

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



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

APPLICATION NUMBER:	RC235777
APPLICANT:	Hill Street Limited
BRIEF DESCRIPTION OF APPLICATION:	Cancellation of condition 67 and change of conditions 1 and 2 of RC225470
SITE DESCRIPTION:	Address: 545 East Maddisons Road Legal Description: Lot 1 DP 326339 Title Reference: 107005 Area: 4ha
ZONING / OVERLAYS	Operative Selwyn District Plan (2016), Rural Volume Rural Inner Plains Zone Partially Operative Selwyn District Plan (Appeals Version – released 27 November 2023) Medium Density Residential Zone (MRZ) Development Area: DEV-RO13 Plains Flood Management and Liquefaction Damage Unlikely Overlays
OVERALL ACTIVITY STATUS:	Discretionary

The Application

1. This application was formally received by the Selwyn District Council on 19 January 2024.
2. The application proposes to delete condition 67 of RC225470 which is worded as follows:
 67. *Unless a resource consent has been granted otherwise dwellings and residential activities (this does not include vehicle crossing to vehicle crossing separation distances) including accessory buildings and fencing must be undertaken in accordance with small lot medium density Living Z standards in the Township Volume of the Operative Selwyn District Plan or alternatively if the site is rezoned, dwellings, buildings and residential activities including accessory buildings and fencing shall be in accordance with those new zone rules unless a resource consent has been granted otherwise.*

This condition must be registered as a consent notice on the record(s) of title to be issued for Lot(s) 23-60; Lots 100 and 103 to ensure that it is complied with on a continuing basis.

3. Deletion of condition 67. is being sought as the site has been rezoned and the MRZ provisions are fully operative. The application states that deleting the condition now avoids the administration and cost of requiring the applicant to register a consent notice on the Title prior to s224, which would then be redundant in any case with respect to future development.
4. Following lodgement the applicant submitted a further assessment dated 18 January 2024 and amended scheme plan seeking two further additional changes to the consent conditions as follows:
 - An amendment to the site plan to include an additional 5m² utility lot (Lot 105) for an Orion kiosk within the north-west corner of Lot 48, which reduces Lot 48 in size from 400m² to 395m². An amendment is required to condition 1 to reference the revised plan;
 - A new amalgamation condition is proposed as shown on the scheme plan to enable access to Lot 61 which serves Lots 28-31. The proposed condition will be worded as follows: *That Lot 61 hereon (legal access) be held as to four undivided one-fourth shares by the owners of Lots 28 - 31 hereon as tenants in common in the said shares and that individual Computer Freehold Registers be issued in accordance herewith. This condition is required in order for Lot 61 to be jointly owned.*
5. These changes necessitate changes to conditions 1 and 2 to reference the updated scheme plan (Revision C). The following changes to conditions 1 and 2 are proposed:
 1. *The subdivision shall proceed in general accordance with the information submitted with the application, and the attached approved subdivision plan prepared by Access Land Surveying Ltd., dated 10/07/2023 31/10/2023 and entitled "Lots 23 - 61, 100 - 104 being Proposed Subdivision of Lot 1 DP 326339 & Lot 56 DP 573266, 545 East Maddisons Road, Drawing No. 3572, Sheet 1, Revision BC" including any utility lots required.*
 2. *The consent holder must submit a survey plan in accordance with the approved resource consent subdivision scheme plan titled 'Lots 23 - 61, 100 - 104 being Proposed Subdivision of Lot 1 DP 326339 & Lot 56 DP 573266, 545 East Maddisons Road, Drawing No.: 3572, Sheet 1, Revision BC', prepared by Access Land Surveying Ltd, dated 10/07/2023. The survey plan must show all easements, any amalgamation conditions, and any areas subject to covenant required by this subdivision consent.*
6. In addition, a utility lot condition and an amalgamation lot condition are required as a result of the changes.

Background

7. RC225470 was granted on 24 January 2023 for 38 residential allotments, two development lots for future comprehensive housing; associated roading and infrastructure services. The proposed residential lots range between 400m² to 600m² in net site area with eight rear lots. An associated land use consent was also granted for the construction of future dwellings in accordance with the Living Z provisions and National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health to remediate contaminated soil (RC235063).
8. RC235308 was granted on 15 June 2023 to change conditions 16-17 and 70 of RC225470. The changes to conditions 16-17 reflect that Lot 56 573266 will be acquired by the applicant and that roading and servicing connections will be completed and vested. Condition 70 relating to Lot 102 being used as a future road connection was cancelled.
9. RC235219 was granted 22 June 2023 to establish 22 residential units as part of a comprehensive development. RC235431 was granted 18 August 2023 to create 22 fee simple allotments, a shared accessway and local purpose reserve.
10. RC235378 and RC235379 were granted on 28 July 2023 to change conditions 1-2 of RC225470 (as varied by 235308) and to cancel consent notices relating to RT 1046021. The changes to conditions 1-2 reflect that Lot 56 DP 573266 will be acquired by the applicant and that roading/servicing connections will be completed and vested.

The Existing Environment

11. The existing site has a flat topography and was cleared at the time of RC225470 and is understood to still be vacant (as viewed on aerial imagery). I have not visited the site as this application is a variation of conditions and is a technical regulatory matter that does not require a site visit in my view.

12. The adjoining land to the north; west, and south is the 'Westwood' subdivision. Lemonwood Grove Primary School and Faringdon South residential development is located to the east.
13. RC225800 was granted 29 March 2023 to establish a comprehensive care retirement village within Lot 2007 DP 576787 (Record of title – 1062384)) to the north and west by Ryman Healthcare Ltd.

Statutory Considerations

14. 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.”.*
15. The applicant proposes to delete condition 67 to avoid the need to register a consent notice, to include a 5m² utility lot, and to amalgamate Lot 61 (legal access) in four undivided quarter shares with Lots 28-31.
16. It is appropriate to consider this application as a change or cancellation of conditions pursuant to section 127 because the proposal will not result in a fundamentally different activity from what was originally approved.
17. As a change of condition, the proposal is a fully discretionary activity.

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

18. The NES-CS was assessed as part of the underlying subdivision and controlled activity consent granted.
19. The proposal is not a change of use of the land and therefore the NES-CS does not apply to this application.

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

20. 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.
21. No written approvals have been provided with this application. A separate s95 report was prepared in relation to RC225470 which concluded that the effects on the environment are less than minor and no persons are adversely affected. The assessment of affected persons did factor in that built development will be in accordance with the Living Z standards similar to existing residential neighbours. This will no longer be the case as a result of this application, however; the receiving environment has changed since the time of that original consent and the site is now zoned MRZ where the rules are fully operative. Therefore more intensive development is both encouraged and anticipated. Title has not yet issued for the stage of the subdivision affected by this consent and therefore there are no existing private land owners of the respective lots. As a result no persons are considered to be adversely affected by this proposal.

Notification Assessment

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

Assessment

22. Each of the matters raised in the s127 application is assessed in turn below.

Deletion of Condition 67

23. The site is zoned Rural Inner Plains under the Operative District Plan and subdivision consent RC225470 was granted on 24 January 2023 under the Operative District Plan prior to any decisions being made on the Proposed Selwyn District Plan (Notified 5 October 2020). At that time the PDP rules relevant to the proposal had no legal effect.
24. At that time a consent notice registered on the Title of the residential allotments was imposed to require development to comply with the Living Z standards to achieve development in accordance with the small lot medium density Living Z standards, until such time as the site is rezoned or a resource consent is granted.
25. Such a condition was routinely imposed at that time in relation to residential subdivisions in the Rural Inner Plains proposed to be zoned MRZ, but prior to the Proposed District Plan decisions and any relevant rules having legal effect. The rezoning of the site to MRZ and the associated operative provisions under the PODP now renders the consent notice redundant.
26. The deletion of condition 67 avoids the need for the applicant to register the consent notice on the Title and the associated costs, only for the consent notice to be redundant now that the MRZ provisions are operative.
27. There are not considered to be any adverse effects on any adjoining persons given the MRZ zoning is now in full legal effect and Title has not issued and the lots are still in the ownership of the applicant.

Creation of Orion Utility Lot

28. The creation of any site to be used solely for the provision of infrastructure is a controlled activity under SUB-R13 where the infrastructure lot is the only new lot being created. The proposed changes will not result in any other new lots being created and the number of residential lots remains unchanged.
29. The proposed Orion lot is rectangular in shape (2m x 2.5m) and is of an area (5m²) required to accommodate an Orion electricity kiosk.
30. The lot will be connected to the electricity network but will not require connections to water or wastewater systems. The utility lot is located at the front of Lot 48 where it has frontage to 'Road 2'. No vehicle access will be provided.
31. Lot 48 is proposed to reduce in size from 400m² to 395m² because of the proposed utility lot. Consented Lot 48 has minimum dimensions of 13.99m x 28.64m and the proposed Orion lot will result in a small reduction in the allotment width at the road boundary within the corner of the site. This minor reduction in site area will have minimal impact on the ability for Lot 48 to be developed for a residential dwelling considering the permitted road boundary and internal boundary setbacks. A utility lot condition of consent is proposed.

Amalgamation Condition

32. It is proposed that Lot 61 (legal access) be held as to four undivided one-fourth shares by the owners of Lots 28-31 and the amalgamation condition is included on the amended scheme plan. This enables joint ownership split evenly between Lots 28-31.

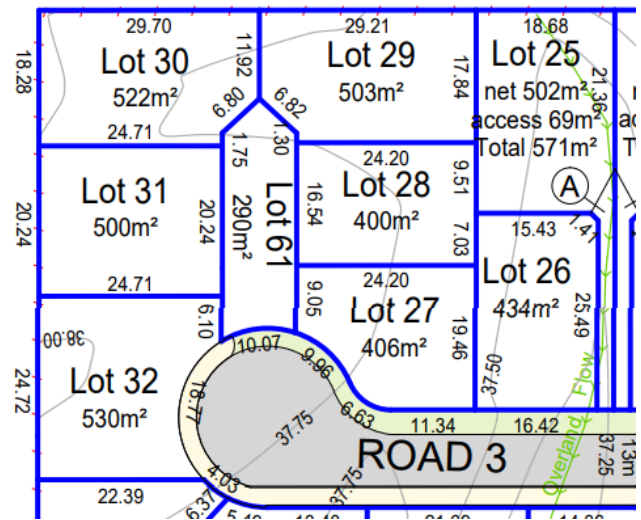
Memorandum of Easements

Nature	Servient Tenament		Dominant Tenament
	Shown	Lot	
Right of Way, Right to drain water and sewage, Right to convey power, water and telecommunications	A	Lot 25	Lot 24
	B	Lot 24	Lot 25
	C	Lot 58	Lot 57
	D	Lot 57	Lot 58
	E	Lot 56	Lot 55
	F	Lot 55	Lot 56

Amalgamation Condition

That Lot 61 hereon (legal access) be held as to four undivided one-fourth shares by the owners of Lots 28 - 31 hereon as tenants in common in the said shares and that individual Computer Freehold Registers be issued in accordance herewith.

Lot 2007
DP 568215



33. The proposed amalgamation condition was forwarded to LINZ and is considered practicable by LINZ.
34. It is agreed with the applicant that the condition does not result in any changes to the intended ownership for Lot 61 and not adverse effects result. An amalgamation condition of consent is proposed.

Positive Effects

35. Positive effects are not relevant to the consideration of notification and will be considered as part of the s104 assessment later in this report.

Conclusion

36. It is considered that any adverse effects of the proposed changes are less than minor and are both encouraged and anticipated due to the MRZ zoning which permits more intensive development within these lots.

Public Notification (Section 95A)

37. 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.

Step 1: mandatory public notification in certain circumstances (sections 95A(2) and 95A(3))

	Y	N
Has the applicant requested that the application be publicly notified?	☐	☒
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)?	☐	☒
Has the application has been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?	☐	☒

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**.

Step 2: public notification precluded in certain circumstances (sections 95A(4) and 95A(5))

	Y	N
Are all activities in the application subject to one or more rules or national environmental standards that preclude public notification?	☐	☒
Is the application for one or more of the following, but no other types of activities:		
• A controlled activity?	☐	☒
• A boundary activity only (as per the definition of "boundary activity" in s 87AAB of the Act)?	☐	☒

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

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

Step 3: public notification required in certain circumstances (sections 95A(7) and 95A(8))	Y	N
Is the activity subject to a rule or national environmental standard that requires public notification?	☐	✓
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	☐	✓

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**.

Step 4: public notification in special circumstances (section 95A(9))	Y	N
Do special circumstances exist in relation to the application that warrant public notification?	☐	✓

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.

38. 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)

39. 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.

Step 1: certain affected groups and affected persons must be notified (sections 95B(1)-(4))	Y	N
Are there any affected protected customary rights groups, as defined in s 95F?	☐	✓
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))?	☐	✓
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?	☐	✓

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**.

Step 2: limited notification precluded in certain circumstances (sections 95B(5) and 95B(6))	Y	N
Are all activities in the application subject to one or more rules or national environmental standards that preclude limited notification?	☐	✓
Is the application for a controlled activity only and not a subdivision of land?	☐	✓

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

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

Step 3: certain other affected persons must be notified (sections 95B(7)-(9))	Y	N
In the case of a "boundary activity", is an owner of an allotment with an infringed boundary an affected person?	☐	✓
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)?	☐	✓

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**.

Step 4 – Limited notification in special circumstances	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)?	☐	✓

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

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

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

Notification Recommendation

41. I recommend that the application (RC235777) is processed on a **non-notified** basis in accordance with sections 95A-E of the Resource Management Act 1991.

Report by: Vicki Barker, Consultant Planner	Date: 16 February 2024
---	------------------------

Notification Decision

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

 Rosie Flynn, Team Leader Resource Consents	Date: 19 February 2024
---	------------------------

Section 104 Assessment

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

44. 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.*

...

45. 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.

46. Section 104B applies to discretionary and non-complying activities. It allows that the consent authority may grant or refuse the application, and, if granted, it may impose conditions under s 108.

Section 106 – Consent authority may refuse subdivision consent in certain circumstances

47. A consent authority may refuse an application for subdivision consent, or grant it with conditions, if it considers that there is a significant risk from natural hazards or sufficient provision has not been made for legal or physical access to each allotment created. This section applies regardless of the status of the activity under the District Plan.

Section 104 – Effects on the Environment

48. 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. Again, it is noted that the permitted baseline is relevant (section 104(2)), and regard must not be had to any person who has given written approval (section 104(3)(ii)).
49. It is also appropriate to consider the positive effects of the proposal at this section 104 stage. This application to delete condition 67 avoids the need for the applicant to register the consent notice requiring development in accordance with Living Z standards on the Title and the associated costs, only for the consent notice to be redundant now that the MRZ provisions are fully operative. The inclusion of a utility lot and amalgamation condition are also less than minor.
50. As concluded in my notification assessment, I consider that the adverse effects on the environment resulting from the proposal will be less than minor. Taking the positive effects into account, on balance and overall, I conclude that the adverse effects of the proposal will be less than minor.

Section 106 – Natural Hazards and Access

51. 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.

52. Section 106 matters were considered as part of RC225470 and consent was granted subject to conditions which manage natural hazards. The changes sought make no change to this assessment.

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

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

Operative Plan – Objectives and Policies

53. The objectives and policies of the Operative District Plan with respect to subdivision in the MRZ are now inoperative and therefore have not been assessed.

Partially Operative Plan – Objectives and Policies

54. The Partially Operative Plan objectives and policies that I consider relevant relate to Strategic Directions, Urban Growth, Subdivision, and MRZ.

55. The proposal is consistent with Strategic Directions and Urban Growth policies as the site is located within the urban growth areas identified in the Future Development Area in the CRPS and within DEV-RO13. The site is anticipated for urban development and the MRZ provisions are now fully operative. The subdivision will be surrounded by either existing or consented urban/residential/educational development.
56. The proposed allotments will have the necessary characteristics and facilities for their intended use with residential amenity and character maintained overall. Safe and efficient access will be provided for a range of transportation modes, including facilitating access to the town centre. The density of the subdivision is anticipated in MRZ.
57. Overall, I consider the proposal to be entirely consistent with the Partially Operative Plan.

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

Canterbury Regional Policy Statement (CRPS)

58. 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)

59. The NES-CS was discussed earlier in this report, with my conclusion being that the NES-CS was assessed as part of the underlying subdivision and controlled activity consent granted and that this proposal is not a change of use of the land and therefore the NES-CS does not apply to this application.

Section 104(1)(c) – Other Matters

60. There are not considered to be any other relevant matters.

Section 104(3)(d) – Notification consideration

61. 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 s104 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

62. The consideration under section 104 is subject to Part 2 of the Act – Purpose and principles.
63. 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.
64. 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.
65. 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.
66. 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) maintenance and enhancement of the quality of the environment*
67. Based on my assessment of the proposal in this report, I conclude that the proposal will be consistent with Part 2 of the Act.

Conclusions

68. This application is to delete condition 67 to avoid the need to register a consent notice, to include a 5m² utility lot, and to amalgamate Lot 61 (legal access) in four undivided quarter shares with Lots 28-31, which necessitates changes to conditions 1 and 2, and the addition of utility lot and amalgamation conditions of consent.
69. The overall status of the application is discretionary.
70. The adverse effects on any person and the wider environment are considered less than minor.
71. Section 106 was assessed as part of the underlying subdivision and does not present any s106 matters for consideration.
72. The proposal is consistent with the objectives and policies of the PODP.
73. Having considered all relevant matters, on balance and overall, I conclude that the application may be granted.

Recommendation

74. I recommend that RC235777 is **granted**, pursuant to sections 104,104B, and 127 of the Resource Management Act 1991, subject to the conditions of consent below pursuant to sections 108 and 108AA of the Act.

RC235577 Change and cancellation of conditions

1. The subdivision shall proceed in general accordance with the information submitted with the application, and the attached approved subdivision plan prepared by Access Land Surveying Ltd., dated ~~10/07/2023~~ 31/10/2023 and entitled "Lots 23 - 61, 100 - 104 being Proposed Subdivision of Lot 1 DP 326339 & Lot 56 DP 573266, 545 East Maddisons Road, Drawing No. 3572, Sheet 1, Revision ~~BC~~" including any utility lots required.
- 1.b) 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. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.
- 1.c) That Lot 61 heron (legal access) be held as to four undivided one-fourth shares by the owners of Lots 28-31 hereon as tenants in common in the said shares and that individual Computer Freehold Registers be issued in accordance herewith.
2. The consent holder must submit a survey plan in accordance with the approved resource consent subdivision scheme plan titled 'Lots 23 - 61, 100 - 104 being Proposed Subdivision of Lot 1 DP 326339& Lot 56 DP 573266, 545 East Maddisons Road, Drawing No.: 3572, Sheet 1, Revision ~~BC~~', prepared by Access Land Surveying Ltd, dated 10/07/2023. The survey plan must show all easements, any amalgamation conditions, and any areas subject to covenant required by this subdivision consent.
- ~~67. Unless a resource consent has been granted otherwise dwellings and residential activities (this does not include vehicle crossing to vehicle crossing separation distances) including accessory buildings and fencing must be undertaken in accordance with small lot medium density Living Z standards in the Township Volume of the Operative Selwyn District Plan or alternatively if the site is rezoned, dwellings, buildings and residential activities including accessory buildings and fencing shall be in accordance with those new zone rules unless a resource consent has been granted otherwise.~~

~~This condition must be registered as a consent notice on the record(s) of title to be issued for Lot(s) 23-60; Lots 100 and 103 to ensure that it is complied with on a continuing basis.~~

Full conditions of RC225470 (as amended by RC235308, RC235378 & RC235777):

General conditions

1. The subdivision shall proceed in general accordance with the information submitted with the application, and the attached approved subdivision plan prepared by Access Land Surveying Ltd., dated 31/10/2023 and entitled "Lots 23 - 61, 100 - 104 being Proposed Subdivision of Lot 1 DP 326339 & Lot 56 DP 573266, 545 East Maddisons Road, Drawing No. 3572, Sheet 1, Revision C" including any utility lots required.

- 1.b) 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. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.
- 1.c) That Lot 61 heron (legal access) be held as to four undivided one-fourth shares by the owners of Lots 28-31 hereon as tenants in common in the said shares and that individual Computer Freehold Registers be issued in accordance herewith.

Survey plan approval (s223) conditions

2. The consent holder must submit a survey plan in accordance with the approved resource consent subdivision scheme plan titled 'Lots 23 - 61, 100 - 104 being Proposed Subdivision of Lot 1 DP 326339& Lot 56 DP 573266, 545 East Maddisons Road, Drawing No.: 3572, Sheet 1, Revision C', prepared by Access Land Surveying Ltd, dated 10/07/2023. The survey plan must show all easements, any amalgamation conditions, and any areas subject to covenant required by this subdivision consent.
3. The right(s)-of-way and any services easements, and/or easements in gross over parts of Lot(s) 1, 2, 4, 5 and 6 must be included in a memorandum of easements endorsed on the survey plan and must be created, granted or reserved as necessary. The consent holder must meet the costs for the preparation, review, and registration of the easement instruments on the relevant computer registers (records of title).

Section 224(c) compliance conditions

Disposal of Soils Off-site

4. Any soils disposed off-site from the former offal/burn pits and raised garden beds must be disposed of to a facility authorised to accept the material. The consent holder shall submit evidence (i.e. weighbridge receipts or waste manifest) of the disposal of surplus soils from the site to an authorised facility to the Compliance and Monitoring Team, compliance@selwyn.govt.nz, no later than 20 working days following this disposal.

Discovery of Unforeseen Contamination

5. In the event that soils are found to have visible staining, odours and/or other conditions that indicate soil contamination, then work must cease until a Suitably Qualified and Experienced Practitioner (SQEP) engaged by the consent holder has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils. The consent holder shall immediately notify the Compliance and Monitoring Team, compliance@selwyn.govt.nz. Any measures to manage the risk from potential soil contamination shall also be communicated to the Council prior to work re-commencing.

Engineering approval

6. 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.

7. All work shall comply with the conditions set out in the Engineering Approval and be constructed in accordance with the approved engineering plans.
8. All work shall comply with the Engineering Code of Practice, except as agreed in the Engineering Approval.
9. 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.

10. 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.
11. 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.
12. 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.
13. The consent holder or consent holder's agent shall contact the Development Support Engineer (ph: 3472813) prior to any work taking place to discuss infrastructure requirements. This includes but is not limited to location and configuration of water and sewer connections.

Maintenance Bonds

14. (In accordance with the Council's Bonding Policy of Subdivision Works and Large Projects as at the date of issue of this consent)
15. 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.

New roads

16. All roads, including the proposed road location within Lot 102 and adjoining Lot 56 DP 573266 shall be constructed in accordance with the approved engineering plans.
17. All roads, including the proposed road to be constructed within Lot 102 and adjoining Lot 56 DP 573266 shall be vested in the Selwyn District Council as road.

Road Frontage Upgrades

18. The road frontage of all lots created adjacent to East Maddisons Road shall be upgraded to an urban standard, this work is required to be approved and undertaken through the Engineering Approval.

Corner Splays

19. The corner of lots Lot 36, 37, 46, 100 and 103 at the road intersection shall be splayed with a rounded minimum radius of 3 metres. (urban roads only)

Street Lighting

20. Street lighting shall be provided on all new roads and existing roads in accordance with the Engineering Approval.

Street name blade installation

21. The consent holder shall install street name blades displaying the Council approved street name and poles at each intersection in accordance with Policy R430.
22. Road 1 and Road 2 shall be formed as a primary road's. Road 3 shall be formed as a secondary Road.
23. If a roading connection to the South can be completed Lot 102 shall be formed as a primary road and as an extension of Road 1. The intersection of Road 1 and Road 3 shall be formed in such a way that it is clear which road is the primary road.
24. If a roading connection to the South cannot be completed Road 1 and 2 shall be formed as a "crescent" and the primary road into and out of the subdivision. The formation of the intersection where Road 3 connects to the "crescent" shall be formed such that it is clear that Road 3 is the secondary road. The road alignment may

require alteration to meet this requirement and can be addressed at Engineering Approval. Appropriate traffic calming is required to be used on Road 3. The chosen traffic calming device shall be submitted and reviewed as part of the Engineering Approval process.

Reserves

25. Pursuant to the relevant legislation the consent holder shall vest Lot 101 in the Council as Local Purpose (Access Way) Reserve.
26. The consent holder shall supply to Council copies of all Certificates of Title for land, other than roads, that is vested in the Council.

Urban shared accessways

27. The vehicle accessway serving Lots 24 & 25; Lots 28, 29, 30 & 31; Lots 55 & 56; Lots 57 & 58 shall be formed in accordance with Appendix 13 of the District Plan (Townships Volume).
28. A vehicle crossing to service Lots 24 & 25; Lots 28, 29, 30 & 31; Lots 55 & 56; Lots 57 & 58 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.

General Conditions (Water Supply, Stormwater and Sewer)

29. 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. (townships only)
30. 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 Supply

31. 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.
32. Water meters shall be installed in the road reserve only (please note that multi meter boxes may be utilised).
33. 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.
34. The existing on-site water supply system on lot(s) 100 shall be decommissioned, and the existing bore/well shall be sealed and made good to prevent contamination entering the source of groundwater.
35. Any existing bore/well that is no longer in use shall be sealed and made good to prevent contamination entering the source groundwater.
36. Any existing water connections between existing dwellings shall be disconnected to the satisfaction of Council's Development Engineering Manager. Existing dwellings that are not being removed from the site shall be provided with new individual Council maintained points of supply at the property boundary that will be connected to the reticulation network. Connection of the existing dwelling to the Council maintained point of supply is not part of the consent. A building consent will be required for this work.
37. Detailed design of the vested water reticulation network proposed by the consent holder shall also confirm the servicing requirements of the future development lots. If additional infrastructure is required to service the future development lots it will be addressed at Engineering Approval.

Sewer

38. 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.
39. 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. (Gravity sewer)
40. All sewer reticulation to be vested shall meet Council CCTV standards.
41. Connection to the Council sewer shall be arranged by the consent holder and the work shall be done by a registered drainlayer.

42. The existing on-site effluent treatment and disposal system on lot(s) 100 shall be decommissioned and removed from the site or backfilled. A building consent will be required for this work. (septic tank decommissioning),
43. The existing on-site effluent treatment and disposal system on the property shall be decommissioned and removed from the site or backfilled. Existing dwellings that are not being removed from the site shall be provided with new individual Council maintained points of supply at the property boundary that will be connected to the reticulation network. Connection of the existing dwelling to the Council maintained point of supply is not part of the consent. A building consent will be required for this work.
44. The consent holder is required to provide a suitable connection to Councils wastewater reticulation network to service this development. The connection and all required infrastructure upgrades are subject to Engineering Approval. Any upgrades necessary to provide wastewater to this development shall be undertaken by the consent holder at their expense unless otherwise agreed in writing by Council.
45. If detailed design determines that a wastewater pumpstation is required to be installed by the consent holder to service the development, engineering plans shall be submitted to the Development Engineering Manager for approval. The consent holder will operate the pumpstation until Council issue acceptance in writing. Once the pumpstation is accepted, Council's 5-waters Maintenance Operator will operate the pumpstation and the consent holder will enter a 2-year defects liability period and supply a maintenance bond to be held as per Council's Bond Policy.
46. Detailed design of the vested wastewater reticulation network proposed by the consent holder shall also confirm the servicing requirements of the future development lots. If additional infrastructure is required to service the future development lots it will be addressed at Engineering Approval.

Stormwater

47. 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.
48. 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.
49. 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.
50. The proposed development shall not discharge run off onto adjacent properties unless via a controlled outlet approved as part of the Engineering Design Approval.
51. 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.
52. 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.
53. The consent holder shall provide a Stormwater Operations and Maintenance Manual prior to the approval of the section 224(c) Completion Certificate.

54. 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.

55. All stormwater reticulation to be vested shall meet council CCTV standards

Power and Telecommunications Services

Front lots

56. 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.

Rear lots

57. 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. The consent holder shall provide evidence in writing from the relevant authorities that electrical and telecommunications service connections have been installed to each lot.

Site Stability and Site Works

58. 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.

59. A site ground investigation shall be carried out by a suitably qualified person and a report provided to council.

60. The Consent Holder shall confirm whether any earth fill has been placed on site. All filling is to be carried out in accordance with New Zealand Standard (NZS) 4431:2022 Engineered Fill Construction for Lightweight Structures.

61. At the completion of all earthworks Certificates satisfying the conditions of 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.

Landscaping

62. 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.

63. Entrance structures shall not be placed on Council road reserve.

Fencing Covenants

64. 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

65. Pursuant to the relevant legislation the consent holder shall vest Lot 101 in the Council as Local Purpose (Access Way) Reserve.

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

67. Any Lot created for the purposes of Utilities shall be used as a utility lot only.

This condition must be registered as a consent notice on the record(s) of title for each utility lot created.

68. Unless a resource consent has been granted otherwise or otherwise permitted by the Operative District Plan:

- (a) Any lot which shares a boundary with a reserve or walkway shall be limited to a single fence or freestanding wall erected within 5m of any Council reserve boundary and that includes 50% visually transparent fencing as required by the District Plan, at the time that 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 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 (other than roads and reserves) that borders a reserve or walkway.

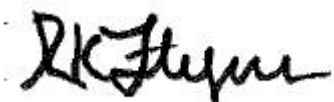
69. A public pedestrian/cycle connection to Lot 2007 DP 576787 must be provided/built when Lot 103 is developed.

This condition must be registered as a consent notice on the record of title to be issued for Lot 103 to ensure that it is complied with on a continuing basis.

Report by: Vicki Barker, Consultant Planner	Date: 16 February 2024
---	------------------------

Decision

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

 Rosie Flynn, Team Leader Resource Consents	Date: 19 February 2024
--	------------------------