BEFORE THE EXPERT CONSENTING PANEL APPLICATION FOR S 9 RMA LAND USE, S 11 SUBDIVISION, S 13 LAND USE, S 14 WATER PERMIT, S 15 DISCHARGE PERMIT TO SUBDIVIDE AND DEVELOP FARINGDON OVAL RESIDENTIAL DEVELOPMENT AT ROLLESTON, CANTERBURY

IN THE MATTER	of the of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**) and the deliberations and final decision of the Expert Consenting Panel appointed under Clauses 2, 3, and 4 of Schedule 5 of the Act to consider Applications for consents for the subdivision and development of land for residential purposes at Rolleston, Canterbury
Expert Consenting Panel	John Hardie (Chair) Graham Taylor (Member) Hoani Langsbury (Member)
Applicant	Hughes Development Ltd
Comments received under Clause 17(4) of Schedule 6 to the FTCA:	12 April 2023
Details of any hearing if held under Clause 21 of Schedule 6 of the FTCA	No hearing was held (refer Clause 20, Schedule 6 to the Act)
Date of Hearing if held	N/A
Date of Decision	26 July 2023

RECORD OF DECISION OF THE EXPERT CONSENTING PANEL UNDER CLAUSE 37 SCHEDULE 6 OF THE ACT

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Executive Summary

1. On 17 June 2022, Schedule 54 was included in the Covid-19 Recovery (Fast-track Consenting) Referred Projects Order 2020, enabling Hughes Developments Limited (**Hughes** or the **Applicant**)) to refer its project called Faringdon Oval to proceed by way of the fast track consenting process under the COVID-19 Recovery (Fast Track Consenting) Act 2020 (the **Act**).

2. In February 2023 the resource consent Applications were made seeking subdivision, land use and regional consents to enable rural land at Rolleston to be urbanised for the purposes of creating housing, commercial buildings to support the urban growth, open space and public reserves to compliment the development, and all of the necessary construction of infrastructure associated with the above.

3. In April 2023 the Panel was duly constituted to consider the Application. Panel members are John Hardie (Chair), Graham Taylor and Hoani Langsbury.

4. The Panel's first meeting included a site visit which took place on 12 April 2023.

5. Because our decision has to deal with the contentious issue of the description of the environment both at the time the Application was filed, and the environment as it exists at the time of the decision (if changed), and after legal issues were raised about the statutory s104D Resource Management Act (**RMA**) tests that the Application had to meet, the Chair made a further site visit on 29 June 2023. The Panel held various meetings as part of its processes. It also sought further information to enable it to make an informed decision.

6. The Panel issued six Minutes during the course of its deliberations. The first was issued on 12 April 2023 and that related to the people to be invited to comment on the Application and the opening and closing dates for comments. Clauses 17 (6) and 17 (7) of Schedule 6 of the Act sets out persons or groups from whom a panel must invite written comments. Invitations were sent to those persons listed in Annexure A to this decision. A panel must also consider whether there are other persons that it considers appropriate to invite written comments from under clause 17 (8) of Schedule 6 of the Act. The Panel determined there were no additional parties whose comments could have assisted it in making its decision. The Panel determined that written comments must be received by the EPA on or before 5 May 2023.

7. Minute 2 was issued on 12 May 2023. It noted that a late comment had been received from Environment Canterbury (**ECan**), the date of receipt having been 9 May 2023. The Panel exercised its statutory discretion to allow that late comment to be received and considered. The Minute enabled Hughes to respond to those comments on or before 16 May. Finally, that Minute also noted that clause 10 (3) of Schedule 5 of the Act provides that a Panel may appoint a special advisor to assist the Panel with an Application in relation to any matters the Panel may determine. Simon Berry was appointed as a special advisor to assist the Panel with legal advice.

8. Minute 3 was issued on 29 May 2023. This was in response to the receipt of further information requested from Hughes and the Selwyn District Council (**SDC** or the **Council**) regarding their approach to the section 104D RMA test is so far as it relates to effects on the environment. It was also subsequent to the receipt of advice on the issue from Mr Berry. As set out in more detail in the Minute, there were differences in the conclusions reached from the respective legal opinions. The Panel had also received comments from Tim Harris for SDC. Some of those were inconsistent with the legal advice, and so the Panel, having circulated the advice received from Berry Simons, required caucusing to take place between Hughes and the SDC and in particular, required the provision of joint witness statements outlining the discussions and the results of the caucusing, outlining the areas of agreement and any areas of disagreement, including the reasons for any disagreement, such joint witness statement to be provided to the Panel by 8 June 2023.

9. That in turn required a reframing of the time by which the decision would be released, and that was deferred until 18 July 2023.

10. On 7 June 2023 Hughes made a request to suspend the processing of the consent Application from 8 June until 16 June to enable it and the SDC to finalise their joint witness statement. Minute 4 issued on 8 June 2023 granted that request. That had the effect of extending the deadline by which the panel must issue its decision until 26 July 2023.

11. Minute 5 was issued on 30 June 2023 and invited written comments on draft conditions from Hughes and all parties who had been invited to provide comments under clause 17 (2) of the Act. As noted in the Minute, the preparation and seeking of comments on draft conditions was not to be taken as any indication as to whether or not the Panel would grant or refuse consent. Those comments were to be received by 11 July 2023.

12. Minute 6 was issued to confirm acceptance of late comments on conditions from ECan.

13. The Panel has determined to grant the consents sought subject to the conditions set out in Appendices 2 and 3.

Summary of the Application

14. Faringdon Oval was explained to be an extension of the existing Faringdon community in Rolleston, the most recent addition to which had already been consented under the Act. It is of some moment for us to be told that in a little more than 16 months since the last consent under the Act, the neighbourhoods had now been fully constructed and almost entirely sold, with titles for the final stages expected to be issued within a month of the Application date.

15. Faringdon Oval will initially add an additional 684 residential units to the existing environment, with a further 462 residential units to be enabled via super lots with minimum density requirements created under the consents applied for in this Application.

16. The project area is a triangular block of land located in the south-west corner of Rolleston comprising six separate parcels of land under the control of Hughes with a total area of approximately 69.3 ha. The project anticipates a mix of residential densities and typologies, high-quality landscaping and a network of transport links which includes shared cycle and pedestrian footpaths connected to the new areas, the existing residential developments and the Rolleston town centre.

17. It also includes a large crescent shaped public space which is intended to provide a focal point for the project and create a strong sense of place for the neighbourhood. Part of this will be a neighbourhood centre. Smaller public reserves are scattered throughout the area and there is a Boulevard network intended in part to create walking and cycling infrastructure.

18. Hughes had apparently worked closely with both SDC and ECan to ensure that all infrastructure design for the project was in accordance with the Council's water, wastewater and stormwater network requirements, and relevant regional plan consent requirements. As part of that, Hughes has funded and overseen a Pump Station on Selwyn Road, and the roundabout at Shillingford Boulevard/East Maddisons Road and Goulds Road.

19. Essentially, it is proposed that the development take place in two stages. Phase 1 is said to consist of the 689 lots with densities of low, medium, zero

Lot, duplex, super lots (terraces), super lots (apartments) and a neighbourhood centre Lot.

20. Phase 2 is to consist of the further development of the super lots (terraces and apartments) creating a minimum of 462 additional residential units. The Application before us is inclusive of phase 1 only and further resource consents will be required for phase 2.

21. The intent is that the development will take place in accordance with the Living Z and Business zone built-form standards in the Operative SDC Plan (**ODP**) and the proposed medium density residential standards contained within Schedule 3A of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Enabling Housing Act**). To achieve that consent notices are to be placed on the titles for each of the newly created lots. In addition, covenants are to be placed on titles to ensure a set of design guidelines are adhered to and we talk a little bit more about this when we discuss the urban design report which formed Appendix C to the Application.

22. Consents are needed because there are non-compliances with the relevant rules, objectives and policies in the ODP and we discuss these in our decision.

23. We also note that a subdivision consent has already been obtained from the Council to create a Lot of approximate size 4.7 ha for the purpose of establishing a future primary school. Authorisation to establish that school is to be sought through a separate designation process, so that did not form part of this Application. Nonetheless, the future use of the site as a primary school needed to be factored into all technical assessments, particularly in terms of traffic and infrastructure.

24. The Application proposed 26 stages of development, creating 106 low density lots ranging from 550 m² to 828 m² in size, accommodating one dwelling per lot; 305 medium density lots between 400 m² to 537 m² in size, also accommodating one dwelling per lot, and 121 “zero lots” ranging between 240 m² to 357 m². We are told that zero lots are lots that are identified for housing typology that is designed with no side yard area on one side. This enables small lots to be used efficiently and allows outdoor space along the sunny side of the house to be maximised. These lots are smaller than the Operative Plan Living Z lot sizes but they will apparently facilitate higher density housing and are intended to be constructed in such a way as to prevent unacceptable shading effects on adjacent properties, whilst maximising sunlight benefits for the constructed units.

25. We were advised that the notified SDC Plan (the **PDP**) proposes a minimum net density of 12 households per hectare for developments in Greenfield priority areas. But through the PDP hearings the Council has proposed to increase the minimum net density to 15 households per hectare for all new Greenfield developments. Phase 1 of the project is said to produce a net density of almost 13 households per hectare, but the entirety of Faringdon Oval including Phase 1 and Phase 2 will increase the density to a figure of just over 18 households per hectare. This is achieved by imposing minimum density requirements by way of conditions on the super lots created as part of the Phase 1 consent.

26. Apart from the predominant activity of creating housing, consents are also needed for relevant activities including earthworks, transport activities including right of ways, vehicle crossings, intersection separations, and the establishment of a Neighbourhood Centre.

27. Dealing with earthworks, we were advised that construction of the full residential development will require earthworks of approximately 150,000 m³. During the earthworks phase of construction, all topsoil on site will be retained and replaced on the land immediately following bulk earthworks. We were advised that ECan's Erosion and Sediment Control Guidelines will be followed during periods of earthworks and dust nuisance will be kept to a minimum as per Council standards. Further earthworks detail and the Erosion and Sediment Control Management Plan and Dust Management Plan were contained in Appendix D to the Application, with these requirements proposed as part of a suite of conditions contained in Appendix B to the Application.

28. Two distinct types of right of way (**ROW**) access were proposed. The first is a regular ROW access arrangement which provides dual access to the rear of properties that front Dunns Crossing Road. The second are Shared Access Lanes which will serve between 5 and 24 residential units and these are to be privately owned. The purpose of the lane is to function as a shared space, but each lane has been designed to ensure two-way traffic and enable a rubbish truck to manoeuvre. Specific detail regarding the nature and location of these ROW's was provided to us in the Urban Design and Infrastructure Reports included as Appendices C and E.

29. As for vehicle crossings, a large number of lots do not comply with the relevant location standards in the ODP as they will be located within the setback from an intersection or within 7 m of a shared access or greater than one metre but less than 7 m from another vehicle crossing. Lastly, there are a number of instances where the required minimum intersection spacing in the ODP is not achieved. An effects assessment of the shortfall was included in the Application in the Integrated Traffic Assessment (**ITA**) prepared by Novo

Group, which was contained in Appendix F and in Section 11 of the Application.

30. In relation to design guidelines, these were included as Appendix C to uphold Hughes' vision for a high performing suburban environment with high levels of amenity. This is largely to be achieved by the creation of three precincts. The first is the Boulevard Precincts, which are described as urban corridors which accommodate the main collector roads and shared paths. They are to have significant hard and soft landscaping to reinforce their status. Second, there is the Parkside Precinct, which applies to any lot adjoining public or privately owned open space or any road reserve adjoining public open space. Lastly, the Community Hub Precinct, which is the development located in the central area associated with the Crescent Road and primary active public open space. This area includes super lots identified for apartment development as well as an area for a neighbourhood centre with a food and beverage hub.

31. A neighbourhood centre is proposed for Lot 18 of the subdivision, relying on a suite of design conditions derived from the Business 1 Zone rules within the Township section of the ODP. Appendix G of the Application contained an economic/retail distribution effects assessment from Formative Ltd which suggested that the maximum total gross floor area (**GFA**) of the neighbourhood centre will be limited by conditions to 500 m² and restricted to food and beverage activities.

32. Appendix I of the Application was prepared by Kamo Marsh Landscape Architects relating to all reserves within the project. New recreational networks through the project such as cycle and running trails along Shillingford and Westmoor Boulevards are to connect to existing facilities within the current Faringdon development. There is provision for shared spaces in reserves and a reference to potential bus stop areas. The concept has been designed to include many of the existing materials and plant species found in previous Faringdon stages. An ecologically focused reserve (Lot 2013) draws on the recommendations and the Ecological Enhancement Report prepared by Wildlands Consultants and included as Appendix J. An ecologically based planting strategy is said to strengthen ecological corridors through the streetscape and reserves. Plant species are said to support cultural practices such as rongoā and raranga.

33. An existing pond may once have been a wetland but further investigation by Wildlands Consultants assessed the pond in accordance with the definitions of wetland under the RMA, the National Policy Statement for Freshwater Management (**NPS-FM**), the National Environmental Standard for Freshwater (**NES-F**) and the Canterbury Regional Policy Statement (**CRPS**) Ecological

Significance Criteria. That assessment determined that it is not a wetland. We are therefore advised that no resource consents are required to enhance it.

34. Specific reserve lots along with some road reserve berms are to be utilised for stormwater treatment prior to disposal to ground via a swale network. The swales will be incorporated into the design of the reserves and filter pollutants within the stormwater.

35. An ITA for the project was completed by Novo Group and provided to us as Appendix F. That assessed the separation of intersections, the potential location of vehicle crossing and proposed road widths and it proposes recommendations which have been adopted within the development, and where appropriate through consent conditions and consent notices. Typical cross sections of all roads were included in the ITA. Shared pedestrian/cycle paths set at a proposed width of 2.5 m are to be provided throughout the project along the boulevards and primary local roads to provide connectivity to the surrounding cycle network. All other roads are to have a footpath at least 1.5 m in width.

36. An infrastructure report was provided as Appendix E to the Application. We are told that this resulted from several meetings with strategic planers and Infrastructure engineers at the Council.

37. As for the water supply, we were advised that the SDC has a strategic plan for the delivery of water trunk mains to the southeast side of Rolleston contained in the SDC 5 Waters Activity Management Plan described as the Rolleston Master Plan 2017-2048. The plan describes a network of pipe sizes and bore upgrades with specific timing. The Masterplan is included in the Infrastructure Report contained in Appendix E. Apparently the Master Plan timeframes are no longer applicable as the development of land in Rolleston has overtaken original forecasts. However previous Faringdon developments have enabled pipe size upgrades which will assist this development. The Application provides details of what is proposed which we have considered in our assessment.

38. As for sewer connections, the new South-West Pump Station was under construction at the time of the Application with completion of the full project expected to have been completed by April of this year. It was designed to be constructed in two stages, with the initial stage servicing up to 400 new connections, and the second stage having the capacity to service 3330 new dwellings. The majority of the Faringdon Oval project is included in the catchment for this pump station, along with additional residential development areas. Once again, we have considered the expert evidence in reaching our decision and any appropriate conditions relating to consent.

39. Turning to stormwater, this is proposed to be discharged to ground via soak pits on individual Lots, and stormwater infrastructure associated with the roads is to be vested in the Council. Once again, we have considered the expert evidence in the context of reaching our decision, and we have also taken into account matters raised in comments. These issues are explained later in our decision, and we simply note that the issues can be dealt with by way of appropriate conditions to be imposed upon any consent.

40. We were provided with flood analysis which identified that the site and its current landform may be affected by flooding in both the one in 200 year and one in 500-year storm events. This was included in the Infrastructure Report as part of Appendix E. We are advised that all land contouring which will be undertaken as part of any development works will ensure that all surface water drains towards the road and reserve corridors. Building platforms are to be set between 200 mm and 500 mm above the curb level at the lot frontage. The soak pits on site are designed to deal with stormwater events up to the 1 in 50 year storm. We have considered the expert evidence and taken that into account when determining appropriate conditions.

41. We are advised there are 2 water races which enter the project area. The first is the Paparua Water Race which runs along the eastern boundary at 35 Harrison Drive and terminates at a pond located within the site. The pond is to be retained as part of the development within a reserve with amenity and ecological planting. The second enters the site from Gould's Road and traverses the eastern boundary of the site before discharging to ground that the boundary between Lots 1 and 3 DP 57004. Apparently, approval has been granted by the Council for the closure of this water race and it has already been closed as part of the establishment of a roundabout.

42. Geotechnical evidence was provided by ENGEO and provided to us in Appendix L. That noted that the site has a Technical Category 1 (TC1) future land performance so that land damage from liquefaction is unlikely and ground settlements are expected to be within normally accepted tolerances. We accept that the site is suitable for subdivision from a geotechnical perspective.

43. Contamination investigations were carried out by ENGEO and included as Appendix P. This shows there is contamination in the form of burn pits, sheep dip areas, a waste pit and an aboveground storage tank. The experts have prepared a Remediation Action Plan which is to be followed and undertaken prior to construction activities occurring. A Site Validation report is to be provided to both the Council and ECan upon completion of the remediation. These are matters that can be dealt with by way of appropriate conditions.

44. In addition to consents from the SDC, resource consents are required from ECan for excavation, construction and operational phase stormwater discharges under the Canterbury Land and Water Regional Plan (**CLWRP**). Section 8.7 of the Application assessed these, and we accept they can be dealt with by appropriate conditions of consent.

45. The Application contains a full assessment of the activity against the various statutory criteria required under the Act. That of course includes an assessment against the relevant planning documents. For the purposes of this decision, we do not propose to comment on every issue raised. Where we do not comment, it is because there was no evidence or information contrary to that produced by Hughes, and we accept the evidence put forward by the Applicant. We now turn to make comment on those documents and provisions we consider of some moment.

Part 2 RMA

46. That assessment begins at the highest level by considering Part 2 of the RMA. Our decision will demonstrate that the purpose of the RMA in section 5 is met. Section 8 of the RMA is a matter that we do wish to refer to, because Clause 31(2) of Schedule 6 of the Act provides that the Panel must consider, inter alia, the effect of the proposal on Rūnanga under section 6 of the Act and not Section 8. We have carried out our assessment accordingly.

47. A Cultural Values Report (**CVR**) was prepared by Mahaanui Kurataiao Ltd (**MKL**) on behalf of Te Ngāi Tūāhuriri and Te Taumata Rūnanga hold mana whenua over the project's location, as it is within their takiwā. It was provided to us as Appendix Q.

48. Importantly, none of the proposed development impacts directly on either Statutory Acknowledgment areas although there is the potential for indirect effects to arise from stormwater and sediment runoff. The downstream statutory area to which this statutory acknowledgement applies is Te Tai o Mahaanui (Selwyn – Banks Peninsula Coastal Marine Area), the Coastal Marine Area of the Selwyn – Banks Peninsula constituency of the Canterbury region, as shown on SO Plan 19407, Canterbury Land District as shown on Allocation Plan NT 505 (SO 19901) of the Ngāi Tahu Claim Settlement Act 1998 Schedule 101.

49. This landscape embodies the values of mana, mauri, whakapapa and tapu, as discussed in the Management Plan and CVR.

50. There are a range of conditions proposed to implement the recommendations within the CVR including, Te Mana o te Wai, Landscape and mana whenua values.

51. While the proposal as presented in the Application is not inconsistent with mana whenua environmental and cultural values in general, it is imperative that the design outcomes, physical works and infrastructure and landscape treatment are managed sensitively to mitigate potential adverse effects on cultural values. Mana whenua are particularly concerned with the manner stormwater management is implemented with a particular regard to groundwater mixing and treatment of stormwater flows before discharging. These matters are further dealt with later in the decision.

Covid-19 Recovery (Fast Track Consenting) Act 2020 (the Act)

52. The purpose of the Act is to "urgently promote employment to support New Zealand's recovery from the economic and social impacts of Covid 19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources".

53. Formative Economics gave expert evidence in relation to the way in which this purpose would be achieved, noting that for the Selwyn district, the project would bring in an additional $253 million in GDP over the development. The completed development will support an additional $14 million in GDP per annum. The Project will generate approximately 4000 FTE's. The expert evidence also indicated it would contribute to achieving a more affordable housing market for Rolleston, and it would deliver supporting community infrastructure including green spaces, a neighbourhood centre and (but not part of this Application) a new school.

54. All of this would be achieved if the project proceeded by way of the usual RMA processes, but the key issue is that it would take longer to do so, and the purpose of the Act is to bring those benefits forward in time. We accept this will occur. Some of the timeframes referred to in the Application turned out to be optimistic in light of the fact that the Application believed that houses might be constructed within seven months of the Minister for the Environment's decision to grant the project a referred status under the Act. Be that as it may, the release of our decision will enable the project to commence.

55. We also accept that there is a need for more housing at Selwyn, and this is evidenced by the rapid growth of that community. We speak more about that later in our decision.

56. We do wish to make some comment on the issue of climate change. It is hoped that projects referred under the Act will contribute to New Zealand's efforts to mitigate climate change and enable it to transition more quickly to a low-emissions economy. We find that the project has been designed to assist this objective, but in the bigger picture, the only way in which this can realistically happen is if the increase in the size of Rolleston as a community will reduce reliance on vehicle travel, and therein lies the problem.

57. We accept the location is in close proximity to expanding local employment opportunities as Rolleston grows. The existing express bus (85 Rolleston - City direct) service is designed to get residents from Rolleston to the city as quickly as possible in the mornings and return home in the afternoons.

58. There may be a future rapid-transit link to Christchurch city, but there is no evidence to suggest that this is imminent. Primary and secondary schooling options are available at Rolleston. Walking and cycling networks are available to support alternative transport options to the motor vehicle. Nevertheless, we are satisfied that high-density urban environments with enabled transport links will allow that to happen. So, we accept there are some benefits in the proposal towards climate change and a low-emissions economy.

59. In summary, we have considered the proposal against the criteria contained in the Act and find that the development has been designed in a way which, subject to our comments about climate change, will meet and assist in achieving all of the relevant criteria.

National Policy Statement on Urban Development

60. The next relevant planning document is the National Policy Statement on Urban Development (**NPS-UD**). This sets out national objectives and policies for planning well-functioning urban environments. It is focused on enabling growth by requiring local authorities to provide development capacity to meet the needs of communities and to encourage well-functioning urban environments.

61. We have considered the proposal against all of the relevant Objectives and Policies. We conclude that all are met and we make specific reference to just some of the relevant issues in our written decision.

62. Objective 2 requires that "planning decisions improve housing affordability by supporting competitive land and development markets". Hughes has been in this market for the past 15 years. We accept that the extension of its existing residential housing land will have a benefit in providing continuity of construction, so as to enable them to retain personnel who are currently allocated to the Faringdon South West project which is nearing completion. We accept that this ability to retain resources and equipment, including relevant personnel, will translate into competitive development rates which will be directly reflected in market pricing.

63. We also accept that there is a demand. There is a supply-demand imbalance. This will help address that. Policy 2 requires local authorities, at all times, to provide "at least sufficient development capacity to meet expected demand for housing and for business land over the short-term, medium-term, and long-term". The Housing and Business Development Capacity Assessment 2021 (**HBA**) has Table 2 which identifies that Selwyn has a medium-term capacity shortfall of just over 2000 households if the future development areas are excluded from feasible capacity estimates. We accept that development of this site as an identified Future Development Area (**FDA**) will assist the Council meeting the identified shortfall.

64. We find the proposal meets Objective 2 and Objective 3. The latter does seek if possible, to have development in areas "well-serviced by existing or planned public transport". We noted on our site visit that there is public transport in Rolleston, but we have already made reference to the fact that public transport tends to follow the development and we have no evidence to suggest that anything is currently planned to enhance the existing service. But we accept that the development is engineered in a way which would enable public transport in the future. We accept the proposition that Faringdon Oval will help lead to the critical mass necessary for existing services to be able to expand.

65. We find the proposal meets Objective 6 and Objective 8.

66. We make particular reference to Policy 8. This anticipates that local authorities will make decisions affecting urban environments that would add significantly to development capacity (we paraphrase). We say more about this later in our analysis of the CRPS. We are not convinced that the Council has responded well to ensure significant development capacity, leaving that to the private sector. Hughes is responding to a shortfall which is anticipated by

future planning documents, but not yet reflected in the Council's Operative or Proposed plans, and we discuss that shortly.

National Policy Statement on Highly Productive Land

67. We accept the site is excluded from the definition of "highly productive land" under this National Policy Statement because it is identified in the CRPS for future urban development, and it is not LUC 1, 2, or 3 land.

National Policy Statement for Freshwater Management 2020

68. We have assessed the proposal against this National Policy Statement. This provides direction on managing the activities that affect the health of freshwater. The Statement's objective is to ensure that freshwater is managed to prioritise; first, the health and well-being of water bodies and freshwater ecosystems, then the health needs of people, and lastly the ability of people and communities to provide for their social, economic, and cultural well-being now and into the future. We have assessed the proposal against 15 supporting Policies that set out how to implement this Objective.

69. We make comments where necessary. We note that the water race and the pond which is fed by it has been assessed by Wildlands Consultants as having low ecological value. Notwithstanding this, the proposal contains recommendations to enhance both. We accept that this also includes recommendations which will demarcate from potential stormwater run-off the erosion and sediment control measures during the period of construction.

70. Policy 1 states that "freshwater is managed in a way that gives effect to Te Mana o te Wai. An assessment was made against the Iwi Management Plan and we accept it is a useful guide to how the policies should be applied. There are specific recommendations from mana whenua in relation to Te Mana o te Wai, which are referred to later in the decision.

71. On the basis of the evidence provided to us, we consider that the Project meets the purpose of the National Policy Statement.

National Environmental Standard for Freshwater Regulations 2020

72. We accept the proposition that the water races still existing within the site are defined as artificial watercourses within the NES and are therefore exempt from the definition of a river and so the Standard does not apply.

National Environmental Standard for Assessing and Managing Contamination in Soil to Protect Human Health 2011

73. We have already made reference to the ENGEO Ltd report (Appendix P) and the proposed Remediation Action Plan included in Appendix P. We accept that these issues can be managed by conditions.

Canterbury Regional Policy Statement

74. We have considered the Application against all relevant chapters, and particularly want to deal with Chapter 6. Objective 6.2.1 and its accompanying policies provide direction as to where development can be appropriately enabled and the methods of achieving this through the land use and infrastructure framework within Chapter 6. Priority areas for urban development are illustrated within Map A.

75. The original priority areas within Map A have been supplemented by the addition of a FDA, and these were identified through the Greater Christchurch Partnership (**GCP**) future development strategy (Our Space 2018-2048). That led to FDA's for Rolleston to be included in Map A through Change 1 to Chapter 6 of the CRPS.

76. The site is located within an FDA within Map A. Importantly this therefore means that the site is an area anticipated for future urban development.

77. Housing bottom lines for the short-medium term (10 years) and long-term (10 – 30 years) have been introduced within Objective 6.2.1 a in accordance with the requirements of the NPS-UD. We accept that in the Selwyn context, the most recent Housing and Business Capacity Assessment has set the median-term bottom line of 8100 households and the long-term bottom line of 23,900

households. The capacity of FDA's such as this site has been factored into the bottom-line calculations so it plays a vital part in ensuring that there is sufficient housing capacity to meet demand.

78. Policy 6.3.12 establishes the circumstances that need to be satisfied to enable development of an FDA. Importantly, we have assessed the Application against that Policy and we find that it complies.

79. Policy 6.3.7 relates to minimum housing densities. Once again, we find that density is in a state of flux. It started some years ago with 10 houses per hectare, and is moving towards (but not yet there) 15 houses per hectare. We have already accepted that this project will deliver an initial housing density of just short of 13 houses per hectare, with an ultimate density exceeding 18 houses per hectare.

80. Objective 6.2.2 seeks expansion of Rolleston within Greenfield priority areas or an FDA. As we have noted, development within these areas is required to support a range of housing types and encourage the sustainable and self-sufficient growth of Rolleston. We find that this proposal does that. Lastly, we make reference to Objective 6.2.4 which seeks to ensure that development integrates appropriately with the wider transport network. The ITA and Infrastructure Report satisfy us that this Objective is met.

81. Chapter 11 of the CRPS has Objectives and Policies to provide a framework for managing natural hazard risk. We have assessed the proposal against the Objectives and Policies in that Chapter and find that they are met. We made the same assessment and reached the same conclusion in relation to Objectives and Policies in both Chapter 15 and Chapter 17.

Canterbury Land and Water Regional Plan (CLWRP)

82. We have assessed the proposal against the CLWRP. Consents are required in respect of construction and post-construction phase stormwater as a restricted discretionary activity, and for excavation within 50m of a water body, also as a restricted discretionary activity. The proposal complies with all other relevant CLWRP conditions, and post-construction stormwater will be subject to a stormwater management plan, and meet the limits in Schedule 8, as required by rule 5.93.

83. Having regard to the information provided and the restrictions on discretion, we find that by the imposition of appropriate conditions of consent, as agreed

to by the Applicant and ECan, the project will provide for the outcomes sought by the relevant objectives and policies.

Canterbury Air Regional Plan (CARP)

84. The CARP sets out how ECan intends to manage air pollution from home heating, industry and other sources like outdoor burning, dust and odour. We accept that the preparation and implementation of a dust management plan in accordance with Schedule 2 of the CARP will mean that development activity will comply with rule 7.32 and be permitted.

85. We have assessed the Application against Objectives 5.1, 5.2, and 5.6, and Policy 6.1, 6.3, 6.9, 6.10 and 6.13. We find that with appropriate conditions this Plan can be satisfied.

Operative Selwyn District Plan (ODP)

86. Faringdon Oval is zoned Rural Inner Plains under the ODP. We do not need to provide a comprehensive assessment of the relevant Objectives and Policies as it was acknowledged in the Application that the Project is a non-complying activity under the Rural Inner Plains zone. It simply cannot meet the rural Objectives and Policies, therefore the Application acknowledges that it is contrary to them for the purpose of the s104D gateway tests. The Application must therefore rely on effects being minor in terms of s104D(1)(a) of the RMA in order for us to consider granting consent.

87. The Application proceeded upon the basis that effects of residential development should be assessed against the Objectives and Policies of the Township Section of the ODP. We say more about that later. Suffice to say that the development would be a discretionary activity if the Living Z rules of the ODP were relevant and were applied.

Proposed Selwyn District Plan (PDP)

88. The PDP was notified on 5 October 2020. Decisions have not been released.

89. Under the PDP, the site is zoned General Rural but is identified within an Urban Growth Overlay, which identifies areas of future residential and business growth.

90. The Application appropriately acknowledged that because the project is entirely urban in nature, it cannot be consistent with the intended outcomes of Objective 1, and consequently neither can it be consistent with underlying Policies which seek to give effect to that Objective. It therefore sought to deal with the problem by assessing it against the Urban Growth Overlay proposals, which in effect means the relevant objectives and policies of the Urban Growth Chapter, which applies to areas within the overlay. These of course are intended for use for land which is sought to be rezoned in accordance with the usual RMA practices. The problem is that this is a resource consent assuming that rezoning process is not required. Nevertheless, we note that reading UG-01, UG-02, UG-P7, UG-03, and UG-P13 suggest that the Application site would indeed meet those relevant Objectives and Policies.

Variation 1 to the PDP

91. On 20 August 2022 the Council notified Variation 1 to the PDP in response to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Enabling Housing Act**). This Act requires the Council to make changes to its district plan to enable more housing in relevant residential areas.

92. In accordance with the requirements of the Enabling Housing Act and with immediate legal effect, Variation 1 applies a new medium density residential zone to land in, inter-alia, Rolleston that is currently zoned for residential purposes under the ODP. More importantly, the Variation proposes to rezone additional rural zoned land for residential development within Rolleston. Hughes has sought to have this land rezoned, but we do not know if that will succeed. But the proposal does not have immediate legal effect until the decisions are released on Variation 1, and we do not know when that will be.

93. We are told that the built form standards in this proposal are to be implemented in accordance with the new medium density residential standards set out in the Enabling Housing Act, and are proposed to be adopted (and secured by way of conditions) in relation to the duplex lots within Faringdon Oval. We accept, so far as it is relevant, that the master-planned nature of the project, the residential density proposed, and the mixture of housing typologies are all consistent with Objectives 1 and 2 and associated Policies of the Enabling Housing Act.

94. The problem remains that Hughes accepts that the site currently remains zoned Rural Inner Plains, and no matter what is or might happen with the PDP, the project is contrary to the Objectives and Policies of both the ODP and PDP. This is relevant to the section 104D test of the RMA which we deal with later in our decision.

Tangata Whenua Values

95. The Mahaanui Iwi Management Plan (**MIMP**) sets out Ngai Tahu's objectives, issues and policies for natural resource and environmental management within the area bounded by the Hurunui River and the north and the Ashburton River and the south. Under section 74(2A) of the RMA, a territorial authority must take into account any such plan to the extent that it has a bearing on the resource management issues of the district.

Mahaanui Iwi Management Plan

96. In relation to the MIMP the matters that are relevant to the proposal are identified as follows.

97. Tāngata whenua assessments and advice for subdivision and residential land development proposals provide the framework to identify the key issues of importance, as per the Ngāi Tahu subdivision and development guidelines.

98. P6.1 requires on-site solutions to stormwater management in all new urban, commercial, industrial and rural developments (zero stormwater discharge off site) based on a multi-tiered approach to stormwater management:

- Reducing volume entering system implementing measures that reduce the volume of stormwater requiring treatment (e.g. rainwater collection tanks);

- Reduce contaminants and sediments entering system - maximising opportunities to reduce contaminants entering stormwater; eg. oil collection pits in carparks, education of residents, treat the water, methods to improve quality; and

- Discharge to land-based methods, including swales, stormwater basins, retention basins, and constructed wetponds and wetlands (environmental

infrastructure), using appropriate native plant species, recognising the ability of particular species to absorb water and filter waste.

99. The P6.1 approach was recommended to Hughes for Faringdon Oval previously and was not adopted.

100. WM13.3 Supports the establishment, enhancement and restoration of wetlands, riparian areas and waipuna as a measure to avoid, remedy or mitigate any actual or potential adverse effects of land use and development activities on cultural and environmental values. The restoration and enhancement of the wetland, water race, and pond is an important mitigating consideration that reflects mana whenua values.

101. P6.5 encourages the design of stormwater management systems in urban and semi urban environments to providing stormwater management infrastructure as part of an open space network that provides for recreation, habitat and customary use values.

102. The Applicant's Outline Development Plan overlooked the opportunity for multi-use stormwater management that provides for enhanced environmental and recreational values.

103. P11.1 is to assess proposals for earthworks with particular regard to:
    a. Potential effects on wāhi tapu and wāhi taonga, known and unknown;
    b. Potential effects on waterways, wetlands and waipuna;
    c. Potential effects on indigenous biodiversity;
    d. Potential effects on natural landforms and features, including ridge lines;
    e. Proposed erosion and sediment control measures; and
    f. Rehabilitation and remediation plans following earthworks.

104. P11.9 requires stringent and enforceable controls on land use and earthworks activities as part of the resource consent process, to protect waterways and waterbodies from sedimentation, including but not limited to:
    a. The use of buffer zones;
    b. Minimising the extent of land cleared and left bare at any given time; and
    c. Capture of run-off, and sediment control.

105. P11.8 requires the planting of indigenous vegetation as an appropriate mitigation measure for adverse impacts that may be associated with earthworks activity. The Applicant incorporates the requirements of P11.9 landscaping within Faringdon Oval.

106. WM8.11 Supports activities and strategies to improve the efficiency use of water in urban and rural situations, including:

a. Water efficiency technology in residential, commercial, industrial and urban environments:
   i. rainwater storage tanks;
   ii. greywater reuse;
   iii. reduced or low flow devices (e.g. low flush toilets and efficient showerheads); and water efficient appliances.

Comments received in relation to Tangata Whenua Values

107. We received a number of comments from parties invited to comment under Schedule 6, Clause 17(2) with specific reference to mana whenua and cultural values.

108. Heritage New Zealand Pouhere Taonga (**HNZPT**) noted that within the CVR it stated that Ngā Rūnanga do not support the use of soakholes for the disposal of stormwater in a development of this scale. Contaminants in groundwater can also enter spring fed surface water bodies and have detrimental effects on aquatic ecosystems and mahinga kai. The Application states that Appendix B addresses the recommendations sought by MKL, however it appears that stormwater is still proposed to be dealt with via soakholes on the site. HNZPT recommended clarification of this point and confirmation that MKL is satisfied with the proposed approach.

109. HNZPT recommended that if consent is granted an Accidental Discovery Protocol (**ADP**) provided by them should be incorporated as a condition as the ADP proposed focuses on Māori archaeology which is not sufficiently comprehensive for this area.

110. MKL, on behalf of Te Taumutu Rūnanga and Ngāi Tūāhuriri Rūnanga, reiterated through their comments the recommendations found in their CVR. These are dealt with in the following section.

Applicant's response to comments on Tangata Whenua Values

In regard to the recommendations from Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga.

111. In response to Recommendation 1: The proposed reserve should incorporate the restoration and protection of the existing pond, water race, and wetland. The Applicant outlined how the existing pond and water race will be restored

and protected and supports a condition of consent requiring this. It accepts the landscape plan should be approved by the Council.

112. In response to Recommendation 3: Plant selection in any landscaping and waterway restoration should be indigenous species of local whakapapa, suited to the environmental conditions. The Applicant noted the landscape and planting plans are required to be submitted to the Council at the same time as engineering approval is sought. The species are therefore approved as part of that process. As with the existing Faringdon development, the species used within reserves are proposed to include indigenous vegetation. The circulated draft conditions also included a proposed additional condition to require use of locally sourced indigenous vegetation.

113. In response to Recommendation 4: The proposal should reflect the additional Ngāi Tahu guidelines on subdivision development, as included in their Appendix 1. The Applicant undertook an assessment of the Ngāi Tahu Guidelines for subdivision and development at pages 73 – 76 of the Application.

114. In response to Recommendation 5: Stringent erosion and sediment controls should be installed and maintained, and inspected throughout works in order to protect waterways. The Applicant agrees with the conditions requiring this being included in the recommended ECan and SDC draft conditions.

115. In response to Recommendation 6: An ADP should be followed for all earthworks. The Applicant agrees with the ADP conditions that have been included in the recommended ECan and SDC draft conditions.

116. HNZPT noted the proposal involves the development of land to form an extension of the existing Faringdon community in Rolleston. Based on the information provided, HNZPT has no objection to the principle of development of this site but would request the following recommendation be considered, namely, that the Applicant clarifies the stormwater issues raised and confirm that MKL is satisfied with the proposed approach. The Applicant's response to this is dealt with in the mana whenua outstanding matter section.

117. HNZPT also requested that if an ADP is adopted, they recommend the use of the HNZPT ADP. The Applicant acknowledges the request from HNZPT and does not oppose the revised wording.

Mana whenua outstanding matter

118. Recommendation 2: Stormwater disposal to ground via soakholes is opposed by mana whenua for a development of this scale. The development should incorporate a stormwater reserve that is consistent with P6.1 above. This should provide for the capture and retention for stormwater and utilise indigenous plant species. It is critical that existing water bodies are not used for the disposal of contaminants and are therefore protected from stormwater runoff. Heavy metal traps should also be incorporated as a primary layer of treatment.

Applicant's response to Recommendation 2

119. It noted the management of stormwater is largely consistent with what occurs within residential developments in Rolleston. A stormwater reserve as recommended in the comments is not necessary in the Rolleston context due to the soil conditions at the site which provide favourable conditions for disposal to ground.

120. Conditions have been included in the draft set of conditions for the ECan consents (contained in Appendix B of the Application), requiring the stormwater system which discharges stormwater from roads, road berms and lot frontages be collected by submerged or trapped outlets, which will provide primary treatment. In addition to what currently occurs, Hughes is proposing additional treatment measures, including that all manholes within the rapid soakage trenches have the ability to be retrofitted with treatment devices such as heavy metal traps, should they be required in the future. Furthermore, specific reserves have been identified throughout the development to provide additional treatment prior to stormwater being discharged to ground through the use of stormwater treatment swales. SDC agrees with this approach.

121. Hughes states that the use of stormwater treatment swales is an effective means of removing contaminants from stormwater, including heavy metals, nitrogen, phosphorus, and suspended solids (TSS). All swales will be designed in accordance with the recognised Auckland Regional Council (ARC) GD01 and Waterways & Wetlands Design Guide (WWDG) documents. Swales designed in accordance with ARC TP10 requirements have been shown to provide a median TSS removal efficiency of 81%. TSS is often used as an indicator contaminant for metals and other stormwater contaminants.

This, combined with the low expected contaminant levels and additional filtration through underlying soil layers, is expected to provide an appropriate level of stormwater treatment throughout the Faringdon Oval development.

122. The Applicant was opposed to proposed condition 5(d) of the draft conditions circulated for comment, which would have required inclusion of heavy metal traps at the outset, rather than making provision for retrofitting. They considered heavy metal traps are effective in the removal of sediment bound heavy metals, but they are less effective for the removal of dissolved metals. Alternatives such as biological treatment and filtration were preferred as they provide treatment methods for the removal of sediment-bound metals and dissolved metals, in combination with treatment of other contaminants.

Conditions imposed in relation to Tangata Whenua Values

123. The mitigation of potential adverse effects on Māori cultural values and interests will be achieved through adherence and compliance with current and future ECan and SDC planning provisions developed and endorsed in partnership with mana whenua.

124. We note that there were no comments lodged by mana whenua or their representatives to our draft conditions. However, in light of comments received from other parties, we made amendments to our draft conditions that impact on cultural values.

Information about any Treaty settlements that apply to the project area

125. The site is not subject to Treaty settlement provisions under the Ngā Tahu Claim Settlement Act 1998.

An assessment of the activity's effects on the environment

126. Chapter 11 of the Application contained the assessment of the actual or potential effects of the project on the environment. It looked at the following effects:

- Traffic Effects.

- Effects on neighbouring activities and potential reverse sensitivity issues.
- Effects relating to natural Hazards.
- Effects relating to greenhouse gas emissions.
- Effects relating to residential character and amenity.
- Effects on rural character and amenity.
- Earthworks effects.
- Effects resulting from construction stormwater discharge.
- Effects resulting from operational stormwater discharge.
- Earthworks.
- Effects on Tangata Whenua values.

Section 104D RMA

127. It was accepted that in order for consent to be granted, the Application had to pass the gateway tests set out in Section 104D of the RMA. That is because it is a non-complying activity. That section states:

> (1) Despite any decision made for the purposes of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either –
>
> (a) the adverse effects of the activity on the environment (other than any effect to which Section 104(3)(a)(ii) applies) will be minor, or
>
> (b) the Application is for an activity that will not be contrary to the objectives and policies of -
>
> (i) the relevant plan if there is a plan but no proposed plan in respect of the activity; or
>
> (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
>
> (iii) both the relevant plan and the relevant proposed plan if there is both a plan and a proposed planned in respect of the activity.

128. We have noted, it is common ground that the proposal does not meet the objectives and policies gateway test under both the ODP or PDP, so it therefore cannot satisfy s104D(1)(b). That leaves the issue of effects on the environment.

129. Before the Panel proceeds to consider the effects of the proposal, it must form a preliminary view as to whether or not it is possible for any adverse effects to be minor.

130. The effects considered in Section 11 of the Application were all the effects on the proposed urban environment. They were all supported by relevant expert evidence. Even under the heading "effects on Rural Character and Amenity", the analysis solely related to the effects that the new urban environment would have on the surrounding land, save for the following paragraph.

"It is nevertheless considered the loss of rural land at this location will not give rise to any significant adverse effects. The rural land comprised within the Site is somewhat fragmented and modified reflecting its rural lifestyle use. Furthermore, any loss of character and amenity has been anticipated by the inclusion of this area in strategic growth documents such as the Rolleston Structure Plan and Our Space. Furthermore, the site is identified as an FDA within Chapter 6 and Map A of the CRPS, and it is also within and Urban Growth Area overlay in the Proposed Plan."

131. And there was further reference to the Urban-rural interface and the management of that assuming the land was urbanised.

132. No part of the Application dealt with the existing environment apart from the above description of it. The Panel made a site visit to confirm that the land is somewhat fragmented and modified as suggested in the Application, but it retains its rural character. That test is relevant to whether or not effects on that existing environment might be more than minor in the context of the section 104D RMA test.

133. When we raised this legal issue and called for legal advice from both the Council and Hughes, we were met with a suggestion in the Hughes legal advice that the land had been assessed against the existing environment. We cannot accept that proposition. It was only after caucusing and in the joint memorandum dated 16 June 2023 that Hughes added an Appendix A in which it sought to respond to legal advice provided to the panel by Barry Simons dated 26 May 2023.

134. Barry Simons advice was quoted:

"*as the environment is looked at simpliciter (as it is today), and without having regard to Hawthorn and Queenstown Central considerations…. It may be difficult for the Panel to make a finding that the potential adverse effects on the existing rural environment are no more than minor given that the Applicant proposes a substantial Greenfields urban residential development*".

135. Hughes' counsel responded at paragraph 1.7 by saying:

"importantly, while the operative zoning of the Site is Rural, that zoning does not coherently reflect the experience of the Site "on the ground", which is more urban in nature. There are a number of features of the Site and its surrounds which distinguish the character and amenity values of the Site from those typically associated with Rural zoned land".

136. The opinion then went on to identify these features. First, it is said that the Site is almost entirely surrounded by land that is already developed or zoned for residential housing. We accept that the Faringdon South West neighbourhood is located to the immediate east of the Site, and that land to the north of the Site is zoned Living Z. Some of the land opposite Dunns Crossing Road to the west is zoned Living 3 in the ODP and Proposed Large Lot Residential in the PDP. The balance remains rural. The Living 3 zone is described as a low density rural residential area and is outside the urban boundary. We do not regard this an being an urban environment. Nevertheless, we accept that at least two sides of the subject site have already been urbanised, and part of the third side is anticipated to contain rural residential use.

137. The opinion then went on to discuss the upgrading of the roading network in recent years to allow for urban development. We accept that this has happened, but all of this relates to areas outside of the site in question. But we are advised that as part of upgrading works, sewer laterals have been installed along the frontage of the Site and deep sewer mains and manholes have been extended into the site. Lastly, the opinion refers to the construction of the Goulds Road and Shillingford Boulevard roundabout, which includes the extension of that Boulevard into the Site accompanied with landscape treatment including a water feature.

138. At paragraph 1.8, the author stated:

"Put simply, when those features are accounted for, there is little about the Site which conveys a rural aspect or otherwise reflects the character and amenity values within the Rural zone. Consequently, and as a starting point for the effects assessment, the Site and its surrounds were considered to have greater capacity to accommodate the level and form of development proposed compared to a typical rural block".

139. After receipt of that information the Chair made a further site visit, as we noted at the beginning of our decision. It was apparent that there had been some changes to the character of the rural environment since our first visit. We understand that an earthworks consent has been given to Hughes by the Council, and machinery was on-site exercising that consent. Trees had been

cut down, gravel roads formed over some of the site, and any remaining buildings on the site were being removed.

140. Nevertheless, even accepting that the site is clearly not available for rural purposes given it is controlled by Hughes, and despite the fact that Hughes has initiated development work on-site consistent with that proposed change of use from rural to urban, there is still sufficient rural character for us to be able to conclude as a Panel that the effects of a change from that existing character to what is proposed under the Application is more than minor.

141. But that is not the end analysis that either Hughes or the Council want us to make. Despite the contrary position of the initial legal opinions, the joint witness statement asked us to consider not only the existing environment, but a likely future environment. That is a matter of case law, to which we turn our consideration.

142. The leading case is the decision of the Court of Appeal in *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424. We quote from that decision at paragraph 84:

"in summary… In our view, the word "environment" embraces the future state of the environment as it might be modified by the utilisation of rights to carry out permitted activity under a district plan. It also includes the environment as it might be modified by the implementation of resource consents which have been granted at the time a particular Application is considered, where it appears likely that those resource consents will be implemented. We think Fogarty J erred when he suggested that the effects of resource consents that might in future be made should be brought to account in considering the likely future state of the environment. We think the legitimate consideration should be limited to those that we have just expressed".

143. The matter once again came before Justice Fogarty in *Queenstown Central Ltd v Queenstown Lakes District Council* [2013] NZHC 815.

144. As we are bound by those decisions, and the latter case is a helpful articulation of the Court of Appeal case, we deal with it at more length. It was an appeal to the High Court against an Environment Court decision that granted consent for a new supermarket in an area of Queenstown known as Frankton Flats. The zoning at the time of the case was Rural General under the Operative District Plan (QODP), and Industrial zoning under the Proposed Plan Change 19 (PC19). PC 19 was the subject of numerous appeals at the time of the hearing, and therefore could not be said to be beyond challenge.

145. Justice Fogarty held that the Environment Court had made an error of law as it assumed that the area in question would remain an undeveloped rural area

in circumstances where this was not supportable on the facts of the case. The Objectives of the QODP specifically recognised that eventuality the area would become urbanised despite its existing rural zoning. The purpose of PC 19 was to complete the urban rezoning of the area, implementing specific policies of the QODP.

146. The High Court (par. 35) held that section 104D(1)(a) is a forward-looking judgement:

"I am of the view that the first gateway test is a forward looking judgement as to whether or not the proposed activities may cause an adverse effect more than "minor" on the existing and future environment. That judgement can be made, and must be made, with regard to the provisions of the operative plan, existing resource consents, commercial activity competing for use of the subject and surrounding land and associated regulatory initiatives by way of proposed change."

147. Further, the Environment Court had applied *Hawthorn* in a literal way, preventing it from taking into account the reality that there was demand for more industrial land which had been recognised in the QODP by way of a relevant objective, and that in the circumstances of this case this flat land would have to be used in part for that industrial activity. In assessing the environment, one had to have regard to the importance of context (paragraph 84). The Judge said that *Hawthorne* had endorsed a future orientated assessment of the environment (paragraph 64).

148. Applying those cases to the circumstances of this Application, we begin by noting that an urban zoning has been sought in the PDP, but that no decisions have been issued, so by that process alone we cannot say that the rural environment currently in existence should carry no weight. But a more exhaustive review of the current position and what has led to the proposed change, and an understanding of the hierarchical nature of resource management documents that inform that change, can lead to a different view.

149. The ODP no longer gives effect to the CRPS which provides for the recovery and rebuilding of greater Christchurch since the advent of the Canterbury earthquake sequence. That document is a higher order document.

150. Although we have already dealt with the higher order documents in our decision, it is helpful if we repeat that analysis as it is vital to understanding our decision. And we expand where necessary.

151. In 2007 the greater Christchurch Urban Development Strategy and Action Plan (**UDS**) established the broad settlement pattern for the urbanisation of greater Christchurch for the next 35 years. That included Rolleston.

152. Proposed Change 1 to the CRPS was notified in July 2007, to amend the CRPS to reflect the settlement pattern promoted by the UDS, however was withdrawn due to the subsequent changes made as a result of the Land Use Recovery plan 2013 (**LURP**), following the 2010/11 Canterbury Earthquakes. This was prepared under the Canterbury Earthquake Recovery Act 2011 to provide for residential and business land use to support recovery and rebuilding through to 2028. The LURP identified greenfield land to ensure sufficient provision for urban development through to 2028, and it took effect from December 2013.

153. The LURP focused on land development outcomes to 2028, and not the longer term 2041 settlement pattern envisaged as part of Proposed Change 1 to the CRPS, and so the site was not included as a Greenfield Priority area in Map A of that document.

154. Changes were made to the CRPS in December 2013 to give effect to the LURP. The changes included the insertion of a new Chapter 6 "Recovery and Rebuilding of Greater Christchurch and Map A Greenfield Priority Areas. This site was included within the Projected Infrastructure Boundary of Rolleston.

155. Our Space 2018 – 2048 Greater Christchurch Settlement Pattern Update (**Our Space**) built on the UDS of 2007, noting the land use changes which occurred following the Canterbury earthquake sequence, and identifying how Greater Christchurch could accommodate a further 150,000 people by 2048. Our Space was prepared to satisfy the requirement to produce a future development strategy outlined in the NPS-UD.

156. As we have previously noted, Our Space identifies this site as an FDA. It requires FDA's to be incorporated into the CRPS and rezoned for urban development in the respective district plans where there is a projected shortfall in housing development capacity, enabling the territorial authorities to respond to changes in the sufficiency of development capacity over the medium term. We have accepted the evidence that there is a housing shortfall in existence at present.

157. In May 2021 the Minister for the Environment approved Change 1 to Chapter 6 of the CRPS with the changes becoming operative in July 2021. This implements Our Space and gives effect to the NPS-UD. It identified this site as an FDA on Map A and inserted associated policy provisions through Policy 3.6.12 to enable urbanisation to meet the medium term (10 year) housing needs. That policy states:

Enable urban development in the Future Development Areas identified on Map A, in the following circumstances:

1. *It is demonstrated, through monitoring of housing and business development capacity and sufficiency carried out collaboratively by the Greater Christchurch Partnership or relevant local authorities, that there is a need to provide further feasible development capacity through the zoning of additional land in a district plan to address the shortfall in the sufficiency of feasible residential development capacity to meet the medium term targets set out in Table 6.1, Objective 6.2.1(a); and*

2. *The development would promote the efficient use of urban land and support the pattern of settlement and principles for future urban growth set out in Objective 6.2.1 and 6.2.2 and related policies including by:*

    a. *Providing opportunities for higher density living environments, including appropriate mixed use development, and housing choices that meet the needs of people and communities for a range of dwelling types; and*

    b. *Enabling the efficient provision and use of network infrastructure; and*

3. *The timing and sequencing of development is appropriately aligned with the provision and protection of infrastructure, in accordance with Objective 6.2.4 and Policy 6.3.4 and 6.3.5; and*

4. *The development would occur in accordance with an outline development plan and the requirements of Policy 6.3.3; and*

5. *The circumstances set out in policy 6.3.11(5) are met; and*

6. *The effects of natural hazards are avoided or appropriately mitigated in accordance with the objectives and policies set out in Chapter 11.*

158. We find that there is uncontested evidence from the economic assessment we have referred to earlier that leads us to the view that over the short to medium term there is a strong and compelling need to enable development of the subject site to meet housing bottom lines. Development is needed at an earlier date than was envisaged at the time of its preparation, and Faringdon Oval allows that to happen.

159. The land is identified in the PDP as being within an Urban Growth overlay, however the PDP zoning is presently rural and a further process would be required to rezone it. There is a PDP submission requesting residential zoning, however that is unresolved. Neither process would facilitate rezoning in a timeframe that would meet the identified need.

160. We find this proposal meets Policy 6.3.12. We also find that the Application is in accordance with all of the circumstances listed in Policy 6.3.11(5).

161. This analysis demonstrates that the higher order documents require this land to be rezoned for urbanisation contingent upon there being a capacity need. When the documents were prepared it was anticipated the need might be in the future beyond 2023, but the clear evidence before us is that the need is existing. We are therefore of the opinion that the "real environment" is not a rural environment, or a rural residential environment, but an environment which contemplates the urbanisation of the land.

162. We were referred to decisions from the Environment Court released since *Queenstown Central* was decided which have endeavoured to constrain the language used by Fogarty J. in that decision. We have considered those cases, but we have formed the view that in determining the "real environment" the facts of each case need to be carefully considered. In this case we have been swayed by the fact that a consent is being exercised by the Applicant that has had the effect of altering the rural environment that existed at the time the consent was applied for, and that change is clearly ongoing.

163. We find that the first gateway of section 104D(1)(a) is capable of being met if we find that the effects of the urbanisation are no more than minor given a starting point of that real-world environment.

164. Our decision was finely balanced but we find that the gateway test is satisfied. We now move to give further consideration to the effects section of the Application contained in Section 11. Some of these we have already dealt with. Others were not contentious. Some are satisfied with appropriate conditions of consent. And conditions of consent were largely agreed. So our discussion can be brief.

Effects of the Proposal

Traffic Effects

165. We accept that the ITA identified, evaluated and assessed the various transport and access elements of the project. We accept the conclusion that the development of the Site can be accommodated on the adjacent roading network without capacity or efficiency issues arising, even allowing for the development of surrounding residential areas.

166. We also accept that the project is in accordance with the requirements of the ODP, other than in respect of the separation distances between intersections and site distances at vehicle crossings that are close to intersections. We find

that these issues can be dealt with by appropriate conditions of consent. We do not need to analyse the issues further as both the Applicant and the Council are in agreement with the proposed conditions.

Residential character and amenity effects

167. We specifically note that the project incorporates residential densities at higher levels than what has been achieved in developments of this scale in Rolleston to date. We note that a master-planning exercise has been undertaken which adopts best practice urban design principles to create precincts which accommodate areas of higher density in conjunction with the open space network, the Boulevard roading network, and the shared pedestrian and cycle network. We find this appropriate.

168. The Living Z built form standards have been adopted for low and medium density typologies, but a bespoke set of built form standards has been created for zero-lot typologies. Furthermore, the medium density residential standards contained within the Enabling Act are to apply to all duplex typologies. We find this to be appropriate. We accept that cross-boundary effects relating to privacy, overshadowing and built-form dominance are addressed through the use of the standards, which will assist in relation to adequate access to sunlight and natural light for the built environment. And landscape treatments will contribute to a quality street scene. We believe the residential amenity and character will be of a high quality.

Earthworks effects

169. We have considered the expert evidence provided by Hughes and find that all issues can be dealt with by appropriate conditions.

Effects resulting from construction stormwater discharge, and operational stormwater discharge

170. We have considered the expert evidence and find that all effects can be dealt with by appropriate conditions.

Clauses 10(1)(b),(c),(d),(h), and Clauses 11(a),(b),(c),(d),(e),(f),(g) of the Act

171. We have considered all of these issues and find that they can be dealt with by appropriate conditions.

Conditions

172. Draft conditions for all SDC and ECan consents were offered by Hughes, and attached to the Application. These conditions were developed in consultation with the relevant Council staff, and reflect the type of conditions typically imposed for applications of this nature and scale, including the those applying to the existing Faringdon Southeast development.

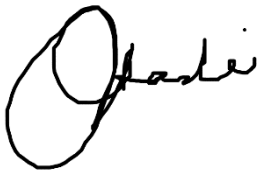
173. Following receipt of comments on the Application, we made amendments to the Applicant's offered conditions and circulated draft conditions for further comment. The amendments included additional conditions addressing concerns raised in the comments from MKL on behalf of Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga concerning stormwater disposal to ground and use of indigenous vegetation in wetland restoration and landscaping.

174. Subsequent comments received included agreed sets of conditions between ECan, SDC and Hughes, and there remained no areas of disagreement between these parties. HNZPT advised that the proposed conditions satisfied the matters raised in their comments. No other comments on draft conditions were received.

175. We note that Hughes and ECan comments agreed that amendments we had suggested to insert a new condition 5(d) relating to heavy metal traps was unnecessary as heavy metal traps are less effective for the removal of dissolved metals. Alternatives such as biological treatment and filtration are preferred as they provide treatment methods for the removal of sediment-bound metals and dissolved metals, in combination with treatment of other contaminants. We had suggested this condition in response to the MKL comments on the Application and discussed this in the preceding sections on Tangata Whenua values. Whilst MKL did not comment further on the draft conditions, we consider that the final conditions address the concerns raised.

Final Decision

176. The Panel has determined to grant the consents sought subject to the conditions set out in Appendix 2.



John Hardie (Chair)



Graham Taylor (Member)



Hoani Langsbury (Member)

Appendix 1- Those invited to comment on the Application

In addition to the Ministers of the Crown specified in clause 17(6)(i), the Director-General of Conservation specified in clause 17(6)(j) and the organisations specified in clause 17(6)(k) to (u), the following parties and owners and occupiers of the following addresses were invited for comment on the Faringdon Oval.

- Selwyn District Council
- Environment Canterbury
- The Associate Minister for the Environment
- Te Rūnanga o Ngāi Tahu
- Te Rūnanga o Ngāi Tūāhuriri
- Te Taumutu Rūnanga
- Mahaanui Kurataiao Ltd
- 605 East Maddisons Road
- 854 Goulds Road
- 617 East Maddisons Road
- 856 Goulds Road
- 627 East Maddisons Road
- 858 Goulds Road
- 87 Jean Archie Dr
- 860 Goulds Road
- 98 Jean Archie Dr
- 862 Goulds Road
- 100 Jean Archie Dr
- 866 Goulds Road
- 102 Jean Archie Dr
- 686 Goulds Road
- 33 Harrison Dr
- 870 Goulds Road
- Lot 2007 DP 576787, Goulds Road
- 872 Goulds Road
- Part RS 31354, Dunns Crossing Road
- 874 Goulds Road
- RS 25807 and RS 23614, Dunns Crossing Road
- 876 Goulds Road
- RS 4704, Selwyn Rd
- 880 Goulds Road
- 401 East Maddisons Road
- 882 Goulds Road
- 600 East Maddisons Road
- 884 Goulds Road

- 586 East Maddisons Road
- 886 Goulds Road
- 1 Rangatira Street
- 888 Goulds Road
- 890 Selwyn Road
- 890 Goulds Road
- Lot 1006 DP 500735, Dunns Crossing Road
- 892 Goulds Road
- 846 Goulds Road
- 894 Goulds Road
- 848 Goulds Road
- 896 Goulds Road
- 850 Goulds Road
- 852 Goulds Road
- 944-952 Goulds Road

Appendix 2- Conditions of consent for Selwyn District Council

Note:

1. Any reference to the "Operative District Plan" in these consent conditions means the Selwyn District Plan that is operative at the lodgement date of any future resource consent application.

Subdivision RC 235205 – Faringdon Oval

General

1. The following conditions of consent shall be met prior to the issue of the section 224(c) completion certificate, at the expense of the Consent Holder.
2. The subdivision shall proceed in general accordance with the following

   i. approved plans and documents:

   - Precinct Plan
   - Typology Plan
   - Landscape Plan
   - Subdivision Plan
   - Pedestrian and Cycle Network Plan
   - Road Network Plan
   - Reserve Network Plan
   - Residential Development Matrix
   - Neighbourhood Centre Development Matrix

   ii. The details in the application, 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 Consent Holder.
3. The subdivision shall also proceed in general accordance with the details included with the application and the further information and response to comments provided, including the creation of any additional utility lots, except where varied by the following conditions of consent.
4. The subdivision may be undertaken in stages. If the subdivision is undertaken in stages, the stages may occur in any order but generally in accordance with the following:

   - Stage 1 – Lots 1 – 19, 2000, 2001, 2023, 2026, 3000, 3001
   - Stage 2 – Lots 20 – 25, 2002, 3002
   - Stage 3 – Lots 26 – 33, 689, 2003, 3003
   - Stage 4 – Lots 34 – 50, 2004, 3004
   - Stage 5 – Lots 51-64, Lots 491-511 , 2005, 3005, 3006, 3039, 3040
   - Stage 6 – Lots 65 – 97, 2006, , 3007
   - Stage 7 – Lots 98 – 125, 3008
   - Stage 8 – Lots 126 – 149, 2007, 2008, 3009,

- Stage 9 – Lots 1150 – 182, 2009, 2022, 3011
- Stage 10 – Lots 183 – 209, 211, 214, 215, 2024, 2025, 3012, 3013
- Stage 11 – Lots 210, 212, 213, 216-229, , 3014
- Stage 12 – Lots 232 – 287, 3015
- Stage 13 – Lots 288 – 291, 2010, 2011, 3016, 3017
- Stage 14 – Lots 292 – 346, 2012, 3018, 3019, 3020, 3021
- Stage 15 – Lots 347 – 365, 580, 2013, 3022
- Stage 16 – Lots 366 – 389, 3023
- Stage 17 – Lots 390 – 424, 3024
- Stage 18 – Lots 425 – 454, 2014, 3010, 3025
- Stage 19 – Lots 455 – 490, 2015, 3026, 3027
- Stage 20 –3028, 3041
- Stage 21 – Lots 512 – 579, 2016, 2017, 3029
- Stage 22 – Lots 581 – 597, 2018, 2019, 3030
- Stage 23 – Lots 598 – 637, 2020, 3031, 3032, 3033
- Stage 24 – Lots 368 – 662, 2021, 3034, 3035, 3036
- Stage 25 – Lots 663 – 681, 3037
- Stage 26 – Lots 682 – 688, 3038

5. All required easements shall be duly created and granted or reserved.

<u>Consent Notices</u>

6. A Consent Notice pursuant to section 221 of the Resource Management Act 1991 shall be registered on the Record of Title for all residential lots to record the following conditions are complied with on a continuing basis:
    a. Unless otherwise approved by a separate resource consent all residential development is to occur in accordance with the Residential Development Matrix and following plans:
        i. Precinct Plan
        ii. Typology Plan
        iii. Landscape Plan
        iv. Subdivision Plan
        v. Pedestrian and Cycle Network Plan
        vi. Road Network Plan
        vii. Reserve Network Plan
7. A Consent Notice pursuant to section 221 of the Resource Management Act 1991 shall be registered on the relevant Record of Title for Lot 18 to record the following conditions are complied with on a continuing basis:

a. Unless otherwise approved by a separate resource consent Lot 18 is a Neighbourhood Centre and any future development is to be in accordance with the Neighbourhood Centre Development Matrix; and

b. Shall be developed only for Food & Beverage Activities; and

c. Shall have a total maximum 500m^2 Gross Floor Area; and

d. the conditions of land use consent RC235206

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

9. A Consent Notice pursuant to section 221 of the Resource Management Act 1991 shall be registered on the relevant Record of Title for Lot 685 to record the following conditions are complied with on a continuing basis:

    a. Lot 685 shall only take access from Goulds Road.

10. A Consent Notice pursuant to section 221 of the Resource Management Act 1991 shall be registered on the relevant Record of Title for Lot 64 to record the following conditions are complied with on a continuing basis:

    a. Lot 64 shall only take access from Shillingford Boulevard.

11. A Consent Notice pursuant to section 221 of the Resource Management Act 1991 shall be registered on the relevant Record of Title for Lots 19, 288 - 290 to record the following conditions are complied with on a continuing basis:

    a. Unless otherwise approved by a separate resource consent Lots 19, 288 – 290 are to be developed as Apartments;

    b. The relevant provisions of the Operative District Plan and/or subsequent resource consents shall apply to any future development of these lots.

    c. Where provision for refuse storage and collection is to be provided on-site, any vehicle crossing and accessway shall be designed to accommodate the swept path of rubbish collection trucks.

12. A Consent Notice pursuant to section 221 of the Resource Management Act 1991 shall be registered on the relevant Record of Title for Lots 14 – 17, 20 – 26, 28 – 35, 38 – 41, 50, 54 – 55, 62 – 63, 65 – 66, 79, 96 – 98, 126 – 127, 129, 135, 138, 143, 150, 191 – 192, 211, 222, 291, 347, 363 – 370, 420 – 423, 433, 439 – 440, 452 – 455, 458, 465, 467 – 468 to record the following conditions are complied with on a continuing basis:

    a. Unless otherwise approved by a separate resource consent Lots 14 – 17, 20 – 26, 28 – 35, 38 – 41, 50, 54 – 55, 62 – 63, 65 – 66, 79, 96 – 98, 126 – 127, 129, 135, 138, 143, 150, 191 – 192, 211, 222, 291, 347, 363 – 370, 420 – 423, 433, 439 – 440, 452 – 455, 458, 465, 467 – 468 are to be developed as Terraces;

    b. The relevant provisions of the Operative District Plan and/or subsequent resource consents shall apply to any future development of these lots.

    c. Unless otherwise approved, rubbish collection for all residential sites obtaining access off a shared lane shall occur either on the legal frontage for each unit or from a dedicated bin collection area located within legal road reserve adjoining the lane.

13. For Lots identified as Duplex on the Typology Plan a Section 224c Certificate shall only be issued to each individual lot following the erection of both units to pre-line inspection approval.

14. A Consent Notice pursuant to section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for all Low Density, Medium Density (small lot), Zero Lot and Duplex lots as shown on the Typology Plan to require ongoing compliance with the following condition:

    a. Unless otherwise approved by a separate resource consent all Residential activity on Low Density, Medium Density (small lot), Zero Lot and Duplex lots as shown on the Typology Plan shall be developed in accordance with the Residential Development Matrix.

15. A Consent Notice pursuant to section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for any residential lot adjoining a specifically created parking layby (to be determined at engineering plan approval stage) to require ongoing compliance with the following condition:

    a. Vehicle crossings may not be constructed across areas specifically formed as parking laybys without prior council approval.

<u>Covenants</u>

16. The Consent Holder shall ensure that Council is indemnified from liability to contribute to the cost of erection or maintenance of boundary fences between reserves and adjoining lots.

    a. This shall be ensured by way of a fencing covenant registered against the Record of Title to issue for each adjoining lot. The covenant is to be prepared by Council's solicitor at the expense of the Consent Holder

    b. The Consent Holder shall procure a written undertaking from the Consent Holder's solicitor that the executed fencing covenant will be registered on deposit of the subdivision plan.

<u>Engineering Approval</u>

17. 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
    - Water race
    - Sewerage
    - Stormwater
    - Roading, including street lighting and entrance structures
    - Shared Access Lanes
    - Rights of Ways
    - Landscaping and irrigation.

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

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

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

20. 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.

21. Unless specific provision is made otherwise through the Engineering Approval the services to all lots shall extend from the road boundary to a point one metre inside the net area of the lot. Please note that the net area is the area excluding any right of way or accessway.

22. The Consent Holder shall provide accurate 'as built' plans of all services to the satisfaction of the Development Engineering Manager. All assets being vested in Council shall be provided in an appropriate electronic format for integration into Council's systems. Any costs involved in provision and transfer of this data to Council's system shall be borne by the Consent Holder.

23. The Consent Holder shall provide a comprehensive schedule of any assets to be vested in the Council to the satisfaction of the Development Manager. The schedule shall include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.

Developers Agreements

24. Any works undertaken by the consent holder and/or their agent that is subject to a developer's agreement shall receive engineering approval and require agreement in full by Council prior to the commencement of works on site.

Maintenance Bonds

25. 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.

<u>Utilities</u>

26. 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.

27. Where sewer, 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.

<u>Water Supply</u>

28. 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.

29. Water meters shall be installed in the road reserve only. Multi meter boxes may be utilised.

    Connection to Council's reticulated water supply shall either be carried out or supervised by Council's contractor CORDE at the cost of the Consent Holder.

Advice note: For supervision purposes a minimum of 10 working days' notice is required. Please note a connection fee being the actual cost quoted by CORDE will apply.

30. Water mains are to be installed as per Council's water masterplan.
31. Water connections are to be provided to adjoining properties where required by Council.
32. Commercial water connection requirement: Backflow prevention shall be supplied in accordance with Council's backflow policy W213. This shall be installed as part of the building consent. Pursuant to section 221 Resource Management Act 1991 a consent notice shall be registered on the Certificate of Title for Lot 18 to ensure ongoing compliance with this condition.
33. Firefighting Requirements: All council vested water reticulation shall meet the requirements set out in the NZ Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008).

Sewer

34. Any existing on-site effluent treatment and disposal systems shall be decommissioned and removed from the site or backfilled.
35. 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.
36. All laterals shall be installed ensuring grade and capacity are provided for and in accordance with Council's engineering standards, giving regard to maximum upstream development density.
37. All sewer reticulation to be vested shall meet Council CCTV standards.
38. Connection to the Council sewer shall be arranged by the Consent Holder and the work shall be done by a registered drainlayer.
39. Trunk wastewater pipes within this development shall be oversized to cater for the greater catchment area and will be determined through the Engineering Approval stage.
40. Wastewater connections are to be provided to adjoining properties where required by Council.
41. Any existing on-site effluent treatment and disposal system shall be decommissioned and removed from the site or backfilled. Any existing dwelling affected by this condition that is to be connected to Council's wastewater reticulation network will require a building consent prior to connection.

Stormwater

42. The Consent Holder shall install stormwater reticulation treatment and disposal to service the subdivision in accordance with the approved engineering plans and the requirements of Canterbury Regional Council.
43. The Consent Holder shall prepare and submit a Stormwater Design Report and Management Plan in accordance with the requirements of Selwyn District Council and Canterbury Regional Council. This plan shall be provided for Selwyn District Council's approval and sign-off at the Consent Holders Cost. The plan shall be provided to the Canterbury Regional Council at the same time. It shall include but not be limited to:
    a. 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.
    b. Existing and proposed drainage plan with sub catchments and flow arrows to show how the drainage will be affected.

c. Calculations to demonstrate compliance with the Engineering Code of Practice and any relevant Environment Canterbury consent conditions.

d. A description of the stormwater network, including the components used to convey, treat and discharge stormwater.

e. A description of the receiving environment, including whether there are any active downgradient/downstream domestic or community supply points.

f. A description of the inspection and maintenance schedule and any reporting requirements.

g. A description of the actions that will be taken to address any issues discovered during inspections and maintenance.

h. A description of any monitoring and responses to monitoring to ensure that adequate treatment is being provided to enable the LWRP water quality outcomes to be met.

i. A description of the management of the discharge of stormwater from sites involving the use, storage or disposal of hazardous substances (if such sites are present in the subdivision).

44. The proposed development shall not discharge run off onto adjacent properties unless via a controlled outlet approved as part of the Engineering Design Approval.

45. In the event that an adjacent neighbour's historical stormwater drainage was onto the site, the proposed development must maintain or mitigate the historical discharge.

46. All council vested stormwater systems shall be designed to cater to the following storm events:

    a. The primary piped system – 10% AEP rainfall event

    b. The overall system (primary and secondary) – 1% AEP rainfall event

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

48. Where a specific discharge consent is issued by Canterbury Regional Council, any consent or associated conditions will be subject to Selwyn District Council acceptance (where those consents or conditions are relevant to the obligations to 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.

49. The Consent Holder shall provide a Stormwater Operations and Maintenance Manual prior to the approval of the Section 224(c) Completion Certificate.

<u>Power and Telephone</u>

50. <u>Front lots:</u>

    The consent holder shall provide electricity and telecommunications to the net area of each lot of the subdivision with direct frontage to a road by way of underground reticulation in accordance with the standards of the relevant network utility operator

51. <u>Rear Lots:</u>

    <u>T</u>he consent holder shall provide infrastructure to the net area of each rear lot of the subdivision to enable electricity and telecommunications connections by way of underground reticulation in accordance with the standards of the relevant network utility operator.

52. The Consent Holder shall provide evidence in writing from the relevant authorities that electrical and telephone service connections have been installed to each lot

Existing and New Roads

53. The full length of existing road frontages to the application site shall be upgraded to township/urban standards, including but not limited to seal widening, kerbing, footpaths/shared paths and street lighting.

54. All roads shall be constructed in accordance with the approved engineering plans.

55. All roads shall be vested in the Selwyn District Council as road.

56. The 2.5 metre wide shared pedestrian/cycling paths shown on the Pedestrian and Cycle Network Plan within new roads and reserves are to be clearly identified as being for the shared use of pedestrians and cyclists, via path markings, small signs or other treatment at appropriate spacings. The method is to be to the satisfaction of Selwyn District Council.

57. The Engineering Design Plans and Specifications submitted in accordance with condition 20 shall include details of upgrades to the Dunns Crossing Road frontage, including any required as a consequence of the proposed roundabout planned for the intersection of Goulds/Selwyn/Dunns Crossing Roads.

58. Once Road Lot 3032 in Stage 232 is constructed and vested in Council, a temporary turning area at the southern end of Goulds Road is to be constructed and maintained by the Consent Holder.

Corner Splays and Frontage Widths

59. The corner lots at all road intersections shall be splayed with a rounded minimum radius of 3 metres.

Street naming and property numbering

60. Road name options and street numbering plans shall be submitted to Council in accordance with Policies N101 and N102.

    Advice Note: 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. The consent holder and/or their agent shall arrange for the installation of the street name signs and poles at each intersection to the Council's standard, at the consent holder's cost.

Road signage

61. The consent holder shall install street name signs displaying the Council approved street name and poles at each intersection in accordance with Policy R430.

Accessways and Vehicle Crossings

62. All ROW,access legs and vehicle crossings required to service Lots 88, 252, 492 – 493, 503 – 504, 623, 625 and 687 shall be formed in accordance with the table below:

Potential No of Sites	Length (m)	Legal Width (m)	Carriageway Width (m)	Turning Area	Passing Bay
1	Any length	3.5	3.0	-	-
2-3	Any length	4.5	3.0	-	-

63. All Shared Access Lanes shall have a minimum carriageway width of 5.5m and a maximum legal width of 8m, unless otherwise approved through engineering approval.

Street Lighting

64. Street lighting shall be provided to service all lots of the subdivision, in accordance with the approved engineering plans and specifications.

Water Race

65. The pond will be designed to ensure that the proposed pond remains easy care regardless of the water level.

66. Should the water race require piping, works shall not commence until the design and supporting information has been submitted to the Development Engineering Manager for approval and acceptance is given in writing.

Landscaping and Irrigation

67. The Consent Holder shall landscape the roads and reserves in general accordance with the Landscape Plan (except where amended by any other of these conditions). A detailed landscaping design shall be submitted to the Council for approval at the time of submission of the engineering plans and specifications, and the landscaping shall be undertaken in accordance with the approved plans.

68. Restoration and protection of the existing pond and water race shall be implemented in accordance with the recommendations of the Faringdon Oval Water Race and Pond Ecological Enhancement Plan report prepared by Wildlands Consultants included in Appendix J of the application. The restoration should be based on habitat creation and enhancement for indigenous biodiversity including fish, invertebrates, and plants. A suitably qualified ecologist shall be engaged to advise on this.

69. Plant selection in any landscaping and waterway restoration should be indigenous species of local whakapapa, suited to the environmental conditions.

70. Landscape plans for reserves and with road reserves shall be designed having regard to the Ngai Tahu Subdivision and Development Guidelines and include locally sourced indigenous vegetation where practicable.

71. Entrance structures shall not be placed on Council road reserve, unless otherwise shown on the approved plans or otherwise agreed at engineering approval stage.

72. Street trees shall be planted within the road reserve along the Selwyn Road frontage. Landscape Plans detailing the location and species of these trees shall be submitted to Council for approval.

73. Unless advised otherwise by the Council, the Consent Holder shall install an irrigation system; this shall comply with the approved engineering plans. A full design showing all engineering details shall be submitted to the Council for approval at the time of submission of the engineering plans and specifications.

74. Any irrigation system shall be maintained by the Consent Holder to the completion of the defects liability period. The Consent Holder shall demonstrate that this system performs as designed and installed by them, making good all defects to the Asset Manager's requirements.

75. The Consent Holder shall maintain all landscaping/planting within the areas shown in 'green and white stripes' on the approved subdivision plans attached to these conditions, unless alternative mutually agreed arrangement is made with Selwyn District Council. These are the

road frontage landscape strips adjacent to Lots 31 – 33, 98, 126 – 128, 191 – 192, 222 – 224, 211, 365 – 371, 379 – 382, 420 – 421, 432, 452 – 454, 491 – 492, 643, 669 and Lot 1 of RC 225693,

Advice note: *Maintenance includes replacing any damaged, diseased or dead planting in these areas.*

Earthworks

76. All site works are to be undertaken in accordance with the conditions of resource consent RC235205.
77. The Consent Holder shall ensure on a continuing basis (until Records of Title are available for each allotment created by the subdivision) that dust is not generated from consolidated, disturbance or transportation of material or earthworks activities by keeping the surface of the material damp or by using another appropriate method of dust suppression. This applies to exposed areas of earth, stockpiles and unsealed roads.
78. The Consent Holder shall ensure on a continuing basis that dust created by the disturbance or transportation of materials is confined within the boundaries of the application site.
79. Dust generating activities shall cease during times of high winds where dust suppression methods are insufficient to stop fugitive dust leaving the site.
80. The total area of disturbed land at any one time shall not exceed 4ha.
81. The maximum depth for all excavations shall not exceed 4.8 metres below natural ground level.
82. A Dust Management Plan which includes measures to ensure compliance with conditions 68-71 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.

    Advice Note: *This Dust Management Plan is also to be submitted to Environment Canterbury under the relevant ECan consent.*
83. Any filling on the site is to take into account the current land stormwater and drainage pattern and is not to divert stormwater onto adjoining properties.
84. At the completion of all earthworks 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.
85. 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.

Accidental Discovery Protocol

86. 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:
    a. Work shall cease immediately at and within 20m of the place. This 20m perimeter shall become the 'affected area'.
    b. The contractor shall shut down all machinery within the affected area, secure the affected area, and immediately advise the Site Manager.
    c. 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.

87. 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.

88. 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.

89. Any works within an affected area shall not resume until Tūāhuriri Rūnanga, Te Taumutu Rūnanga and HNZPT (and NZ Police in the case of human remains (kōiwi)) authorise work to continue.

90. 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.

91. The Accidental Discovery Protocol shall be clearly displayed and accessible on site at all times during work under this consent.

Advice Notes:

- *These conditions may be in addition to any agreements that are 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.*

<u>Reserves</u>

92. Pursuant to the relevant legislation the Consent Holder shall vest the following lots in the Council as Reserve:

    a. Lots 2008, 2013, 2014 and 2023 shall be vested as Recreation Reserve.

    b. Lots 2004, 2005, 2009, 2010, 2011, 2012, 2015 shall be vested as Local Purpose (Landscape) Reserve.

c. Lots 2000, 2001, 2002, 2003, 2006, 2007, 2016, 2017, 2018, 2019, 2020, 2021 shall be vested as Local Purpose (Access) Reserve.

93. The Consent Holder shall supply to Council copies of all Records of Title for land, other than roads, that is vested in Council.

Fencing

94. Unless shown on the Approved Landscape Plans and unless a resource consent has been granted otherwise any lot which shares a boundary with a reserve or walkway shall be limited to a single fence erected on the boundary of any Council reserve that is at least 50% visually transparent where it exceeds 1.2m in height (which shall be applied to the whole fence in its entirety). On-going compliance shall be ensured by way of a consent notice registered against the Record of Title to issue for each lot (other than roads and reserves) that borders a reserve or walkway.

95. Unless a resource consent is granted otherwise, any fencing or freestanding wall not shown on the Approved Landscape Plans shall comply with the requirements of the Operative District Plan. For further information please refer to the relevant rule in the Operative District Plan or contact the duty planner at Selwyn District Council.

Land Use RC235206 conditions – Faringdon Oval

Earthworks

1. The development and activity shall proceed in accordance with the information submitted with the application RC235206 and the further information and response to comments provided.
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 4ha.
7. The maximum depth for all excavations shall not exceed 4.8 metres below natural ground level.
8. A Dust Management Plan which includes measures to ensure compliance with conditions 5 and 6 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.

   Advice Note: *This DM Plan is also to be submitted to Environment Canterbury under the relevant ECan consent.*
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 areas identified by ENGEO as being contaminated shall be remediated in accordance with the recommendations in the ENGEO Report titled "Remedial Action Plan, Faringdon Oval" dated 25.06.2021.
12. 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.
13. 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.

14. 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 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 Recent background levels (mg/kg)	Regional Yellow Brown Stony background levels (mg/kg)
Manganese	1268.5	721.4
Arsenic	12.58	6.35
Cadmium	0.19	0.14
Chromium	22.7	19.89
Copper	20.3	11.68
Mercury	0.11	0.07
Nickel	20.7	13.91
Lead	40.96	19.75
Zinc	93.94	69.58
Total DDT	0.431	0.431
Polycyclic aromatic hydrocarbons, benzo(a)pyrene toxicity equivalent (BaP TE)	0.922	0.922

15. 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.
16. 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.

17. 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

18. 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:

    a. Work shall cease immediately at and within 20m of the place. This 20m perimeter shall become the 'affected area'.

    b. The contractor shall shut down all machinery within the affected area, secure the affected area, and immediately advise the Site Manager.

    c. 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.

19. 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.

20. 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.

21. Any works within an affected area shall not resume until Tūāhuriri Rūnanga, Te Taumutu Rūnanga and HNZPT (and NZ Police in the case of human remains (kōiwi)) authorise work to continue.

22. 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.

23. The Accidental Discovery Protocol shall be clearly displayed and accessible on site at all times during work under this consent.

Advice Notes:

- *These conditions may be in addition to any agreements that are 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

24. All fencing and landscaping shall be undertaken in general accordance with the Landscape Plan, 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.

Residential Activity

25. Unless otherwise approved by a separate resource consent all residential activity on Low Density, Medium Density (small lot), Zero Lot and Duplex lots as shown on the Typology Plan shall be developed in accordance with the Residential Development Matrix.

Business – Neighbourhood Centre (Lot 18)

26. Unless otherwise approved by a separate resource consent Lot 18 shall be a Neighbourhood Centre (created by subdivision consent RC235205, except where modified by the following additional conditions.

    a. Lot 18 is a Neighbourhood Centre and any future development is to be in accordance with the Neighbourhood Centre Development Matrix; and

    b. Shall be developed only for Food & beverage Activities; and

    c. Shall have a total maximum 500m^2 Gross Floor Area

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. Where any dwelling is erected prior to the issue of the Section 224(c) Completion Certificate for that stage of the subdivision that the dwelling is located within, verification that the sewer, stormwater and water supply systems installed for the subdivision stage or to service that dwelling are fully operational and complying shall be confirmed in writing by Council's Development Engineering Manager prior to any dwelling being connected to these systems.

30. No residential dwelling shall be occupied in whole or in part prior to the issue of the s224(c) Certificate for the subject lot.

31. Prior to the lodgement of any building consent, a written agreement between the Consent Holder and Selwyn District Council shall be entered into stating that Council shall not be liable should the issuing of the s224 Certificate be delayed for any reason.

Accessways and Vehicle Crossings

32. Unless otherwise approved by a separate resource consent with exception of Lots 1 – 6, 9 – 13, 27, 36, 42 – 49, 51 – 53, 55 – 56, 58 – 61, 67 – 70, 78, 80 – 82, 84 – 85, 87 – 91, 93 – 96, 99, 102 – 103, 106 – 108, 110 – 124, 128 – 130, 135 – 137, 139 – 143, 147 – 149, 178 – 181, 183, 187, 190, 210 – 213, 219 – 221, 234 – 235, 237 – 238, 241 – 243, 247 – 249, 252 – 256, 263 – 269, 276 – 279, 291, 293 – 301, 303 – 304, 306 – 307, 320 – 321, 323 – 324, 326 – 327, 330 – 331, 333 – 334, 340 – 342, 344 – 345, 353 – 362, 372 – 375, 377 – 378, 383, 392 – 400, 407 – 411, 413 – 417, 420 – 424, 428, 431 – 432, 434 – 439, 441 – 451, 454, 466 – 471, 473 – 480, 482 – 490, 495, 498, 501, 502, 534 – 536, 561 – 565, 567, 590 – 597, 619 – 620, 623, 625, 629 – 631, 634 – 635, 686 – 687, 689, vehicle crossings shall be formed in accordance with Table 1:

1. **Distance Between Crossings (m) on Same Side of Road**	**Width (m)**	
	Minimum	**Maximum**
Vehicle crossing to a shared accessway Greater than 7m; All other vehicle crossings; Less than 1m or greater than 7m	Residential activities — 3.5m	Residential activities — 6m

Table 1 Vehicle Crossings

33. All vehicle crossing shall be formed, sealed/metalled to match the existing road surface for the full width of the crossing between the site boundary and sealed carriageway.

34. Unless otherwise approved by a separate resource consent, for residential lots there shall be only one vehicle crossing per residential unit.

35. Unless otherwise approved by a separate resource consent, with the exception of Lots 1 – 5, 12 – 14, 17 – 19, 21 – 23, 26, 28 – 29, 30 – 32, 37 – 39, 42, 50, 54 – 56, 61 – 62, 64, 67 – 69, 71 – 73, 77 – 82, 87 – 89, 92 – 99, 102 – 106, 112 – 113, 121 – 126, 128 – 130, 135, 138, 142 – 148, 150 – 164, 170 – 175, 182 – 184, 190 – 192, 203 – 205, 209, 212, 215, 220 – 222, 232 – 236, 246, 250 – 251, 258 – 260, 272 – 273, 283 – 287, 288 – 290, 292, 300 – 303, 310 – 313, 315, 328 – 330, 336 – 340, 345 – 347, 351 – 354, 361 – 362, 365 – 367, 371, 376 – 377, 379, 382, 388 – 391, 403 – 406, 418 – 426, 431 – 433, 435 – 440, 443 – 444, 448, 454, 452, 456 – 458, 461 – 473, 479 – 482, 490 – 494, 502 – 505, 512 – 513, 517 – 518, 527 – 528, 553, 542 – 544, 559 – 561, 567, 569 – 571, 577 – 578, 580 – 581, 588 – 589, 593 – 594, 598 – 611, 614 – 616, 630 – 633, 637 – 639, 641 – 644, 649 – 652, 661 – 664, 668, 671, 679 – 683, 688, vehicle crossings shall be separated from intersections in accordance with Table 2:

Intersection Road Type Distances in Metres				
Vehicle Crossing Joins to	**Posted speed Km/hr**	**Arterial**	**Collector**	**Local**
Arterial	**> 50**	100	100	100
	≤ 50	30	30	30
Collector	**> 50**	75	60	60
	≤ 50	30	30	25
Local	**> 50**	75	60	60
	≤ 50	25	25	10

Table 2: Vehicle Crossing Separation from Intersection

36. The distances specified in Table 2 shall be measured along the road boundary parallel to the centre line of the roadway of the frontage road from the kerb line, or formed edge, of the intersecting road.

37. Lot 685 shall only take access from Goulds Road.

38. Lot 64 shall only take access from Shillingford Boulevard.

39. All ROW and access legs required to service Lots 87-88, 252, 492 – 493, 503 – 504, 623, 625 and 687 shall be formed and sealed in accordance with Table 3:

Potential No of Sites	**Length (m)**	**Legal Width (m)**	**Carriageway Width (m)**	**Turning Area**	**Passing Bay**
1	**Any length**	**3.5**	**3.0**	**-**	**-**
2-3	Any length	4.5	3.0	-	-

Table 3: ROW and Access Legs

Appendix 3- Conditions of consent for Environment Canterbury

CRC234541 Land Use Consent (Section 9) to use land for earthworks

	LIMITS
1	The activity authorised by this resource consent shall be limited to the excavation of land to establish a residential development associated with the sites, legally described as Lot 1 DP 57004, Lot 3 DP 57004, Lot 1 DP 61278, Lot 2 DP 61278, Lot 1 DP 70352, Lot 3 DP 70352 as shown on Plan CRC234541A [Site location plan] which forms part of this resource consent.
2	a. The maximum depth for all excavations shall not exceed 4.8 metres below natural ground level. b. No excavation works shall occur within groundwater. c. No excavation works shall be carried out within the exposed water table during times when groundwater levels are higher than the deepest part of the excavations. ***Advice note:*** • *This resource consent does not authorise the take of groundwater for dewatering of excavations and/or any associated discharges. If dewatering is required, the activities will either need to be permitted under the relevant regional plan or be authorised under a resource consent.*
	PRIOR TO COMMENCEMENT
3	Prior to the works described in Condition (1), all personnel working on the site shall be made aware of, and have access to, the following: a. This resource consent document; and b. Resource consents CRC234542 and CRC234543 and all associated documents including: i. The Erosion and Sediment Control Plan and Methodology required under condition 13 of this resource consent.
4	A pre-construction meeting shall be held between the Canterbury Regional Council and all relevant parties, including the primary contractor, prior to the commencement of any works. At a minimum, the following shall be covered in the meeting: a. Scheduling and staging of the works; b. Responsibilities of all relevant parties, including confirmation that the person or persons implementing the ESCP on the site is/are suitably trained and/or experienced; c. Contact details for all relevant parties; d. Expectations regarding communication between all relevant parties; e. Procedures for implementing any amendments; f. Site inspection; and g. Confirmation that all relevant parties have copies of the contents of this consent document and all associated erosion and sediment control plans and methodology.
5	The consent holder shall inform the Canterbury Regional Council, Attention: Regional Leader - Compliance Monitoring, (ecinfo@ecan.govt.nz) of the commencement of works: a. At least 10 working days prior to the commencement of the works, and

	b. At least 10 working days prior to the commencement of any subsequent stages of the works, if requested by the Canterbury Regional Council as part of the pre-construction meeting under Condition (4).
	DURING WORKS
6	During works the consent holder shall adopt the best practicable options to: a. Minimise soil disturbance and prevent soil erosion; and b. Avoiding placing cut or cleared vegetation, debris, or excavated material in a position such that it may enter the water race shown on Plan CRC234541B [Plan showing location of water races].
7	The total area of disturbed land at any one time shall not exceed 4ha.
8	All practicable measures shall be taken to avoid spills of fuel or any other hazardous substances within the site. a. Unless refuelling is undertaken within an impervious, sealed, bunded area that will contain a volume of at least 110 percent of the largest tank to be filled, refuelling of machinery and vehicles shall not occur within 10 metres of: i. Open excavations; ii. Exposed groundwater; and iii. The water races shown on Plan CRC220725C (CRC Attachment C to these conditions) or any stormwater system, including swales, sumps or other devices. b. A spill kit that is capable of absorbing the quantity of oil and petroleum products that may be spilt on site at any one time shall be kept on site. c. In the event of a spill of fuel or any other hazardous substance, the spill shall be cleaned up as soon as practicable, the stormwater system shall be inspected and, cleaned and measures taken to prevent a recurrence. d. The Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring, shall be informed within 24 hours of a spill event and the following information provided: i. The date, time, location and estimated volume of the spill; ii. The cause of the spill; iii. The type of hazardous substance(s) spilled; iv. Clean up procedures undertaken; v. Details of the steps taken to control and remediate the effects of the spill on the receiving environment; vi. An assessment of any potential effects of the spill; and vii. Measures to be undertaken to prevent a recurrence.
	Accidental Discovery Protocol
9	1. 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: a. Work shall cease immediately at and within 20m of the place. This 20m perimeter shall become the 'affected area'. b. The contractor shall shut down all machinery within the affected area, secure the affected area, and immediately advise the Site Manager. c. 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. 2. 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. 3. 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. 4. Any works within an affected area shall not resume until Tūāhuriri Rūnanga, Te Taumutu Rūnanga and HNZPT (and NZ Police in the case of human remains (kōiwi)) authorise work to continue. 5. 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. 6. The Accidental Discovery Protocol shall be clearly displayed and accessible on site at all times during work under this consent. ***Advice Notes:*** • *These conditions may be in addition to any agreements that are 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.*

	Accidental Discovery of Contaminated Material
10	The consent holder shall adopt an accidental discovery protocol for soils containing unexpected contaminants, which shall include the following steps as a minimum: a. Earthworks within ten metres of the unexpected contaminants shall cease immediately; and b. Immediate steps shall be taken to minimise exposure of the contaminated material, including covering the contaminants with an impervious cover where practicable; and c. Notification of the Canterbury Regional Council, Attention: Team Leader – Contaminated Land (contaminated.land@ecan.govt.nz), within 24 hours of the discovery; d. Earthworks within ten metres of unexpected contaminants shall not recommence until a suitably qualified experienced practitioner (SQEP) confirms to Canterbury Regional Council, Attention: Team Leader – Contaminated Land that doing so will not have significant adverse environmental effects. e. All practicable steps shall be taken to prevent the contaminated material becoming entrained in stormwater or dewatering water. f. All records and documentation associated with the discovery shall be kept and copies shall be provided to the Canterbury Regional Council upon request.
	Stockpiling, Handling and Disposal of Contaminated Material
11	Stockpiling of contaminated material shall be avoided where practicable. In the event that temporary stockpiling of suspected potential or contaminated material is required, then the stockpiles shall be managed as below: a. Stockpiled material shall be placed on polythene sheeting or similar impervious material to prevent contamination of underlying material; and b. Controls shall be installed to prevent runoff leaving the area and stormwater from other areas entering the stockpile area; and c. Stockpiled material shall be covered or dampened during dry and windy conditions; and d. If significant rainfall is forecast, the stockpiled material shall be covered by a suitable material to prevent contaminated stormwater discharge or wind-blown dust generation.
12	Any soils removed from the site that have been identified as contaminated or potentially contaminated shall be disposed of at an appropriately licensed facility.
	EROSION AND SEDIMENT CONTROL
13	The earthworks shall occur in accordance with the Erosion and Sediment Control Plan (ESCP). The ESCP shall: a. Detail best practicable erosion and sediment control measures that will be taken to ensure compliance with this resource consent; b. Be prepared in accordance with: i. Environment Canterbury's "Erosion and Sediment Control Toolbox for the Canterbury Region" (ESCT), which can be accessed under http://esccanterbury.co.nz/; or

	ii. An equivalent industry guideline. If an alternative guideline is used, the ESCP shall provide details of the relevant alternative methods used and an explanation of why they are more appropriate than the ESCT.
14	The ESCP shall include: a. A map showing the location of all works; b. Detailed plans showing the location of erosion and sediment control measures, on-site catchment boundaries, and sources of runoff; c. Drawings and specifications of designated sediment control measures, including but not limited to: d. A programme of works, including a proposed timeframe for each stage of the works and earthworks methodology; e. The management of stockpiled soils during excavation works; f. Inspection and maintenance of the erosion and sediment control measures; g. Sampling procedures and protocols for assessing the quality of the discharge; h. Defined discharge points where stormwater and dewatering water infiltrates into land and/or is discharged to surface water; i. The description of best practicable options to be applied to mitigate sediment discharge beyond the site boundary; j. The method(s) for stabilising the site if works are abandoned; and k. The method(s) for stabilising the site and decommissioning erosion and sediment control measures after works have been completed. A comprehensive Dust Management Plan shall be provided within the ESCP and this must include the following measures: a. Disturbed areas are to be stabilised with permanent vegetation or temporary stabilization methods as soon as practicable after the completion of bulk earthworks, land contouring, etc., but no later than 10 days after earthworks are completed. In this context, stabilised means covered with a layer of washed gravel, 80% coverage with grass striking, an effective cover of soil stabilizing co-polymer, mulch, or other method in accordance with the ESCT. b. The consent holder must carry out a risk assessment of all activities taking into consideration local weather forecasts, particularly forecasts of winds from the north-west or sustained conditions of north-easterly winds during extended dry periods. c. Dust control methods must be employed taking into consideration forecast weather conditions. d. Stockpiles must be limited to no more than 5 metres in height and stockpiles are located as far as practicable from downwind from off-site receptors. Stockpiles surfaces should be compacted and stabilised as soon as practicable (see methods above). e. Signs are to be established at the boundary of the site and at key junctions showing the speed limit within the site. f. Vehicle movements should be limited to established haul roads. g. The consent holder must keep and maintain records of complaints received and provide copies to ECan on request. Records must include time and date of the complaint, weather conditions immediately preceding, likely source and cause of the

	nuisance effects and remedial action to be taken to address it and prevent further nuisance.
15	The ESCP shall be submitted to the Canterbury Regional Council, Attention: Regional Leader - Compliance Monitoring (ecinfo@ecan.govt.nz), at least ten working days prior to earthworks commencing, for certification that it complies with the conditions of this consent. a. The earthworks shall not commence until the consent holder has received the certification from the Canterbury Regional Council that it is consistent with the conditions of this consent. b. Notwithstanding Condition (15)(a), if the consent holder has not received the certification within ten working days of the Regional Leader - Monitoring and Compliance receiving the ESCP, the discharge may commence. ***Advice note:*** *The Dust Management Plan must also be provided to Selwyn District Council in accordance with its consents.*
16	The ESCP may be amended at any time. Any amendments shall be: a. For the purpose of improving the efficacy of the erosion and sediment control measures, and shall not result in reduced discharge quality; b. Consistent with the conditions of this resource consent; and c. Submitted in writing to the Canterbury Regional Council, Attention: Regional Leader - Compliance Monitoring (ecinfo@ecan.govt.nz), prior to any amendment being implemented.
17	Erosion and sediment control measures shall be inspected at least once per day when earthworks are being undertaken, as well as following any rainfall event that results in more than five millimetres of rainfall at the site. Any accumulated sediment shall be removed, and repairs made, as necessary, to ensure effective functioning of devices. Records of any inspections shall be kept and provided to the Canterbury Regional Council on request.
18	If the consent holder abandons work on-site, adequate preventative and remedial measures shall be taken to control sediment discharged from exposed or unconsolidated surfaces. These measures shall be maintained for so long as necessary to prevent sediment discharges from the earth worked areas.
19	The erosion and sediment control measures shall not be decommissioned until the site is stabilised and the stormwater system for the developed site is functioning or a suitably approved method of stormwater disposal is in place. Decommissioning measures shall be undertaken in the following order: a. All disturbed areas shall be stabilised and/or re-vegetated as soon as practicable following completion of the works; b. Any visible debris, litter, sediment and hydrocarbons shall be removed from all sediment control measures; and c. Erosion and sediment control measures shall be removed.

	AFTER WORKS
20	On completion of works: a. All exposed surfaces shall be stabilised once works are completed or if they are not to be worked on for a period of 14 days or more; and b. All spoil and other waste material from the works shall be removed from the site.
	ADMINISTRATION
21	The Canterbury Regional Council may annually, on any of the last five days of May or November, serve notice of its intention to review the conditions of this consent with the purposes of: a. Dealing with any adverse effect on the environment which may arise from the exercise of this consent; or b. Requiring the consent holder to carry out monitoring and reporting instead of, or in addition to, that required by the consent.

CRC234542 Discharge Permit (Section 15) to discharge construction phase stormwater

	LIMITS
1	The activity authorised by this resource consent shall be only the discharge of sediment-laden phase stormwater to ground via temporary soakholes servicing the residential development associated with the sites legally described as Lot 1 DP 57004, Lot 3 DP 57004, Lot 1 DP 61278, Lot 2 DP 61278, Lot 1 DP 70352, Lot 3 DP 70352, as shown on Plan CRC234542 [Site Location Plan] which forms part of this resource consent.
2	Sediment-laden stormwater shall be discharged: a. In accordance with the erosion and sediment control plan required by Condition (13) of CRC234541 [earthworks consent number]: b. To land via temporary soakholes within the boundaries of the site as shown on Plan CRC234542A [Site Location Plan]
3	The discharge of sediment-laden stormwater under this consent shall not: a. Enter neighbouring properties; b. Result in sediment or any other contaminant contained in the discharge being discharged beyond the boundary of the site; c. Enter the water races shown on Plan CRC234542B [Plan showing location of water races]; and d. Be discharged directly to groundwater.
	PRIOR TO COMMENCEMENT OF WORKS
4	Prior to the commencement of the activities described in Condition (1), all personnel working on site shall be made aware of, and have access to the contents of: a. This resource consent document; and b. Resource consents CRC234541, CRC234543 [earthworks and operational stormwater numbers] and all associated documents.
5	A pre-construction meeting shall be held between the Canterbury Regional Council and all relevant parties, including the primary contractor, prior to the commencement of any works. At a minimum, the following shall be covered in the meeting: a. Scheduling and staging of the works; b. Responsibilities of all relevant parties, including confirmation that the person or persons implementing the ESCP on the site is/are suitably trained and/or experienced; c. Contact details for all relevant parties; d. Expectations regarding communication between all relevant parties; e. Procedures for implementing any amendments; f. Site inspection; and g. Confirmation that all relevant parties have copies of the contents of this consent document and all associated erosion and sediment control plans and methodology.
6	At least ten working days prior to commencement of the works described in Condition (1), the Validation Report for the areas identified as being contaminated by ENGEO in "Remediation Action Plan, Faringdon Oval" dated 25.06.2021 shall be submitted to the Canterbury Regional Council, Attention: Team Leader – Contaminated Land (contaminated.land@ecan.govt.nz), to ensure that the existing soil contamination identified in the ENGEO Report has been adequately remediated.

7	The consent holder shall inform the Canterbury Regional Council, Attention: Regional Leader - Compliance Monitoring (ecinfo@ecan.govt.nz) of the commencement of works: a. At least 10 working days prior to the commencement of the works, and b. At least 10 working days prior to the commencement of any subsequent stages of the works, if requested by the Canterbury Regional Council as part of the pre-construction meeting under Condition (5).
8	All erosion and sediment control measures detailed in the ESCP required by Condition (9) of this resource consent shall be installed prior to the commencement of any earthworks or stripping of vegetation and topsoil occurring on the site.
	EROSION AND SEDIMENT CONTROL
9	The discharges during the construction-phase of the development shall occur in accordance with the ESCP. The ESCP shall: a. Detail best practicable sediment control measures that will be taken to ensure compliance with this resource consent. b. Be prepared by a suitably qualified person with experience in erosion and sediment control in accordance with: i. Canterbury Regional Council's "Erosion and Sediment Control Toolbox for the Canterbury Region" (ESCT), which can be accessed under http://esccanterbury.co.nz/; or ii. An equivalent industry guideline. If an alternative guideline is used, the ESCP shall provide details of the relevant alternative methods used and an explanation of why they are more appropriate than the ESCT. c. Be signed by an engineer with experience in erosion and sediment control, confirming that the erosion and sediment control measures for the site are appropriately sized and located in accordance with the ESCT.
10	The ESCP shall: a. Include a map showing the location of all works; b. Detailed plans showing the location of sediment control measures, on-site catchment boundaries, and sources of runoff; c. Detail how best practicable measures are taken to minimise discharges of construction-phase stormwater run-off beyond the boundaries of the site; d. Include drawings and specifications of designated sediment control measures, if these are not designed and installed in accordance with the ESCT; e. Include a confirmation that the erosion and sediment control devices have been sized appropriately in accordance with the ESCT; f. Include a programme of works, including a proposed timeframe for each stage of the works and the earthworks methodology; g. Detail the management of any stockpiled material; h. Detail inspection and maintenance of the sediment control measures; i. Detail sampling procedures and protocols; j. Define the discharge points where stormwater is discharged onto land / infiltrates into land; k. Detail the methodology for stabilising the site if works are abandoned; and l. Detail the methodology for stabilising the site and appropriate decommissioning of all erosion and sediment control measures after works have been completed.

11	The ESCP shall be submitted to the Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring (ecinfo@ecan.govt.nz), at least ten working days prior to works commencing, for certification that it complies with the ESCT and the conditions of this consent. a. The discharge shall not commence until certification has been received from the Canterbury Regional Council that the ESCP is consistent with the ESCT or equivalent industry guideline as per the requirements under Condition 9(b)(ii), and the conditions of this resource consent. b. Notwithstanding Condition (11)(a), if the ESCP has not been reviewed and/or certified within ten working days of the Regional Leader – Compliance Monitoring receiving the ESCP, the discharge may commence.
12	The ESCP may be amended at any time. Any amendments shall be: a. Only for the purpose of improving the efficacy of the erosion and sediment control measures and shall not result in reduced discharge quality; and b. For the purpose of applying best practicable measures to mitigate dust and sediment transport off-site; c. Consistent with the conditions of this resource consent; and d. Submitted in writing to the Canterbury Regional Council, Attention: Regional Leader Compliance Monitoring (ecinfo@ecan.govt.nz), prior to any amendment being implemented.
13	Erosion and sediment control measures shall be inspected at least once per day, as well as following any rainfall event that results in more than five millimetres of rainfall at the site. Any accumulated sediment shall be removed, and repairs made, as necessary, to ensure effective functioning of devices. Records of any inspections shall be kept and provided to the Canterbury Regional Council on request.
14	If the consent holder abandons work on-site, adequate preventative and remedial measures shall be taken to control sediment discharged from exposed or unconsolidated surfaces. These measures shall be maintained for so long as necessary to prevent sediment discharges from the earth worked areas
	SPILLS
15	All practicable measures shall be taken to avoid spills of fuel or any other hazardous substances within the site. a. Refuelling of machinery and vehicles shall not occur within 10 metres of: i. Open excavations; ii. Exposed groundwater; and iii. The water race shown on Plan CRC234542B [Plan showing location of water races] or any stormwater system, including swales, sumps or other devices, unless: A. Refuelling is undertaken within an impervious, sealed, bunded area that will contain a volume of at least 110 percent of the largest tank to be filled. b. A spill kit shall be kept on site that is capable of absorbing the quantity of oil and petroleum products that may be spilt on site at any one time, remains on site at all times.

	c. In the event of a spill of fuel or any other hazardous substance, the spill shall be cleaned up as soon as practicable, the stormwater system shall be inspected and, cleaned and measures taken to prevent a recurrence; d. The Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance, shall be informed within 24 hours of a spill event and the following information provided: i. The date, time, location and estimated volume of the spill; ii. The cause of the spill; iii. The type of hazardous substance(s) spilled; iv. Clean up procedures undertaken; v. Details of the steps taken to control and remediate the effects of the spill on the receiving environment; vi. An assessment of any potential effects of the spill; and vii. Measures to be undertaken to prevent a recurrence.
	UPON COMPLETION OF WORKS
16	Erosion and sediment control measures shall not be decommissioned until the site is stabilised and the stormwater system for the developed site is functioning. Decommissioning the measures shall be undertaken in the following order: a. All disturbed areas shall be stabilised and/or re-vegetated as soon as practicable following completion of the works; b. Any visible debris, litter, sediment and hydrocarbons shall be removed from all sediment control measures and disposed at a suitable facility; and c. Erosion and sediment control measures shall be removed.
17	Upon completion of works and the removal of erosion and sediment control measures, any visible sediment accumulated on impervious surfaces within or immediately adjacent to the works site shall be removed to minimise the risk of sediment becoming entrained in stormwater. All sediment removed shall be disposed of at a suitable facility.
	AFTER WORKS
18	On completion of works: a. All exposed surfaces shall be stabilized once works are completed or if they are not to be worked on for a period of 14 days or more; and b. All spoil and other waste material from the works shall be removed from the site.
	ADMINISTRATION
19	The Canterbury Regional Council may annually, on the last working day of May or November, serve notice of its intention to review the conditions of this consent for the purposes of: a. Dealing with adverse effect on the environment which may arise from the exercise of this consent and which is not appropriate to deal with at a later stage; or b. Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
20	The duration of this consent shall be 10 years from the date of decision.

CRC234543 Discharge permit (Section 15) to discharge operational phase stormwater

	LIMITS
1	The discharge shall be only stormwater generated from: a. Building roofs; b. Roads; c. Road berms; and d. Lot frontages; associated with the sites, legally described as Lot 1 DP 57004, Lot 3 DP 57004, Lot 1 DP 61278, Lot 2 DP 61278, Lot 1 DP 70352, Lot 3 DP 70352, as shown on Plan CRC234543A [Site Location Plan] which forms part of this resource consent.
2	Stormwater shall only be discharged onto and into land within the area shown on the attached Plan CRC234543A [Site Location Plan] which forms part of this resource consent, and via the stormwater system described under Conditions (3) to (7) of this resource consent.
	STORMWATER SYSTEM
3	Stormwater shall be discharged to land via the following stormwater system, as shown on the attached Plan CRC234543A [Site Location Plan]: a. Stormwater generated from the roofs of individual dwellings must be discharged to ground via soakpits within individual lots and shall be sized in accordance with the New Zealand Building Code Clause E1. b. Reserve Lots as shown on the attached plan CRCXXXXB along with some road reserve berms are to be utilised for stormwater treatment through swales prior to discharge to ground; c. Stormwater generated from roads, road berms and lot frontages must be collected by sumps fitted with submerged or trapped outlets and conveyed via pipes to boulder backfilled rapid soakage trenches shown on Plan CRC234543B [Plan of Soakpit Design]. The soakpits must have a maximum depth to the base of 3.0 metres below natural ground level; d. The capacity of the stormwater system, excluding the soakpits within individual lots must be up to the two percent annual exceedance probability (2% AEP) 24-hour rainfall event; and e. Any flow above a 2% AEP event must be directed to a secondary flow path via the road reserves to direct flows away from buildings. f. The stormwater system shall be designed and operated to ensure that adequate treatment is being provided so that the LWRP water quality limits set out in Table 11(m) are not exceeded downstream of the discharge.
4	All sumps shall be fitted with submerged or trapped outlets each capable of trapping at least 60 litres of hydrocarbons.

5	The rapid soakage trenches shall: a. Store and dispose of stormwater arising from all rainfall events up to and including the 2% AEP 24-hour duration rainfall event from the contributing catchment; b. Have a base that extends into free draining soil strata; and c. Have a maximum depth to the base of 3.0 metres below the natural ground level. ***Advice Note:*** *For the purpose of installing the base of the soakage trenches into free draining soil strata under (b) and to confirm the soakage trenches can dispose of stormwater from the design rainfall event, including a factor of safety of 3 to allow for blinding of the soakage trenches, infiltration testing may be required to confirm infiltration rates at the location of each soakage trench.*
6	Stormwater shall not pond in or around the stormwater system for longer than 48 hours after the cessation of any storm event.
7	Swales shall be: a. Maintained so that vegetation and/or grass is in a healthy and uniform state, with the exception of seasonal browning off in the warmer months; b. Replanted where erosion or die off has resulted in bare of patchy soil cover; and c. Where grassed, mown to ensure grass is at a length between 40 and 150 millimetres.
	DESIGN PLANS, CERTIFICATION AND MONITORING
8	At least 10 working days prior to the installation of the stormwater system, the consent holder shall submit to the Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring (ecinfo@ecan.govt.nz): a. Final detailed design plans for the stormwater system. b. A certificate signed by an engineer with suitable experience in stormwater system design and construction confirming that: i. The stormwater system has been designed in accordance with the Conditions of this resource consent; and c. A statement signed by the engineer with suitable experience in stormwater system design and construction confirming that they are competent to certify the engineering work.
9	Within 20 working days of the installation of the stormwater system, the consent holder shall submit to the Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring (ecinfo@ecan.govt.nz): a. All as built design plans of the stormwater system installed; b. A certificate signed an engineer with suitable experience in stormwater system design and construction confirming that the installed stormwater system complies with the conditions of this resource consent; and c. A statement signed by the engineer with suitable experience in stormwater system design and construction confirming that they are competent to certify the engineering work.
10	The Consent Holder shall conduct monitoring of stormwater discharges for the first 24 months following commissioning to confirm that adequate treatment is being provided to meet the LWRP water quality outcomes and standards and limits set out in Section 11 in accordance with the following: a. The monitoring shall be carried out by a suitably qualified environmental scientist.

	b. Details of the proposed monitoring methodology shall be submitted to the Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring (ecinfo@ecan.govt.nz) for approval at least 10 working days prior to installation of the stormwater system. c. The results of the monitoring shall be included in the Stormwater Design Report and Management Plan provided under condition (11).
11	Within two years of the date of decision of this consentor at the time it is submitted to Selwyn District Council for its approval pursuant to the subdivision consent, a Stormwater Design Report and Management Plan shall be submitted to the Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring – ecinfo@ecan.govt.nz for approval. The Plan shall take the conditions of this consent into account and include but not be limited to: a. 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. b. Existing and proposed drainage plan with sub catchments and flow arrows to show how the drainage will be affected. c. Calculations to demonstrate compliance with the Engineering Code of Practice and any relevant Environment Canterbury consent conditions. d. A description of the stormwater network, including the components used to convey, treat and discharge stormwater; e. A description of the receiving environment, including whether there are any active downgradient/downstream domestic or community supply points; f. A description of the inspection and maintenance schedule and any reporting requirements; g. A description of the actions that will be taken to address any issues discovered during inspections and maintenance; h. A description of any monitoring and responses to monitoring to ensure that adequate treatment is being provided to enable the LWRP water quality outcomes and standards and limits set out in Table 1, Schedules 5 and 8 and Sections 6 to 15 (whichever applies) are being met, or will be met; and i. A description of the management of the discharge of stormwater from sites involving the use, storage or disposal of hazardous substances (if such sites are present in the subdivision).

	INSPECTIONS AND MAINTENANCE
12	The stormwater system shall be maintained in accordance with the Selwyn District Council's Stormwater Maintenance Schedule, Table CRC234543 [as per below], included below at the end of these conditions and forming part of this consent.
13	In addition to Condition (12) stormwater system shall be maintained in the following manner: a. The stormwater system is to be inspected at least once every three months for the first two years of operation and thereafter once every six months. b. Any visible hydrocarbons, debris or litter within any of the stormwater system's components shall be removed within five working days of the inspection. c. Any accumulated sediment in the sumps shall be removed when the sediment occupies more than one quarter of the depth below the invert of the outlet pipe.
14	Where there is conflict between the requirements of Conditions (11) and (13), the more onerous actions and timeframes shall apply.
15	Any material removed in accordance with Condition (12) shall be disposed of at a facility authorised to receive such material.
16	The consent holder shall keep records of all inspections and maintenance undertaken in accordance with Conditions (13) to (15) and make them available to the Canterbury Regional Council on request. The records shall include: a. Date and details of inspections of the stormwater system; and b. Date and details of any maintenance work, repairs and upgrades to the stormwater system, including removal of material and its disposal.
	ADMINISTRATION
17	The Canterbury Regional Council may, once per year, on any of the last five working days of any month, serve notice of its intention to review the conditions of this consent for the purposes of: a. Dealing with any adverse effect on the environment which may arise from the exercise of the consent; or b. Requiring the adoption of the best practicable option to remove or reduce any adverse effects on the environment.
18	The duration of this consent shall be 11 years from the date of decision.

Selwyn District Council
STANDARD STORMWATER MAINTENANCE SCHEDULE

Task	Minimum frequency of maintenance visit					
	Sumps			Swales		Infiltration and dry basins
	Key sumps	Non-key sumps	To soakage chambers	Urban	Rural-residential	
Removal of debris, and litter likely to adversely affect the operation of the system, within 10 working days of the maintenance visit	Yearly	Two Yearly	Yearly	6 monthly	Yearly	6 monthly
Removal of sediment likely to adversely affect the operation of the system, within 10 working days of the maintenance visit	Yearly	Two Yearly	Yearly	N/A	N/A	N/A
Removal of hydrocarbons that are visible over a total area of greater than 0.5 square metres (swales and basins) or a layer greater than 5 millimetres thick (sumps), within 10 working days of the maintenance visit	N/A	N/A	6 monthly	6 monthly	Yearly	6 monthly
Repair or stabilisation of erosion and scour, within 20 working days of the maintenance visit	N/A	N/A	N/A	6 monthly	Yearly	6 monthly
Replanting, where bare or patchy soil cover or sediment build up is greater than 10 square metres, or a total of five percent of the area of the device, whichever is the lesser, within 10 working days of the maintenance visit	N/A	N/A	N/A	6 monthly	Yearly	6 monthly
Weed control	N/A	N/A	N/A	6 monthly	Yearly	6 monthly

Table CRC234543

CRC234544 Water Permit (Section 14) to temporarily take groundwater for construction dewatering purposes

	LIMITS
1	The activity authorised by this resource consent shall be limited to the abstraction of groundwater for the purpose of dewatering excavations during the development of Faringdon Oval, legally described as Lot 1 DP 57004, Lot 3 DP 57004, Lot 1 DP 61278, Lot 2 DP 61278, Lot 1 DP 70352, Lot 3 DP 70352 as shown on Plan CRC234544A [Site Location Plan] which forms part of this resource consent.
2	Groundwater must only be: a. Taken in the locations shown on Plan CRC234544B [Plan showing location of dewatering]; b. Pumped to a depth of 4.8 metres below ground level; c. Taken at a combined rate of no greater than 25 litres per second, 24 hours a day; d. Taken for a total maximum period of 28 consecutive days over the period of the consent; and e. Taken from sumps installed within the excavations.
3	The dewatering during each stage of the excavation works must only occur for the time required to carry out the works within the stage.
4	The dewatering must not result in groundwater level reductions lower than 5m below ground level.
	PRIOR TO COMMENCEMENT
5	Prior to commencement of the works described in Condition (1), all personnel working on the site must be made aware of, and have access to, the following: a. The contents of this resource consent document and all associated documents; i. Resource Consents CRC234541 and CRC234542 and all associated documents, including the Erosion and Sediment Control Plan required to be prepared and maintained under Resource Consent CRC234541.
6	A pre-construction meeting shall be held between the Canterbury Regional Council and all relevant parties, including the primary contractor, prior to the commencement of any works. At a minimum, the following shall be covered in the meeting: a. Scheduling and staging of the works; b. Responsibilities of all relevant parties, including confirmation that the person or persons implementing the ESCP on the site is/are suitably trained and/or experienced; c. Contact details for all relevant parties; d. Expectations regarding communication between all relevant parties; e. Procedures for implementing any amendments; f. Site inspection; and g. Confirmation that all relevant parties have copies of the contents of this consent document and all associated erosion and sediment control plans and methodology.

7	The consent holder shall inform the Canterbury Regional Council, Attention: Regional Leader - Compliance Monitoring, (ecinfo@ecan.govt.nz) of the commencement of works: a. At least 10 working days prior to the commencement of the works, and b. At least 10 working days prior to the commencement of any subsequent stages of the works, if requested by the Canterbury Regional Council as part of the pre-construction meeting under Condition (5).
8	Prior to the commencement of dewatering operations, all erosion and sediment control measures and dewatering treatment devices must be installed in accordance with the Erosion and Sediment Control Plan required under Resource Consent CRC234541.
9	At least ten working days prior to commencement of the works described in Condition (1), the Validation Report for the areas identified as being contaminated by ENGEO in "Remediation Action Plan, Faringdon Oval" dated 25.06.2021 shall be submitted to the Canterbury Regional Council, Attention: Team Leader – Contaminated Land (contaminated.land@ecan.govt.nz), to ensure that the existing soil contamination identified in the ENGEO Report has been adequately remediated.
	DURING WORKS
10	A record of all dewatering activities that occur within the site must be kept and provided to the Canterbury Regional Council upon request. This record must include, but not be limited to: a. The date, time and duration of the water take; b. The rate of the groundwater takes; and c. The location of the dewatering within the site.
	ADMINISTRATION
11	The Canterbury Regional Council may annually, on any of the last five days of May or November, serve notice of its intention to review the conditions of this consent with the purposes of: a. Dealing with any adverse effect on the environment which may arise from the exercise of this consent; or b. Requiring the consent holder to carry out monitoring and reporting instead of, or in addition to, that required by the consent.
12	The duration of this consent shall be 11 years from the date of decision.