

Sections 95, 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

APPLICATION NUMBER:	RC235680, RC235681 & RC235787
APPLICANT:	Hughes Developments Limited
BRIEF DESCRIPTION OF APPLICATION:	This is a joint application for subdivision, land use, and a change of conditions: Subdivision consent RC235680 is sought to undertake a subdivision creating 27 lots and shared accessways within a flood management overlay. Land use consent RC235681 is sought to undertake earthworks and to establish an accessway and vehicle crossing. Application RC235787 is sought to change condition 26 of RC215538
SITE DESCRIPTION:	Address: 523 East Maddisons Road, Rolleston Legal Description: Lot 2002 DP 568215 Title Reference: 1020773 Area: 7,415m² Legal Description: Lot 226 DP 568215 Title Reference: 1020765 Area: 5,719m²
ZONING / OVERLAYS	Operative Selwyn District Plan (2016), Rural Volume Inner Plains Zone Partially Operative Selwyn District Plan (Appeals Version – released 27 November 2023) Medium Density Residential Zone & Neighbourhood Centre Zone Development Area: DEV-RO13, Plains Flood Management Overlay & Liquefaction Damage Unlikely Overlay
OVERALL ACTIVITY STATUS:	Discretionary

The Application

1. This application was formally received by the Selwyn District Council on 15 November 2023. Further information was received on 12 December 2023, and this information now forms part of the application.
2. The application proposes to undertake a staged subdivision to create 27 allotments, accessways and vehicle crossings, within a Flood Management Overlay and without a required corner splay. This subdivision may be undertaken in three separate Stages (Stages 1-3), 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 1,000m² area permitted threshold for subdivision (approx. 2,441m³ of fill is proposed, with a maximum depth of 400mm), and to establish a non-compliant vehicle crossing and accessways.
4. The application also seeks to amend Condition 26 of land use consent RC215538 in relation to the permitted development standards that would apply to the land within Lot 226, as the proposed vehicle accessway and crossings will not comply with the standards for the Business 1 Zone in the Operative District Plan. The existing condition requires the following:

"The rules and standards for the Business 1 Zone in the Operative District Plan (including in relation to vehicle access) shall apply to Lot 226 (the Neighbourhood Centre created by subdivision consent RC215485), except where modified by the following additional conditions.

- a. All Commercial Service and Retail Activity shall be restricted to a maximum total combined GFA of 870m².
- b. Any individual Commercial Service or Retail Activity tenancy area shall be restricted to a maximum GFA of 350m².
- c. The maximum number of storeys that any building may have is 2. The maximum height of any building shall be 8.0m.

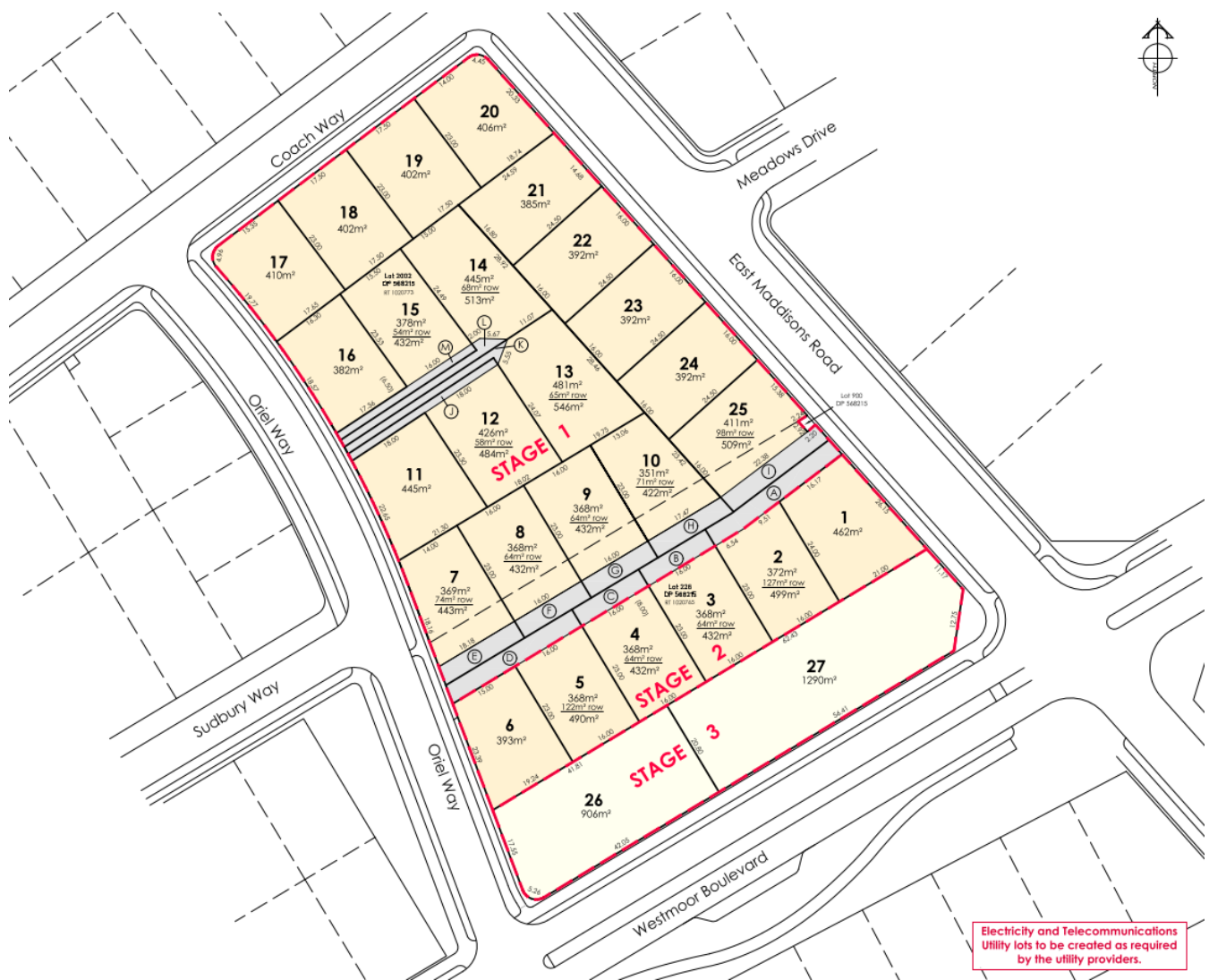


Figure 1: Proposed subdivision scheme plan and immediate environment (Source: Application)

5. The subdivision, land use and change of condition aspects have been bundled in one application and will be processed as such, given that there is an overlap between the three such that consideration of one may affect the outcome of the other and it would not be appropriate to separate them. This enables an integrated and holistic assessment of the proposal as a whole.
6. The main aspects of the activity are as follows:
 - The creation of 27 allotments, ranging from 351m² to 1,290m² in net site area. This will produce a minimum net density of 20.5hh/ha (households per hectare).
 - Two shared accessways, serving a total of 13 sites (4 sites and 9 sites respectively) and the associated vehicle crossings.
 - The subdivision may be completed in three separate stages, although the applicant indicates it may be likely that the stages are completed at the same time. Stage 1 would include Lots 7-25, Stage 2 would include Lots 1-6, and Stage 3 would include Lots 26 & 27.
 - All allotments except for Lot 25 will achieve a minimum dimension of 16m x 23m.
 - A condition and consent notice are volunteered by the applicant restricting the future development of each of Lots 1-25 to no more than a single residential unit.
 - The applicant states that the future uses of Lots 26 & 27 will be determined through a separate land use consent process.
 - All lots will be created vacant and will be provided with services (i.e. power, telecommunications, water, wastewater) for future development.
 - No additional utility lots are required to serve the proposed subdivision. The existing utility lot will be sufficient and will remain in its current location.
 - Approximately 2,441m³ of fill is proposed, which will be placed at up to 400mm depth across the site.

Background

7. A plan change request (PC190064) was lodged by Hughes Development Ltd on 16 December 2019 to change the zoning of land from Rural Inner Plains to Living Z. This sought to rezone approximately 42.3218ha of land in Faringdon South-West and approximately 35.5632ha of land in Faringdon South-East.
8. Faringdon South-West is bordered by Goulds Road to the north-west, East Maddisons Road to the north-east and Selwyn Road to the south-east. Faringdon South-East is bordered by Springston Rolleston Road to the north-east and Selwyn road to the south-east. The Faringdon Special Housing Area separates the two areas.
9. Subdivision and land use consents associated with the plan change, were formally lodged on 23 June 2021. The consents were processed on a non-notified basis, and approved with conditions, by an expert consenting panel on 27 August 2021, under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the FTCA). The subject site is located within the South-West Faringdon subdivision area.
10. The approved resource consents relevant to this site are as follows:

South-West Faringdon

 - RC215485 Subdivision consent for approximately 680 residential lots, a Neighbourhood centre and associated infrastructure and amenities, including reserves.
 - RC215538 Land use consent for earthworks, a consent under the NES, residential and commercial activity, and building prior to the issue of the section 224(c) certificate.
11. The plan change request was withdrawn on 5 November 2021 following the approval of the subdivision and land use consents. Notably, this application included assessment under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) and a geotechnical investigation, which the applicant has chosen to rely on for this application. The Section 224 Completion Certificate was issued for the relevant stage of the subdivision (Stage 0 & 1) on the 20 December 2021.
12. Under this application Lot 226 DP 568215 was created as a '*business (neighbourhood centre) lot*' and any future development on that allotment is required to be in accordance with RC215538. The consent notice discussed prior was registered on the title of the site to record that restriction.
13. In short, the Business 1 zone rules from the Operative District Plan (Townships Volume) (including in relation to vehicle access) apply to the site, in addition to the following conditions:

- a) *All commercial and service and retail activity shall be restricted to a maximum total combined GFA of 870m².*
 - b) *Any individual commercial service or retail activity tenancy area shall be restricted to a maximum GFA of 350m².*
 - c) *The maximum number of storeys that any building may have is 2. The maximum height of any building shall be 8.0m.*
14. A variation (Variation 1) to the Proposed District Plan was notified on 20 August 2022 in response to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, which requires the Council to adopt Medium Density Residential Standards (MDRS) in Rolleston, Lincoln and Prebbleton.
15. The application site was located within a new Medium Density Residential Zone (MRZ), which did not have immediate legal effect (NILE). This is as the site was a new 'relevant residential zone', despite the existing resource consents enabling urban development. Therefore, the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 provisions did not have immediate legal effect.
16. On the 19 August 2023, Lot 2002 DP 568215 was rezoned from Inner Plains under the Operative District Plan (Rural Volume) to Medium Density Residential Zone (MRZ) when the decisions on the Partially Operative District Plan were released.
17. In addition, Lot 226 DP 568215 was rezoned from Inner Plains under the Operative District Plan (Rural Volume) to Neighbourhood Centre Zone (NCZ) when the decisions on the Partially Operative District Plan were released.

The Existing Environment

18. The application site is physically described as 523 East Maddisons Road, Rolleston. The site is bound by East Maddisons Road, Westmoor Boulevard, Oriel Way, and Coach Way. East Maddisons Road and Westmoor Boulevard are formed and sealed collector classification roads, while the others are formed and sealed local classification roads under the Partially Operative District Plan. All roads are local classification under the Operative District Plan.
19. East Maddisons Road has a posted speed limit of 60km/hr (refer **Figure 2**), while the other roads are 50km/hr. Westmoor Boulevard features a central road median with established landscaping (refer **Figure 3**). There are shared paths along Coach Way, East Maddisons Road and Westmoor Boulevard, while Oriel Way has a regular footpath.



Figure 2: View east along Coach Way to East Maddisons Road (Source: Site visit)



Figure 3: View east along Westmoor Boulevard Road frontage (Source: Site visit)

20. In respect of the site characteristics, it has flat topography and some services have been supplied to the site as part of the earlier subdivision works. Features include 1.8m high deer fencing along East Maddisons Road (refer **Figure 4** below), and a feature stone wall located at the intersection of East Maddisons Road and Westmoor Boulevard. There is an existing Orion utility lot also located along the East Maddisons Road frontage.



Figure 4: View of the site looking south-east (Source: Site visit)

21. The surrounding sites are predominantly developed with residential activities, although it is recognised that there is an early childhood education centre and Lemonwood Grove & Waitaha Schools located on the opposite side

of East Maddisons Road (on separate properties). This is shown in **Figure 5** below. The Rolleston Town centre is located to the north of the site.

22. I visited the site on 27 November 2023.



Figure 5: Application site and immediate surrounds (Source: Google Maps)

Statutory Considerations – RC235787

23. 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 & Rural Volumes ("the Operative Plan")

24. The application site is zoned Inner Plains (Rural Volume). There are no relevant overlays relating to this site.

25. The Council released the Appeals Version of the Partially Operative Selwyn District Plan (PODP) on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act), and the corresponding provisions in the Operative Plan are treated as inoperative.
26. Subdivision rules and related provisions from the PODP for the Medium Density Residential Zone (MRZ) that are relevant to this proposal are now operative, and therefore, the equivalent rules from the Operative Selwyn District Plan (2016), Rural Volume, are now inoperative.
27. The rules that still apply following appeals and that this proposal does not meet are as follows.

Land Use

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

RULE	TOPIC	COMPLIANCE	STATUS
4.5.1.2	Access standard	The northern vehicle accessway (within Lot 2002) serving Lots 12-15 (four sites) will not be formed to the relevant design and formation standards set out in Appendix E10.2. The 5.0m legal (6.5m proposed) and 3.5m carriageway (3.5m minimum proposed) minimum widths are met. However, a formed turning area is required, and no turning area is proposed. The southern vehicle accessway (within Lot 226) serving Lots 2-5 & 7-10 & 25 (9 sites total) will not be formed to the relevant design and formation standards set out in Appendix E10.2. The 6.5m legal (8.0m proposed) and 5.0m carriageway (5.0m minimum proposed) minimum widths are met. However, a formed turning area & a passing bay are required and are not proposed.	Discretionary (Rule 4.5.4)
4.5.1.7	Shared access	Shared access to more than six sites shall be by formed and vested legal road and not by a private accessway. The southern vehicle accessway will serve nine sites and does not comply.	Discretionary (Rule 4.5.4)

29. Therefore, the land use proposal is a Discretionary activity under the Operative Plan.

Status – Operative Plan

30. Overall, the proposal is a **Discretionary** activity under the Operative Plan.

Partially Operative Selwyn District Plan (Appeals Version – released 27 November 2023) (“the Partially Operative Plan”)

31. The application site is zoned Medium Density Residential and Neighbourhood Centre. The site is also subject to the Development Area: DEV-RO13, Plains Flood Management Overlay & Liquefaction Damage Unlikely Overlay.
32. The Council released the Appeals Version of the Partially Operative Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act). Those subject to appeal continue to have legal effect pursuant to s 86B.
33. The rules of the Partially Operative Plan that this proposal does not meet are as follows.

Subdivision

34. The proposed subdivision requires resource consent under the following rules:

Operative/treated as operative:

RULE	TOPIC	COMPLIANCE	STATUS
SUB-R1.5	Subdivision in the Residential Zones	Subdivision in the MRZ is a controlled activity where every vacant site (other than a site used exclusively for access, reserves, or infrastructure, or which is wholly subject to a designation) has: a dimension not less than 16m x 23m; and a building square of not less than 8m x 15m. The proposal includes the creation of a vacant allotment (Lot 25) that will not meet the minimum required site dimension of 16m x 23m.	Discretionary (SUB-R1.7A)
SUB-R3	Subdivision in the Commercial and Mixed Use Zones, General Industrial Zone, Knowledge Zone, and Port Zone	Lot 226 is located within the Neighbourhood Centre Zone (NCZ) (falling within the Commercial and Mixed Use Zones (CMUZ) category). Subdivision is a restricted discretionary activity in this zone, where the relevant rule requirements are met. As detailed below, SUB-REQ8 is not complied with.	Restricted Discretionary (SUB-R3)
SUB-R3/ SUB-REQ8	Corner Splays	The corner of any site at any road intersection shall be splayed with a rounded minimum radius of 6m. Lot 26 is located at the intersection of Oriel Way and Westmoor Boulevard and will not be splayed with a rounded minimum radius of 6m (5.26m proposed).	Restricted Discretionary (SUB-REQ8.10)
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)

Has legal effect – subject to appeal:

RULE	TOPIC	COMPLIANCE	STATUS
SUB-R1.5/ SUB-REQ3	Outline Development Plan	Where the site is subject to an Outline Development Plan, no more than 20% of the sites created in any one subdivision shall be rear sites. The number of rear sites will exceed 20% of the sites created. 11 of the sites will be rear lots, being approx. 40% of those lots proposed.	Discretionary (SUB-REQ3.5)

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

Appeals

36. The subdivision appeal affecting SUB-R1 for this proposal is in relation to a single provision, being SUB-REQ3 – Outline Development Plan. This is in respect of a correction of an error in the legend of the Outline Development Plan for DEV-DA8 that has been placed into the Partially Operative Selwyn District Plan in respect of that site in Darfield. For completeness, the rezoning of the site provided under the PODP and the outline development plan that is relevant to this proposal is not appealed. It is also recognised that there is no equivalent rule in the Operative District Plan (Rural Volume), as the site was re-zoned through the District Plan Review. Accordingly, very little weight is given to this appeal.

Land Use

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

Operative/treated as operative:

RULE	TOPIC	COMPLIANCE	STATUS
------	-------	------------	--------

EW-R5A	Earthworks for Subdivision	The maximum permitted area of land subject to the works is 1,000m ² . Earthworks will be undertaken on an area exceeding 1,000m ² . 2,441m ³ of fill is proposed, with a maximum depth of 400mm.	Restricted Discretionary (EW-R5A.2)
TRAN-R4/TRAN-REQ4	Siting of vehicle crossings	Vehicle crossing(s) shall comply with TRAN-TABLE4 - Vehicle crossing distances from intersections as illustrated in TRAN-DIAGRAM1 - Accessway separation from intersections. The western shared access crossing for Lots 2-5, 7-10 & 25 will not achieve a 20m minimum setback. (for 60km/hr or less and local frontage road). A setback of approximately 9.5m is achieved from the intersection of Sudbury/Oriel Way.	Restricted Discretionary (TRAN-REQ4.2)

Has legal effect – subject to appeal:

RULE	TOPIC	COMPLIANCE	STATUS
TRAN-R5/ TRAN-REQ7	Accessway design, formation and use	Where access is shared to more than six sites this shall be via road. The southern vehicle accessway (within Lot 226) serving Lots 2-5, 7-10 & 25 (9 sites) is required to be a road and private accessway is proposed.	Discretionary (TRAN-REQ7.15)

38. Therefore, the land use proposal is a Discretionary activity under the Partially Operative Plan.

Appeals

39. TRAN-R5 is affected by an appeal on the Partially Operative District Plan. Horticulture New Zealand have sought for NH-REQ7 to be amended to include a requirement for accessways to residential units to be setback 5m from the boundary in the General Rural Zone by; adding an additional rule requirement (TRAN-REQ7) to rule GRUZ-R3; and amending TRAN-REQ7 to require a 5m setback from the side/internal boundary where access is to a residential unit in the General Rural Zone. As TRAN-REQ7 is a District Wide provision, TRAN-R5 is treated as subject to appeal for this application. However, very little weight is given to this appeal, given the specificity of the appeal to the GRUZ and the sites MRZ zoning.

Status – Partially Operative Plan

40. Overall, the bundled proposal is a Discretionary activity under the Partially Operative Plan.

National Environmental Standards

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

41. The proposal is not a change of use of Lots 2002 & 226 DP 568215, and a residential use scenario was considered under the underlying subdivisions, and a resource consent (RC215538) was obtained under the NESCS as a Restricted Discretionary activity. The soil contamination identified in the prior investigations has been remediated.
42. Therefore, the NES for Assessing and Managing Contaminants in Soil to Protect Human Health does not apply.

Overall Activity Status

43. The activity status is determined as the most restrictive status that applies to the proposal.
44. As per the discussion above, the proposal is a Discretionary activity under the Operative Plan, and a Discretionary activity under the Partially Operative Plan.
45. Therefore, overall, this application is being considered as a **Discretionary** activity, being the only status applicable.

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

46. 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.
47. No written approvals have been provided.

Notification Assessment

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

Rules

Operative Plan

48. The proposal does not comply with the Operative District Plan (Rural Volume) standards, including accessway and crossing formations.

Partially Operative Plan

49. One of the allotments proposed will not comply with the minimum required site dimensions, and the number of rear sites will exceed 20% of the sites created. In addition, one of the lots will not provide the required corner splay and the site is located within a flood management overlay. In respect of land use, the proposal will exceed the permitted threshold for earthworks and one of the vehicle crossings will have a non-compliant intersection setback. The proposal also includes the creation of a shared access, where a road is required.

Comparison

50. The transportation related non-compliances are generally similar, whilst a much smaller extent of earthworks associated with a subdivision is now permitted by the Partially Operative Plan. In addition, the Partially Operative Plan incorporates a new flood management overlay, with implications for subdivision and future development.

Assessment

51. The status of the activity is Discretionary. As such, 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 discussed where relevant below.
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 that has been developed for that purpose in addition to an educational facility.
53. The adverse effects that might be considered relevant to this proposal are character and amenity, transportation, servicing, natural hazards, and cultural effects. The following addresses all relevant MRZ and NCZ subdivision matters, which I've considered as a guide to assessment.

Character and amenity

54. The application proposes to undertake subdivision of land that is zoned both MRZ and NCZ in the Partially Operative District Plan and is subject to the Development Area: DEV-RO13 requirements. The following assessment accounts for the residential activities and development in the receiving environment, inclusive of the residential development enabled by the existing resource consent and consent notice.
55. There are no special features located on the site that are considered to limit the proposed subdivision layout, with the exception of the existing Orion utility lot adjacent to Lot 25. The development area requires a minimum net density of 15hh/ha and the proposal will achieve a net density equating to 20.5hh/ha.
56. It is proposed that all lots will be created vacant for future development. A condition and consent notice are volunteered by the applicant restricting the future development of each of Lots 1-25 to a single (one) residential unit or principal building. The application states that the future uses of Lots 26 & 27 will be determined through a separate land use consent process.
57. Notably, Lots 1-10 & 25-27 are located within the NCZ zone, and it is not a permitted activity to establish a residential unit within this zone. However, the existing consent notice and condition 26 of land use 215538 permits that development (including associated access) within Lot 226 is undertaken in accordance with the Business 1

zone provisions of the Operative Plan (Townships Volume). It is a permitted activity to undertake residential development within the Business 1 zone and provisions applicable to the site, with no limit on the potential residential density. Therefore, I consider that there are no adverse character and amenity effects that would arise from the use of the subject part of the site for residential activities and development.

58. 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 one site (Lot 25) that will not achieve the minimum site dimension due to the location of an existing Orion utility lot and kiosk. However, Lots 1-25 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, as volunteered by the applicant. Lots 26 & 27 will be of sufficient size and shape for future activities permitted by the Business 1 provisions. I consider that the size and shapes of the lots proposed would have less than minor character and amenity effects on the adjoining and wider environment.
59. The subdivision will not result in the creation of any new residential blocks, as the proposal is a subdivision of an existing undeveloped block, which will not create any new roads to vest in Council. The length of the existing block perimeter is less than the maximum average perimeter length of 800m.
60. The Partially Operative Plan seeks 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. By reducing the number of rear sites, a subdivision can enhance amenity value and interaction with the street environment, fostering a greater sense of community. The number of rear sites will exceed the 20% maximum threshold anticipated for subdivision of areas subject to a development plan. It is proposed that 11 of the sites will be rear lots, being approximately 40% of the total sites.
61. As discussed, the proposal is the subdivision of an existing undeveloped block, which as limited options for the pattern of development that could occur without either creating a high proportion of rear sites, or creating a new road to vest in Council that would benefit a limited number of residents. The Council's Strategic Transport Lead, Mr. Andrew Mazey, has reviewed the proposal and accepts that a road would be unnecessary in this context. In my view, the proposal will maintain a sufficient number of lots with direct frontage to the street. I consider that the proportion of rear sites will have less than minor adverse effects on the adjoining and wider environment.
62. The application proposes approximately 2,441m³ of fill, which will be placed at up to 400mm depth across the site. The fill will be associated with the formation and shaping of the residential allotments and the formation of accessways. The earthworks exceed the maximum permitted threshold for the development of land for subdivision under the Partially Operative Plan.
63. The earthworks required may have the potential to generate adverse dust, noise, and visual amenity effects for adjoining/adjacent property owners and occupiers. With regard 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.
64. 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. Based on the extent of the works proposed and the conditions agreed to by the applicant, I consider that the earthworks related amenity effects on the adjoining and wider environment will be less than minor.
65. Overall, I consider that the character and amenity related adverse effects of the proposal will be less than minor on the adjoining and wider environment.

Transportation

66. The application proposes to create allotments that will either have direct access to an existing road or via a proposed shared accessway that will be constructed as part of this subdivision to a shared accessway. Therefore, all proposed allotments will achieve legal access to a formed and sealed road that will be vested in Council.
67. The proposed stages can be completed in any order, although the subdivision access for Stage 2 (if completed first) would be reliant on a temporary easement being created across a balance allotment in order to maintain legal access to all sites. The applicant has indicated it is likely that all stages will be completed simultaneously. In the event Stage 2 did occur first, a condition would enable the required easements to be created and granted or reserved.
68. The proposal does not include any roads or land transport corridors to vest in the Council. Both District Plans require that where access is shared to more than six sites, this shall be via a vested road. A total of nine sites (Lots 2-5, 7-10 & 25) are proposed to use a private shared accessway, which will have separate crossings at either end. As discussed, the Council's Strategic Transport Lead has reviewed the proposal and it is his view that a shared accessway is acceptable in this context. I also note that each site using the shared access would be

subject to a consent notice limiting residential development to a single unit. This would ensure that any adverse effects associated with future in-fill development, whereby a road may be necessary, will be avoided.

69. Both proposed shared accessways result in non-compliances under the Operative District Plan, as formed turning areas within the extent of the accesses are required and will not be provided. However, the minimum legal and formed widths applicable under both District Plans will be met. The western shared accessway vehicle crossing for Lots 2-5, 7-10 & 25 will not achieve a 20m minimum setback from the intersection of Oriel Way and Sudbury Way. A minimum setback of approximately 9.5m will be achieved.
70. The Operative Plan requires that corner allotments are splayed with a diagonal line reducing each boundary by a minimum of 6m x 6m for local roads, whilst the Partially Operative Plan within the NCZ requires the corner of any site at any road intersection shall be splayed with a rounded minimum radius of 6m. All corner lots except for Lot 27 will not achieve the minimum required corner splay. However, the existing boundaries provide rounded splays with radiuses ranging from 4.45m to 5.26m.
71. Ms. Chrissie Reid, Development Engineering Manager, has assessed the proposed land transport infrastructure and is satisfied that it will be sufficient for its intended function and use.
72. The proposal also seeks to amend Condition 26 of land use consent RC215538 in relation to the permitted development standards that would apply to the land within Lot 226, as the proposed vehicle accessway and crossings will not comply with the standards for the Business 1 Zone in the Operative District Plan.
73. Based on the above assessment, I consider that the adverse transportation effects on the adjoining and wider environment will be less than minor and acceptable.

Servicing

74. The application proposes to establish servicing to each allotment proposed, including potable water, wastewater, power, and telecommunications.
75. In regard to potable water, the Council reticulated network is located in the road reserve along three of the site frontages and has been previously established to support further development of an equivalent number of connections. Each proposed residential allotment will be provided with a separate metered potable water connection to the net area of the lot, and this may require some extensions to the existing water sub-mains. The metered connection would be installed at the road boundary. This development will comply with EI-R10 (Below Ground Network Utilities Upgrading or Installation) in the Partially Operative District Plan.
76. 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). The application states that fire hydrants are already established around the perimeter of the site in compliance with this standard.
77. 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.
78. For wastewater, the infrastructure report states that the development can use the Council's gravity reticulation that was extended around the site including numerous laterals as part of the previous development works. Some new laterals will be required to be installed back into the existing road. New 150mm mains would be installed in the shared accessways for rear lots, and easements in gross benefitting Council will be provided. The 'downstream' network has capacity for the new lots proposed by the development and the design will meet the requirements of the Council's Engineering Code of Practice.
79. 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. Streetlights have been previously installed in the roads surrounding the site and no further lighting is necessary.
80. 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.

81. 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). Soakpits in the road reserve were designed and constructed to accommodate the flows from the adjacent roads in addition to the run-off from the accessways proposed during the 2% Annual Exceedance Probability (AEP) design event. Resource consent (CRC220727) for the operational stormwater discharge to ground has already been obtained by the applicant as part of the underlying subdivision and include the application site. Stormwater discharge during construction will comply with the Environment Canterbury Erosion and Sediment Control Guidelines. All of the infrastructure in the shared accessways will be subject to engineering approval, and this forms an agreed condition of consent.
82. Utilities will be vested in Council as part of the proposed subdivision and will 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 utilities will operate at a satisfactory standard aligned with the Council's expectations for delivery of services.
83. 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).
84. 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.

Natural hazards

85. The application proposes to undertake subdivision within the Plains Flood Management Overlay (PFMO) under the Partially Operative Plan. 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.
86. 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. The proposed bulk earthworks (approx. 2,441m³) will change existing ground levels, as fill is proposed to a maximum depth of 400mm.
87. The applicant has stated that the lots and surrounding road network have already been designed as part of the prior subdivision and development to accommodate the one in 200-year flood event. Therefore, despite the modelling, the site will not be subject to any flooding during the design event. In addition, the proposed filling of the site will be above the flood level of the design event, and consequently, the filling proposed will not displace/exacerbate or otherwise affect the flood flow through the surrounding area.
88. The applicant has agreed to a condition of consent requiring that 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.
89. The application site is located within the Liquefaction Damage Unlikely Overlay. However, for larger subdivisions within Rolleston, i.e. those exceeding 15 sites, a geotechnical investigation is required, given the scale of development and size of investment.
90. A geotechnical assessment of the site was undertaken in support of underlying subdivision and land use resource consents, which were approved and resulted in the site being permitted to undertake residential and business development. This assessment was peer reviewed by Ian McCahon of Geotech Consulting Limited on behalf of Council. The peer review by Ian McCahon, named 'Subdivision – RC215485, Hughes Developments Limited, Farrington West & South East, Geotechnical Summary Peer Review, dated 14 July 2021, concluded the following:
- "The information presented demonstrates that there are no geotechnical risks of any magnitude that would prevent the land in question being suitable for residential subdivision and development. The extent of work site testing is consistent with the intent of the MBIE Guidance requirements, in our professional opinion, and is sufficient for the assessment of risk for the subdivision application".*
91. Mr. McCahon confirmed (email dated 28 November 2022) that the prior conclusions remain valid and applicable to this subdivision proposal. In his view, the reports covering this site and the wider site are in his view comprehensively and competently done. No additional work is necessary.
92. Based on the above assessment and FAC condition agreed by the applicant, I consider that the hazard related adverse effects on the adjoining and wider environment will be less than minor.

Cultural effects

93. 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.

Positive Effects

94. 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

95. Overall, I conclude that the adverse effects of the proposal on any persons will be less than minor.
96. Overall, I conclude that the adverse effects of the proposal on the wider environment will be less than minor.

Public Notification (Section 95A)

97. 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.

98. 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)

99. 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 public 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.

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

Notification Recommendation

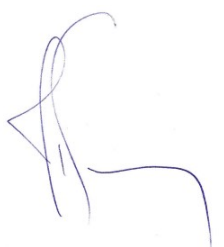
101. I recommend that the application (RC235680, RC235681, and RC235787) is processed on a **non-notified** basis in accordance with sections 95A-E of the Resource Management Act 1991.

Report by: Richard Bigsby, Senior Resource Management Planner	Date: 17 January 2024
---	-----------------------

Notification Decision

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

	Date: 31 January 2024
--	-----------------------

 Janette Dovey, Team Leader Resource Consents	
---	--

Section 104 Assessment

103. Section 104 of the Act sets out the matters the Council must have regard to when considering an application for resource consent.
104. 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.*
- ...
105. 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.
106. 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 104 – Effects on the Environment

107. 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.
108. 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 development in Rolleston.
109. 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

110. 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.

111. In this case, appropriate legal and physical access can be provided to all lots. The application site is identified as being at risk from flood hazard, although the applicant has accepted suggested conditions of consent that would mitigate the potential effects of inundation on residential units or principal buildings. The application site is not at significant risk from natural hazards, nor will the proposed subdivision exacerbate any existing hazards.

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

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

Operative Plan – Objectives and Policies

112. The Operative Plan objectives and policies that I consider relevant relate to transportation.
113. The transport provisions (Objective B2.1.1, & Policy B2.1.4(a)) seek an integrated approach to transport planning to ensure the safe and efficient operation of the District's Roads. This includes ensuring that sites have sufficient access to meet the needs of future activities. The effects of the corner splay non-compliances are considered to be insignificant and the proposed accessway formation will be sufficient for the needs of future activities, recognising the consent notice volunteered by the applicant.
114. Overall, I consider the proposal to be consistent with the Operative Plan.

Partially Operative Plan – Objectives and Policies

115. The Partially Operative Plan objectives and policies that I consider relevant relate to subdivision, natural hazards, earthworks, and transportation.
116. 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).
117. The MRZ specifically seeks to enable a mix of densities, which includes a range of housing typologies (MRZ-P1). All sites achieve a minimum building square and could accommodate standalone or duplex typologies (with use of an adjoining site). Sites within the NCZ will have sufficient area and dimensions to enable different activities and built-form. Whilst I acknowledge that residential uses are not permitted with the NCZ, the existing consent notice and change of conditions sought will enable that portion of the site to continue to be developed for residential uses if desired. Therefore, the proposal may include the development of residential activities at ground floor level within the NCZ and this is contrary to CMUZ-P3, the effects of the activity are already permitted by resource consent.

118. All sites will be provided with the necessary services and facilities as part of the subdivision works to enable development (SUB-P3). No permanent balance lots are proposed. Each allotment will have acceptable legal access to a road vested in Council and the shared accessways will provide necessary easements.
119. 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. A FAC will be obtained to confirm that the risk to people, property and infrastructure is appropriately mitigated.
120. 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).
121. The transport provisions (TRAN-O1) seek that connections are safe, efficient and effective for all transport modes, including integration with land use activities and subdivision. TRAN-P7 specifically seeks to recognise and protect the function of the land transport network by managing land use activities and subdivision to ensure the safe and efficient movement of people and goods. This includes requiring the design, positioning and maintenance of accessways, corner splays and vehicle crossings to ensure appropriate sightline visibility for road users for supporting and safe and efficient road environment.
122. 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. Based on the preceding assessment of environmental effects, I consider that the proposal is consistent with the relevant transport provisions.
123. Overall, I consider the proposal to be consistent with the Partially Operative Plan.

Plan Weighting

124. 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.
125. 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.
126. There is significant conflict between both District Plans, as the site has been re-zoned from rural to residential, and this completely changes the environment anticipated by the relevant provisions. Those relevant provisions relating to the MRZ are now operative (per Clause 103, Schedule 1 of the Act).
127. In respect of transport, TRAN-REQ7 applies to all zones, with TRAN-R5 consequently treated as subject to appeal for this application. However, the nature of the appeal is very specific in that the relief sought relates to the GRUZ only. As the site is zoned a combination of MRZ and NCZ, very little weight is given to this appeal.
128. Overall and on balance, the provisions of the Partially Operative Plan are afforded significantly more weight for the reasons outlined above.

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

Canterbury Regional Policy Statement (CRPS)

129. 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)

130. The NES-CS was discussed earlier in this report, with my conclusion being that it does not apply to this subdivision proposal.

Section 104(1)(c) – Other Matters

131. There are no other matters considered to be relevant to this proposal.

Section 104(3)(d) – Notification consideration

132. 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

133. The consideration under section 104 is subject to Part 2 of the Act – Purpose and principles.
134. 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.
135. 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.
136. 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.
137. 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.*
138. 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, and maintaining amenity values and the quality of the environment.

Conclusions

139. This is a joint application for subdivision, land use and a change of conditions.
140. The subdivision would create 27 lots and shared accessways within a flood management overlay and the land use consent would undertake earthworks and to establish an accessway and vehicle crossing. Application RC235787 is sought to change condition 26 of RC215538.
141. Overall, the proposal is a discretionary activity.
142. I conclude that the adverse effects on the adjoining and wider environment will be less than minor.
143. There are no known constraints associated with the proposal that could prevent the granting of this consent under Section 106 of the RMA.

144. The proposal is consistent with the Operative Plan and Partially Operative Plan, and significant weight is given to the Partially Operative Plan.
145. Having considered all relevant matters, on balance and overall, I conclude that the application may be granted, subject to conditions of consent.

Recommendation

146. I recommend that subdivision consent RC235680, land use consent RC235681, and change of conditions RC235787 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

RC235680 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 15 November 2023, the further information provided on 12 December 2023, and the attached stamped Approved Plan entitled "Proposed Subdivision of Lots 226 & 2002 DP 568215", and dated November 2023, except where another condition of this consent must be complied with.
3. All required easements shall be created and granted or reserved.
4. Lots 1-25 shall be restricted to the establishment of not more than one residential unit or principal building on each lot. 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.
5. An accidental discovery protocol (ADP) must be in place during all earthworks to deal with archaeological finds and protect the interests of mana whenua. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014) (Appendix 1).
6. An Erosion and Sediment Control Plan (ESCP) must be constructed, inspected, and maintained in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury. If the erosion and sediment controls prove to be inadequate, works must cease until appropriate and effective measures are in place.

Flooding Assessment

7. 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.
8. 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.

General Engineering Requirements

9. All work shall comply with the Engineering Code of Practice, except as agreed in the Engineering Approval.
10. 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.

11. 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.
12. A design certificate from a suitably qualified designer shall be submitted to Council as part of Engineering Approval.
13. The consent holder or consent holder's agent shall provide written notification to Council 10 working days prior to commencement of works.
14. Prior to the issuing of s224(c) certificate the consent holder shall provide accurate 'as built' plans and AMIS schedules that meet the requirements set out in the Engineering Code of Practice. Any costs involved in provision and transfer of this data to Council's systems shall be borne by the consent holder.
15. Prior to the issuing of s224(c) certificate the consent holder shall provide a comprehensive electronic schedule of any assets to be vested in the Council that meets the requirements set out in the Engineering Code of Practice.
16. Producer statements from the principal civil contractor shall be supplied to Council confirming that all vested assets have been installed in accordance with the approved engineering plans and specifications prior to the issuing of S224(c) certificate.
17. Producer Statements from the principal civil designer shall be supplied to Council confirming that all vested assets have been installed in accordance with the approved engineering plans and specifications prior to the issuing of S224(c) certificate.
18. On-site construction must commence within 12 months of the issue of Engineering Approval. If construction on site does not commence within 12 months of the issue of Engineering Approval letters, the applicant shall re-submit plans for Engineering Approval prior to works commencing.
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.

Vehicle Crossings and Accessways

20. A vehicle crossing to service Lot 12 – 15 and Lots 2 – 5, 7 – 10, and 25 shall be formed in accordance with TRAN-REQ5 Vehicle crossing design and construction and TRAN-REQ6 Vehicle crossing surface of the Partially Operative Selwyn District Plan.
21. The vehicle accessway serving Lot 12 - 15 and Lot 2 – 5, 7 – 10 and 25 shall be formed in accordance with TRAN-REQ7 - Minimum requirements for accessways of the Partially Operative Selwyn District Plan and surfaced in accordance with the requirements of Engineering Approval.
22. All vehicle crossings and formed accessways shall meet Councils testing standards as prescribed by the Engineering Code of Practice. Supporting documentation shall be supplied to Council prior to the issuing of s224(c) certificate.
23. Private Road name options, a minimum of three options for each road, and street numbering plans shall be submitted to Council in accordance with Council Policies N101 and N102 at Engineering Approval.
24. The consent holder shall install private road/ROW name signs displaying the Council approved street name and poles at each ROW in accordance with Policy R430.

25. All proposed vehicle crossings shall be located in accordance with Council's Tree's and vegetation Policy. The relocation of existing street trees to enable works proposed by this consent shall be undertaken at consent holders' expense and be installed in accordance with the approved plans.
26. The relocation of existing streetlights to enable works proposed by this consent shall be undertaken at the expense of the consent holder and be installed in accordance with the approved engineering plans.
27. Proposed ROW 2 (Lots 2 – 5, 7 – 10 and 25) shall be designed to discourage public access. Appropriate signage and/or threshold treatments will be required and confirmed at Engineering Approval.

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 by Council's Five Waters maintenance contractor, or a suitably qualified water installer under the supervision of Council's Five Waters contractor. Costs incurred through supervision by Council's Five Waters maintenance contractor shall be met directly by the consent holder.
33. All vested water reticulation shall meet Council's testing and hygiene standards as prescribed by the Engineering Code of Practice. Supporting documentation shall be supplied to Council prior to the issuing of s224(c) certificate.
34. 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 vested wastewater reticulation shall meet Council's pressure testing and CCTV inspection standards as prescribed by the Engineering Code of Practice. Supporting documentation shall be supplied to Council prior to the issuing of s224(c) certificate.
37. Connection to the Council sewer shall be arranged by the consent holder at the consent holder's expense. 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 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.
40. The proposed development shall not discharge run off onto adjacent properties unless via a controlled outlet approved as part of the Engineering Design Approval.
41. 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.

42. 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.
43. The consent holder shall provide a Stormwater Operations and Maintenance Manual prior to the approval of the section 224(c) Completion Certificate.
44. Prior to the approval of a section 224(c) completion certificate the consent holder shall provide a fully compliant compliance monitoring report from the Regional Council.
45. 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 shall be provided at engineering approval.

Power and Telecommunication 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.

Site Stability and Site Works

49. 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) 4431:1989 Code of Practice for Earth Fill for Residential Development.
50. At the completion of all earthworks Certificates satisfying the conditions of NZS4431: 1989 Code of Practice for Earth Fill for Residential Development, are to be provided to the Selwyn District Council. These certificates will detail the extent and nature of all earthworks undertaken.

RC235681 Land Use Consent Conditions

1. The proposal shall proceed in general accordance with the information submitted with the application on 15 November 2023, the further information provided on 12 December 2023, and the attached stamped Approved Plan entitled "Proposed Subdivision of Lots 226 & 2002 DP 568215", and dated November 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. The consent holder shall implement best practicable option measures to avoid or mitigate the dispersal and deposition of dust from construction and earthworks activities beyond the boundary of the property.
4. 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.

Attachment

1. RC235680 Subdivision and RC235681 Land Use Approved Plan – “Proposed Subdivision of Lots 226 & 2002 DP 568215”.

RC235787 Change of condition

Condition 26 shall now read:

The rules and standards for the Business 1 Zone in the Operative District Plan (including in relation to vehicle access) shall apply to Lot 226 (the Neighbourhood Centre created by subdivision consent RC215485), except where modified by the following additional conditions.

- a) All Commercial Service and Retail Activity shall be restricted to a maximum total combined GFA of 870m².
- b) Any individual Commercial Service or Retail Activity tenancy area shall be restricted to a maximum GFA of 350m².
- c) The maximum number of storeys that any building may have is 2. The maximum height of any building shall be 8.0m.
- d) Vehicle access to more than six sites via Right of Way (as opposed to road) is permitted in accordance with resource consent RC235680 & RC235681.

Full conditions of RC215538 (as amended by RC235787):

Earthworks

1. The development and activity shall proceed in accordance with the information submitted with the application RC215538, the further information provided and any further information or amendments provided in the response to comments and the comments on draft conditions provided by the Applicant.
2. Any uncontrolled fill encountered during subdivision works shall be removed and replaced with controlled compacted clean fill in accordance with NZS4431:1989.
3. Hours of earthworks operations shall be limited from 7am to 7pm Monday to Saturday. These hours shall exclude public holidays and Sunday, unless otherwise agreed by Selwyn District Council.
4. 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 limited 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 NZS6803:1999 Acoustics – Construction Noise.
5. The Consent Holder shall implement the best practicable option to avoid or mitigate the dispersal and deposition of dust from construction and earthworks activities beyond the boundary of the property.
6. The total area of disturbed land at any one time shall not exceed 4 hectares.
7. The maximum depth for all excavations shall not exceed 4.2 metres below natural ground level.
8. A Dust Management Plan which includes measures to ensure compliance with condition 5 above is to be prepared by a suitably qualified and experienced practitioner and provided to Selwyn District Council for approval at least 10 working days before work under this consent begins on site.
9. The Consent Holder shall implement the best practicable option to avoid or mitigate the discharge of sediment laden runoff beyond the boundary of the property.
10. On the completion of works:
 - a. All disturbed areas shall be returned to their 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.

Contaminated Soils / unexpected contamination

11. The area identified at 870 Selwyn Road as being contaminated shall be remediated in accordance with the recommendations in the ENGEO Report titled “Combined Preliminary and Detailed Site Investigation: 870 Selwyn Road” dated 22.01.2021.

12. No earthworks are to occur in the area identified in the ENGEO Report titled "Combined Preliminary and Detailed Site Investigation: 870 Selwyn Road" dated 22.01.2021 until the area has been investigated by a Suitably Qualified and Experienced Practitioner with respect to contaminated land, and an updated report, and remedial action plan and site validation report (if necessary) supplied to Council.
13. Where contaminated material (exceeding residential guidelines) 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.
14. Any contaminated material (exceeding residential guidelines) 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.
15. Any replacement soils shall be certified as clean fill in accordance with the definition of Ministry for the Environment's Guide to Management of Cleanfills (2002) or tested by a Suitably Qualified and Experienced Practitioner with respect to contaminated land 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. The soil trace element concentrations that define "cleanfill" (per the MfE 2002 cleanfill guidelines, Section 4.3.2) for the South West site are those of "Regional Yellow Brown Stony" soils. These contaminant concentrations are available on the "Soil Trace Elements Level 2" layer on Canterbury Maps. For convenience, those values have been tabulated below:

Contaminant	Regional Yellow Brown Stony background levels (mg/kg)
Manganese	721.4
Arsenic	6.35
Cadmium	0.14
Chromium	19.89
Copper	11.68
Mercury	0.07
Nickel	13.91
Lead	19.75
Zinc	69.58
Total DDT	0.431
Polycyclic aromatic hydrocarbons, benzo(a)pyrene toxicity equivalent (BaP TE)	0.922

Advice note: Different levels apply to the South East Faringdon development area that is subject to separate consents.

16. Where evidence of a contaminated site/materials 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 a Suitably Qualified and Experienced Practitioner with respect to contaminated land 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 remediate the contaminated area to applicable land use NESCS and in accordance with the resource consent (as appropriate). All works shall be undertaken at the Consent Holder's expense.
17. The Consent Holder shall submit to the Team Leader Compliance for their approval a Site Validation Report prepared by a Suitably Qualified and Experienced Practitioner with respect to contaminated land and 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.

18. After the demolition of buildings built prior to 1 January 2000 and prior to earthworks, an asbestos clearance certificate shall be provided to Selwyn District Council.

Advice note: Prior to the demolition of buildings that were constructed or installed prior to 1 January 2000, a full asbestos survey is highly recommended.

Accidental Discovery Protocol

19. In the event of any discovery of material suspected to be evidence of pre-1900 human activity, taonga/treasured artefacts or Human remains/Kōiwi in a 'place', the following applies:
- Work shall cease immediately at and within 20m of the place. This 20m perimeter shall become the 'affected area'.
 - The contractor shall shut down all machinery within the affected area, secure the affected area, and immediately advise the Site Manager.
 - The Site Manager shall secure the affected area and immediately notify the Heritage New Zealand Pouhere Taonga ("HNZPT") Archaeologist, Selwyn District Council and Environment Canterbury. HNZPT will advise if further assessment by a suitably qualified archaeologist and/or an archaeological authority application is required from the Consent Holder.
20. If the material is of Māori origin, in addition to the requirements in the condition above, the Site Manager shall immediately notify Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, subject to meeting statutory requirements (Heritage New Zealand Pouhere Taonga Act 2014, Protected Objects Act 1975). In this instance, Te Ngāi Tūāhuriri Rūnanga, Te Taumutu Rūnanga and the HNZPT Archaeologist will jointly advise if further assessment by a suitably qualified archaeologist and/or an archaeological authority is required from the Consent Holder.
21. If Human remains/Kōiwi are uncovered, in addition to the conditions above, the Site Manager shall immediately advise the NZ Police. The affected area must be treated with the utmost discretion and respect. Remains are not to be moved until such time as Te Ngāi Tūāhuriri Rūnanga, Te Taumutu Rūnanga, HNZPT and NZ Police have responded and agreed that they can be moved.
22. Any works within an affected area shall not resume until Te Ngāi Tūāhuriri Rūnanga, Te Taumutu Rūnanga and HNZPT (and NZ Police in the case of Human remains/Kōiwi) authorise work to continue.
23. Prior to commencing work, the Consent Holder shall ensure that all persons involved in, or supervising, works on-site are familiar with the Accidental Discovery Protocol.
24. The Accidental Discovery Protocol shall be clearly displayed and accessible on site at all times during work under this consent.

Advice Notes:

- These conditions apply in addition to any agreements that may be in place between the Consent Holder and the Papatipu Rūnanga (Cultural Site Accidental Discovery Protocol).
- Under the Heritage New Zealand Pouhere Taonga Act 2014 an archaeological site is defined as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. For sites solely of Māori origin, this evidence may be in the form of accumulations of shell, bone, charcoal, burnt stones, stone tools, etc. In later sites, artefacts such as bottles or broken glass, ceramics, metals, etc. may be found or evidence of old foundations, wells, drains, tailings, races or other structures. Human remains/Kōiwi may date to any historic period.
- It is unlawful for any person to destroy, damage, or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga. This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under the District or Regional Plan or whether a resource or building consent has been granted. The Heritage New Zealand Pouhere Taonga Act 2014 provides for substantial penalties for unauthorised damage or destruction.

Fencing and Landscaping

25. All fencing and landscaping shall be undertaken in general accordance with the Approved Landscape and Fencing Plans, except where amended by any other condition of consent.

Advice note: In circumstances where fencing and landscaping is not shown on these plans the relevant Living Z zone rules apply, except where amended by any other condition of consent.

Business – Neighbourhood Centre (Lot 226)

26. The rules and standards for the Business 1 Zone in the Operative District Plan (including in relation to vehicle access) shall apply to Lot 226 (the Neighbourhood Centre created by subdivision consent RC215485), except where modified by the following additional conditions.
- All Commercial Service and Retail Activity shall be restricted to a maximum total combined GFA of 870m².
 - Any individual Commercial Service or Retail Activity tenancy area shall be restricted to a maximum GFA of 350m².
 - The maximum number of storeys that any building may have is 2. The maximum height of any building shall be 8.0m.
 - Vehicle access to more than six sites via Right of Way (as opposed to road) is permitted in accordance with resource consent RC235680 & RC235681.

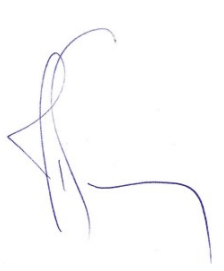
Issuing Building Consent prior to s224 Certificate

27. The lots shall remain in the ownership of Hughes Developments Limited until the s224(c) certificate is issued for the subject allotment.
28. Where any building is erected prior to the issue of the 224(c) Certificate, the Council's Resource Monitoring Officer shall be supplied with a Building Location Certificate from a Registered Professional Surveyor prior to the pouring of foundations. The Building Location Certificate shall confirm that the building is contained wholly within the lot to which it relates and meets the Operative District Plan requirements for bulk and location.
29. No residential dwelling shall be occupied in whole or in part prior to the issue of the s224(c) Certificate for the subject lot.
30. Any services associated with buildings on an allotment shall not be installed until such time that the subdivision services are installed and backfilled for that allotment and have been signed off by Council's Development Engineer.

Report by: Richard Bigsby, Senior Resource Management Planner	Date: 17 January 2024
---	-----------------------

Decision

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

 Janette Dovey, Team Leader Resource Consents	Date: 31 January 2024
---	-----------------------

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.

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	27.00	2.00	25.00	2,462.00	61,550.00	9,232.50	70,782.50
Wastewater	27.00	2.00	25.00	5,772.00	144,300.00	21,645.00	165,945.00
Stormwater	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Reserves	27.00	2.00	25.00	11,628.00	290,700.00	43,605.00	334,305.00
Roading	27.00	2.00	25.00	1,472.00	36,800.00	5,520.00	42,320.00
Lowes Road ODP	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Contribution					533,350.00	80,002.50	613,352.50

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 for each consent. 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.
- 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 approval from Council's Infrastructure and Property Department prior to installation. Applications to install a new vehicle crossing or upgrade an existing one can be made online via the SDC website (Selwyn District Council - Application to Form a Vehicle Crossing (Entranceway)). For any questions regarding the process please contact the Roding Team via email at transportation@selwyn.govt.nz.

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/

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

- o) Council reserves the right to have designs that show vested assets peer reviewed at the consent holder's expense. Applicants will be informed whether this is required upon review of the designs submitted for Engineering Approval
- p) Commencement of physical works - Notification should be provided through Council Customer Services or emailed directly to development.engineer@selwyn.govt.nz, attention Development Engineer. The consent holder or consent holder's agent will need to discuss the following with the Development Engineer:

- Suitable time for pre-start meeting to meet with contractor on site and discuss Council construction requirements
 - Any infrastructure requirements associated with the development
 - Council approvals necessary for future connections
- q) Producer Statements - If multiple civil contractors are used, instead of a principal contractor, to install vested assets each contractor will be required to supply producer statements for their contribution to the physical works.
- 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) Street Trees – Lots 7, 9, 11, 16 & 27 are located adjacent to an existing street tree. Should the approved location of a future vehicle crossing require the relocation of an existing street tree all works associated with relocation (including remediation of the berm) will be undertaken at the applicant's expense.
- t) Connections to Council water reticulation - Refer to WSP 005 for Council's water chlorination, hygiene, and water installer qualification requirements for water reticulation connection requirements.
- u) Applications for new water connections - Applications for new water connections can be made online via SDC's website (Selwyn District Council - New Water Connection approval form). Applications should be made at least 8 working days prior to commencement of work (allow a minimum of 10 working days for watermain shutdowns).
- v) 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 i.e. notification procedure at least two months prior to requesting handover.
- w) 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.
- x) Power and Telecommunication Services - 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 i.e. 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.

Te Taumutu and Ngāi Tūāhuriri Rūnanga Advice Notes for the Consent Holder

- a) Once the residential units have been constructed, indigenous vegetation should be planted within the individual lots to help with the uptake of nutrients, binding of soils and to increase biodiversity in the area.
- b) The Consent Holder should refer to the Ngāi Tahu Subdivision and Development Guidelines to gain a greater understanding of the issues of importance to tāngata whenua and their desired outcomes for protecting their takiwā. These guidelines should be implemented to the greatest practical extent.
- c) Each lot should incorporate sustainable urban design features with respect to stormwater runoff including:

- i. Greywater capture and reuse.
- ii. Rainwater capture and reuse (i.e., rainwater collection tanks).
- iii. Minimising impervious cover (e.g., using permeable paving and maintaining grass cover).
- iv. The use of rain gardens and swales (or other land-based methods) rather than standard curb and channel.
- v. Avoiding the use of building material known to generate contaminants such as copper guttering and roofing.