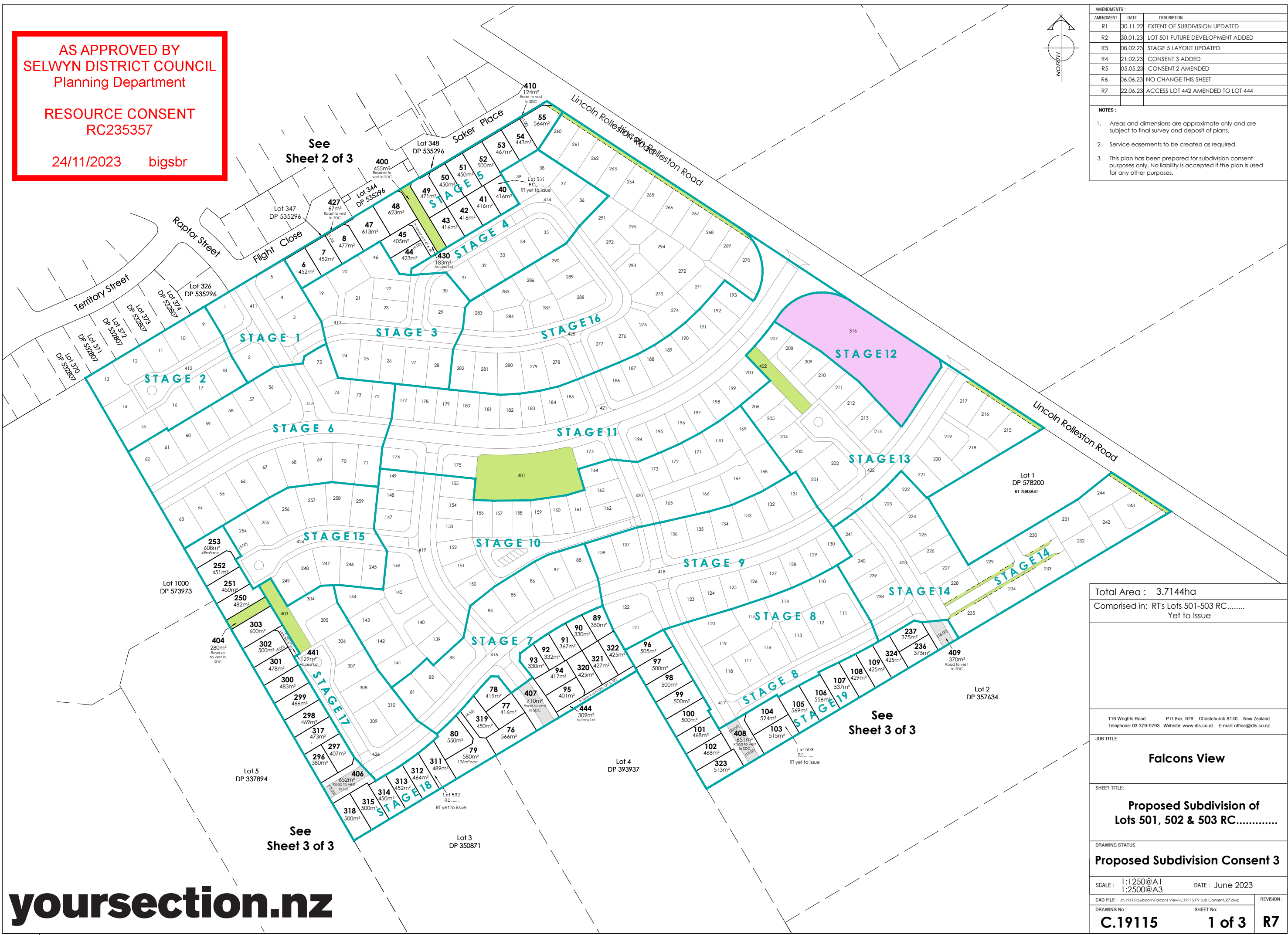
RESOURCE CONSENT  
RC235357

24/11/2023 bigsbr



AMENDMENTS:		
AMENDMENT	DATE	DESCRIPTION
R1	30.11.22	EXTENT OF SUBDIVISION UPDATED
R2	30.01.23	LOT 501 FUTURE DEVELOPMENT ADDED
R3	08.02.23	STAGE 5 LAYOUT UPDATED
R4	21.02.23	CONSENT 3 ADDED
R5	05.05.23	CONSENT 2 AMENDED
R6	06.06.23	NO CHANGE THIS SHEET
R7	22.06.23	ACCESS LOT 442 AMENDED TO LOT 444

- NOTES:
1. Areas and dimensions are approximate only and are subject to final survey and deposit of plans.
  2. Service easements to be created as required.
  3. This plan has been prepared for subdivision consent purposes only. No liability is accepted if the plan is used for any other purposes.



Total Area : 3.7144ha  
Comprised in: RT's Lots 501-503 RC.....  
Yet to Issue

116 Wrights Road P O Box 679 Christchurch 8140, New Zealand  
Telephone: 03 379-0793 Website: www.dls.co.nz E-mail: office@dls.co.nz

JOB TITLE:  
**Falcons View**

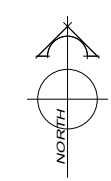
SHEET TITLE:  
**Proposed Subdivision of  
Lots 501, 502 & 503 RC.....**

DRAWING STATUS:  
**Proposed Subdivision Consent 3**

SCALE: 1:1250@A1  
1:2500@A3 DATE: June 2023

CAD FILE: J:\19115\Subcom\Falcons View\CI19115 PV Sub Consent\_R7.dwg REVISION:  
DRAWING No: SHEET No:  
**C.19115 1 of 3 R7**

**AS APPROVED BY  
 SELWYN DISTRICT COUNCIL  
 Planning Department**  
  
**RESOURCE CONSENT  
 RC235357**  
  
**24/11/2023    bigsbr**



AMENDMENTS:		
AMENDMENT	DATE	DESCRIPTION
R1	30.11.22	EXTENT OF SUBDIVISION UPDATED
R2	30.01.23	LOT 501 FUTURE DEVELOPMENT ADDED
R3	08.02.23	STAGE 5 LAYOUT UPDATED
R4	21.02.23	CONSENT 3 ADDED
R5	05.05.23	CONSENT 2 AMENDED
R6	06.06.23	NO CHANGE THIS SHEET
R7	22.06.23	ACCESS LOT 442 AMENDED TO LOT 444

- NOTES:
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  - This plan has been prepared for subdivision consent purposes only. No liability is accepted if the plan is used for any other purposes.

**PROPOSED AMALGAMATION CONDITIONS**

**STAGE 5**  
 1/ Lot 430 ( Access Lot ) hereon be held as to 2 undivided one half shares by the owners of Lots 45 & 48.

SCHEDULE OF AREAS	
Description	Area
Residential Lots - ( Lots 6 - 8, 40 - 45, 47 - 55, 76 - 80, 93 - 109, 236, 237, 250 - 253, 296 - 303 & 311 - 315 )	3,3200ha
Access - ( Lots 430, 441 & 444 )	621m <sup>2</sup>
Road to vest ( Lots 406 - 410 & 427 )	2574m <sup>2</sup>
Reserve to vest ( Lots 400 & 404 )	735m <sup>2</sup>

Total Area : 3.7144ha  
 Comprised in: RT's Lots 501-503 RC.....  
 Yet to Issue



116 Wrights Road    P O Box 679    Christchurch 8140, New Zealand  
 Telephone: 03 379-0793    Website: www.dls.co.nz    E-mail: office@dls.co.nz

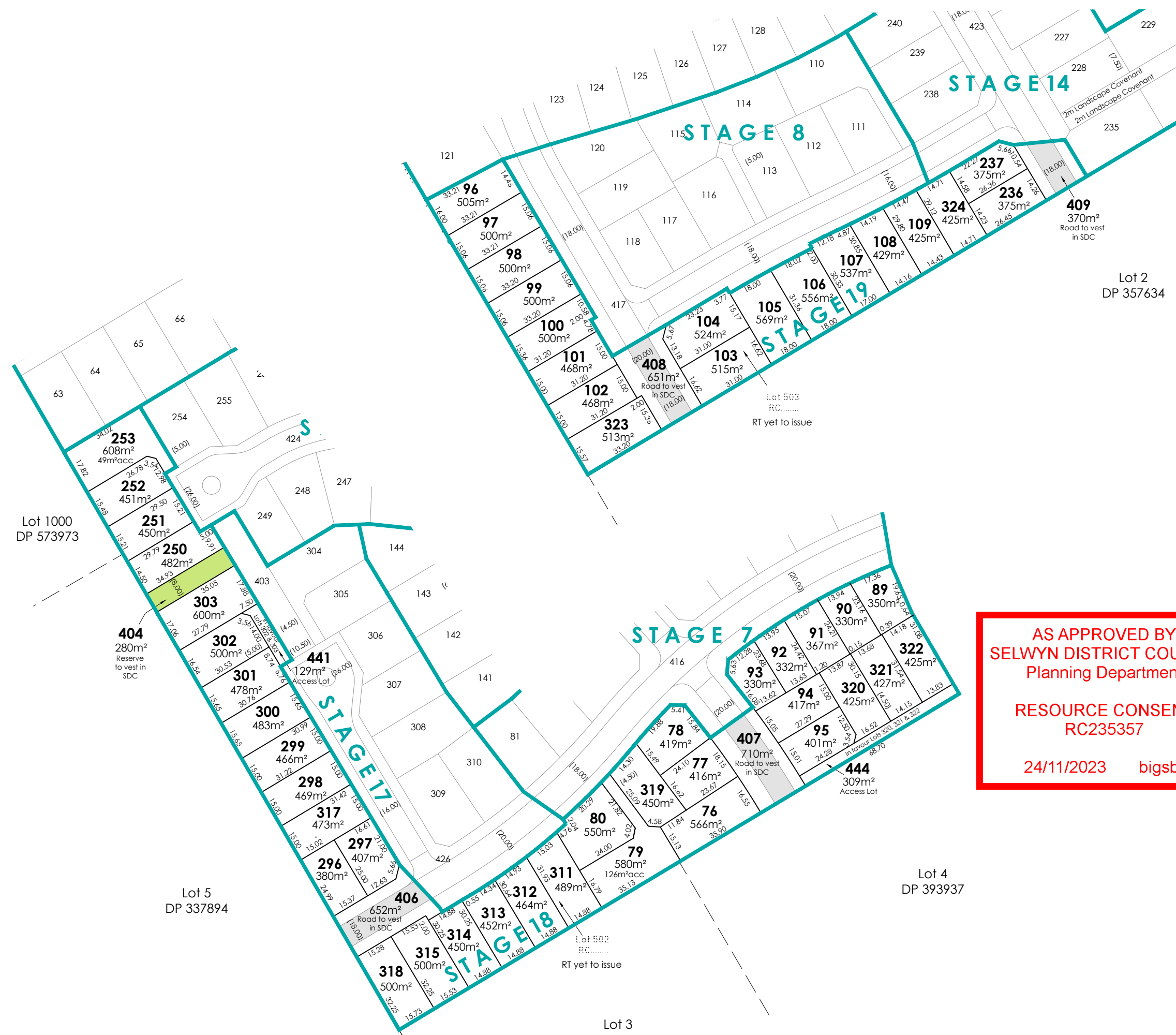
JOB TITLE:  
**Falcons View**

SHEET TITLE:  
**Proposed Subdivision of  
 Lots 501, 502 & 503 RC.....**

DRAWING STATUS:  
**Proposed Subdivision Consent 3**

SCALE: 1:750@A1    DATE: June 2023  
 1:1500@A3

CAD FILE: J:\19115\Subcom\Falcons View\CI19115 PV Sub Consent\_R7.dwg    REVISION:  
 DRAWING No:    SHEET No:  
**C.19115    2 of 3    R7**



**AS APPROVED BY  
SELWYN DISTRICT COUNCIL  
Planning Department**  
  
**RESOURCE CONSENT  
RC235357**  
  
**24/11/2023    bigsbr**

AMENDMENTS:		
AMENDMENT	DATE	DESCRIPTION
R1	30.11.22	EXTENT OF SUBDIVISION UPDATED
R2	30.01.23	LOT 501 FUTURE DEVELOPMENT ADDED
R3	08.02.23	STAGE 5 LAYOUT UPDATED
R4	21.02.23	CONSENT 3 ADDED
R5	05.05.23	CONSENT 2 AMENDED
R6	02.06.23	STAGES 18 & 19 AMENDED
R7	22.06.23	ACCESS LOT 442 AMENDED TO LOT 444

- NOTES:
- Areas and dimensions are approximate only and are subject to final survey and deposit of plans.
  - Service easements to be created as required.
  - This plan has been prepared for subdivision consent purposes only. No liability is accepted if the plan is used for any other purposes.

**PROPOSED AMALGAMATION CONDITIONS**

- STAGE 18**
- 1/ Lot 441 ( Access Lot ) hereon be held as to 2 undivided one half shares by the owners of Lots 302 & 303.
  - 2/ Lot 444 ( Access Lot ) hereon be held as to 3 undivided one third shares by the owners of Lots 320, 321 & 322.

SCHEDULE OF AREAS	
Description	Area
Residential Lots - ( Lots 6 - 8, 40 - 45, 47 - 55, 76 - 80, 93 - 109, 236, 237, 250 - 253, 296 - 303 & 311 - 315 )	3,320ha
Access - ( Lots 430, 441 & 444 )	621m²
Road to vest ( Lots 406 - 410 & 427 )	2574m²
Reserve to vest ( Lots 400 & 404 )	735m²

Total Area : 3.7144ha  
 Comprised in: RT's Lots 501-503 RC.....  
 Yet to Issue



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SCALE: 1:750@A1    DATE: June 2023  
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CAD FILE: J:\19115\Subcom\Falcons View\CI19115 PV Sub Consent\_R7.dwg    REVISION:  
 DRAWING No:    SHEET No:  
**C.19115    3 of 3    R7**