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

Resource Management Act 1991

Decision and Planning Report

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

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

Decision pursuant to section 113 of the Resource Management Act 1991

APPLICATION NUMBER:	**RC245667**
APPLICANT:	Hughes Developments Limited
BRIEF DESCRIPTION OF APPLICATION:	This is an application for a change of conditions to RC235205 as amended by RC235831 and RC245327.
SITE DESCRIPTION:	Address: Arbor Green, Faringdon Legal Description: Various Title References: CB33K/67, CB36C/247, CB40D/788 & 1115039, and 1118996 & 1118997 Area: 69.2572 hectares
ZONING / OVERLAYS	**Operative Selwyn District Plan (2016), Rural Volume** Inner Plains Zone **Partially Operative Selwyn District Plan (Appeals Version)** General Rural Zone Plains Flood Management Overlay, Liquefaction Damage Unlikely Overlay, Urban Growth Overlay & SCA-RD1 (Inner Plains/ Te Urumanuka ki Ana-ri) Rural Density Overlay
OVERALL ACTIVITY STATUS:	**Discretionary**

The Application

1. This application was formally received by the Selwyn District Council on 2 August 2024. Further information was provided on 6 August 2024 and this information now forms part of the application.
2. The application proposes to change conditions 2, 4 & 12 of subdivision consent RC235205 (as previously varied by RC235831 and RC245327).
3. The main aspects of the activity are as follows:

   a) The first change seeks to reconfigure the layout of Stages 3 and 22 as follows:

   - Comprehensive Residential Development (CRD) Lots 29 & 30 renamed to Lots 689 & 690

- Lots 27, 28 & 689 consisting of a duplex lot, CRD lot and a medium density lot is proposed to be reconfigured to 4 medium density lots.
- CRD lots 24, 25, 26 replaced by 8 medium density lots (718-725).
- Medium density lots 581-588 have been renamed Lots 585, 589-593, 691 and 695 along with some minor lot area and dimension changes.
- Lots 589-593 have been replaced by CRD lots 24,25,26 and 581.
- CRD lots 20 & 21 have been consolidated into one lot (20).
- Duplex lots 594 & 597 have been replaced by 3 medium density lots (594-596).
- Medium density lots 595 & 596 have been renamed 597 & 717 along with a small increase in area.
- The stage 3 and 22 boundaries have been amended so that all residential lots are confined to Stage 3, with stage 22 consisting solely of 17m legal road that has shares a boundary with the adjacent HDL land to the north.

The Consent Holder states that the rationale for these changes is to introduce a different typology to the Boulevard frontage in addition to CRD lots. These proposed changes require changes to conditions 4 and 12 of RC235205.

b) The consent holder seeks to increase the building coverage for low density lots from 40% to 45% to respond to the updated method of calculating coverage in the Partially Operative District Plan. The proposed change requires a change to the Residential Development Matrix.

c) The consent holder proposes an additional condition for the right of way servicing for CRD Lots 689 and 699 to enable the construction of the right of way to be constructed as part of the housing development.

4. The following changes are proposed to RC235205 (as varied by RC235831 and RC245327):

Condition 2:

2. The subdivision shall proceed in general accordance with the following

i. approved plans and documents:
- Precinct Plan
- ~~Typology Plan April 2024~~
- **Typology Plan August 2024**
- Landscape Plan
- ~~Subdivision Plan June 2024 R2d~~
- **Subdivision Plan July 2024 R14**
- Pedestrian and Cycle Network Plan
- Road Network Plan
- Reserve Network Plan
- ~~Residential Development Matrix~~
- ~~Residential Development Matrix June 2024~~
- **Residential Development Matrix August 2024**
- 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

Condition 4:

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 1000, 1001, 3002
- ~~Stage 3 – Lots 20 – 33, 689, 2003, 3003, 3041~~
- **Stage 3 – Lots 20, 22-30, 581, 589-597, 689, 691, 695, 699, 717-725, 2002, 2003, 2019, 3003**
- Stage 4 – Lots 34 – 50, 2004, 3004
- Stage 5 - Lots 51 - 63, 3005, 3006, 3039
- Stage 6 – Lots 65 – 97, 2006, 3007
- Stage 7 – Lots 98 – 125, 3008

- Stage 8 – Lots 126 – 149, 2007, 2008, 3009,
- Stage 9 – Lots 150 – 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, 353-358, 359-363, 364, 365, 561, 562, 564-567, 571-579, 580, 690, 3022, 2013, 1012 and 1004
- Stage 16 – Lots 366 – 389, 3023
- Stage 17 – Lots 390 – 424, 3024
- Stage 18 – Lots 425 – 454, 2014, 3010, 3025, 3039
- Stage 19 – Lots 455 – 490, 2015, 3026, 3027
- Stage 20 – Lots 64, 348 – 352, 356, 491 – 533, 563, 568 – 570, 2005, 3028, 3041
- Stage 21 – Lots 534 – 560, 2016, 2017, 3029
- ~~Stage 22 – Lots 581 – 597, 2018, 2019, 3030~~
- **Stage 22 – Lot 3030**
- Stage 23 – Lots 598 – 637, 2020, 3031, 3032, 3033
- Stage 24 –638 - 662, 2021, 3034, 3035, 3036
- Stage 25 – Lots 663 – 681, 3037
- Stage 26 – Lots 682 – 688

Condition 12

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~~, **20, 22-26**, 28 – 35, 38 – 41, 50, 54 –55, 62 – 63, 65 – 66, 79, 96 – 98, 123 - 125, 126 – 127, 129, 135, 139, 143, 150, 191 – 192, 211, 222, 291, 347, 364– 370, 420 – 423, 433, 439 – 440, 452 – 455, 458, 465, 467 – 468, **689 and 699** 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~~, **20, 22-26**, 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, 364– 370, 420 – 423, 433, 439 – 440, 452 – 455, 458, 465, 467 – 468, **689 and 699** are to be developed as Comprehensive Residential Development sites;
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.

5. Additionally, a new condition is proposed as follows:

96. That the Right of Way serving Lots 689 and 699 shall be constructed as part of the Comprehensive Residential Development of those lots (being RC245530).



Figure 1: Subdivision scheme plan (per RC235831)

Background

Subdivision Consent RC235205 and Land Use Consent RC235206

6. RC235205 was granted by a panel of Independent Commissioners on 27 July 2023 to undertake a large staged subdivision to enable rural land at Rolleston to be developed for residential uses with differing densities and typologies, commercial buildings to support the urban growth, open space and public reserves to compliment the development, and all of the necessary infrastructure associated with the above. The proposed subdivision is referred to as Arbor Green.

7. The site 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 Development Limited (HDL) with a total area of approximately 69.3 ha. Arbor Green initially adds an additional 684 residential units to the existing environment, with a further 462 residential units enabled via super lots with minimum density requirements created under RC235205.

8. The intent of the further super lots (to enable development of the further 462 residential units) is that the development will take place in accordance with the Medium Density Residential Zone (MRZ) and Business zone built-form conditions and requirements in the (now) Partially Operative District Plan. To achieve this, conditions are included requiring that consent notices are to be placed on the titles (when they issue) 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.

9. At the same time as subdivision consent RC235205 was granted, land use consent RC235206 was granted to undertake earthworks and other works associated with the development of the subdivision, in addition to the residential development and corresponding density. Resource consents were also obtained from Environment Canterbury (ECan) for excavation, to take and use groundwater, and construction and operational phase discharges under the Canterbury Land and Water Regional Plan (CRC234541, CRC234542, CRC234543, CRC234544).

Covid-19 Recovery (Fast Track Consenting)

10. On 17 June 2022, Schedule 54 was included in the Covid-19 Recovery (Fast track Consenting) Referred Projects Order 2020, enabling the Applicant to refer its Arbor Green subdivision (originally 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). The resource consents were all obtained under this legislation.

Change of Condition RC235831

11. A change of condition application RC235831 was granted on 15 March 2024 to reconfigure the consented subdivision boundaries relating to Stages 5, 15, 20 and 21, to amend lot boundaries to medium density lots, and to include three additional lots.

Change of Condition RC245327

12. A change of conditions application RC245327 was granted on 1 July 2024 to reconfigure the layout of Stage 15, to amend the boundary of Stage 2 and to change the conditions relating to the "Residential Development Matrix" to align with the built form anticipated by the Partially Operative District Plan, and to replaces the requirement for terraced housing to be delivered within identified lots, with comprehensive residential development.

The Existing Environment

13. The site is currently rural land covered in pasture that is in the process of being developed for urban and residential uses. It has generally flat topography and typical rural features are in the process of being removed, including shelterbelts, accessory buildings, residential units, fences and some mature trees.

14. The site is adjoined to the north and east by new residential subdivisions which are partially completed. The land to the west has rural uses and part of it is zoned for rural-residential uses. The Rolleston Town Centre is located to the north of the site, whilst the environment to the south and further west is rural in character and use.

15. The existing environment comprises the activities authorised by the approved resource consents, enabling an urban environment with mixed densities and typologies of residential units and some commercial buildings and associated infrastructure to establish a functioning urban environment. The site and surrounding environment are shown in **Figure 2**.

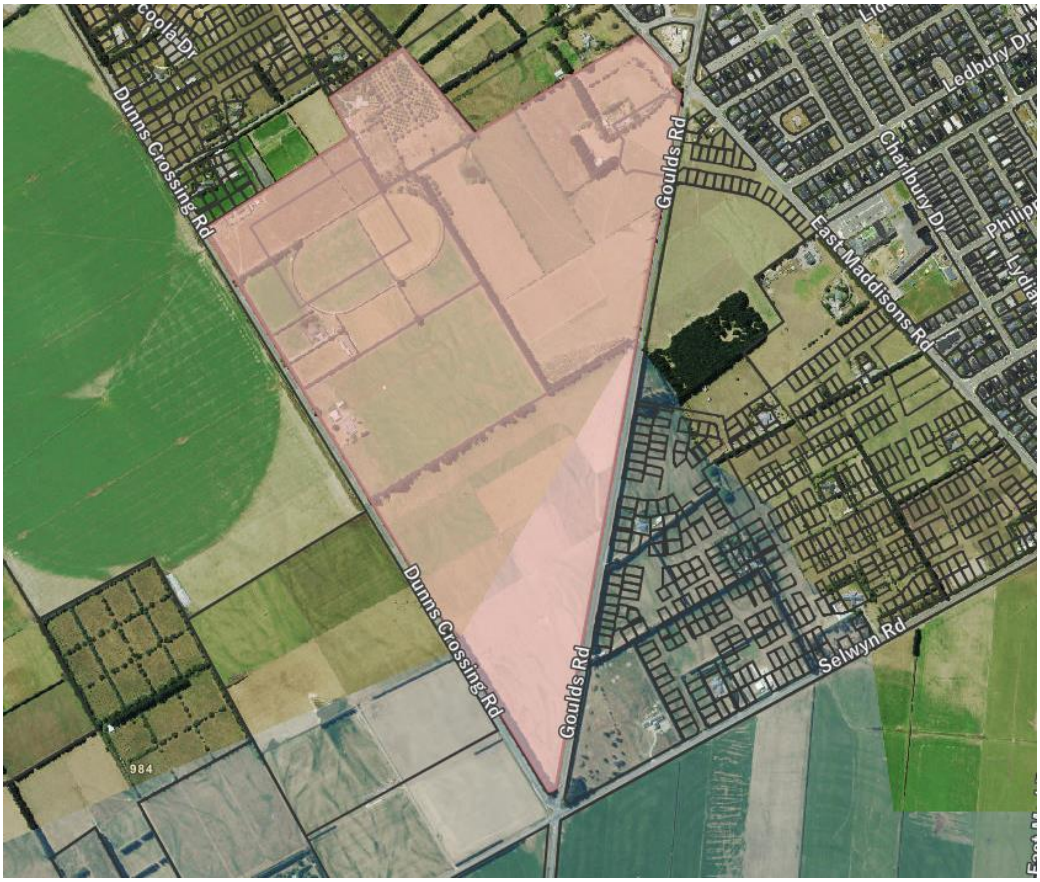


Figure 2: Application site and surrounds (Source: Canterbury Maps)

Statutory Considerations

16. The Section 127 of the Resource Management Act 1991 states:

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

(1) The holder of a resource consent may apply to the consent authority for a change or cancellation of a condition of a consent, subject to the following:
(a) the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and
(b) no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.
(2) Repealed
(3) Section 88 to 121 apply, with all necessary modifications, as if-
(a) the application were an application for resource consent for a discretionary activity; and
(b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.

(4) For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who –
1. made a submission on the original application; and
2. may be affected by the change or cancellation.

Type of Application

17. It is necessary to consider whether this application can be treated as a change of conditions, or whether it would result in a fundamentally different activity or one having materially different adverse effects, which would require that it is treated as a new application.

18. The original application sought to subdivide and develop 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. The consents provide for 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.

19. This application seeks to reconfigure the layout of Stages 3 and 22 in respect of some specified lots and their required development typologies, to change the built-form standards for Low and Medium Density lots. The application also seeks to increase the building coverage for low density lots to 45%. The changes proposed will not alter or increase the residential density from the original application, nor will the changes significantly alter the site layout in respect of density distribution, and the scale of housing that may establish.

20. On that basis, I consider that that proposal does not represent a fundamental change to the consented activity, nor will it result in materially different adverse effects. For completeness, the proposal will increase the increase the scale of built-form non-compliances under both the Operative and Partially Operative District Plans, although those effects are not materially different to those effects previously consented.

21. In respect of s127(1)(a), no survey plan has deposited yet in relation to the stage 3 and 22 which is sought to be altered by this change.

22. For these reasons, I consider that this application can be considered as a change of conditions to the original resource consent.

Notification Assessment

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

Assessment

23. The receiving environment for this proposal includes the existing environment and the future environment as it could be, i.e. as modified by non-fanciful permitted activities and unimplemented resource consents. In this case, the receiving environment is characterised by a combination of rural and residential land uses, with residential surrounding the majority of the site. The residential development is in varying stages, with some development completed and other development currently underway.

24. As a discretionary activity, all actual and potential adverse effects must be considered, but only in respect to the changes sought through this application to those existing conditions. As detailed prior, those changes relate to a reconfiguration of lots and required typologies in Stages 3 and 22, changes to the Residential Development Matrix (RDM) in respect of low density sites and changes to the right of way servicing for Comprehensive Residential Development (CRD) Lots 689 and 699. The effects of those proposed changes are addressed below:

Stages 3 and 22

25. The application proposes reconfigure the lots and layout of Stages 3 and 22 as detailed in **Figure 3** and as follows:

- CRD Lots 29 & 30 renamed to Lots 689 & 690
- Lots 27, 28 & 689 consisting of a duplex lot, CRD lot and a medium density lot is proposed to be reconfigured to 4 medium density lots.
- CRD lots 24, 25, 26 replaced by 8 medium density lots (718-725).
- Medium density lots 581-588 have been renamed Lots 585, 589-593, 691 and 695 along with some minor lot area and dimension changes.
- Lots 589-593 have been replaced by CRD lots 24,25,26 and 581.
- CRD lots 20 & 21 have been consolidated into one lot (20).
- Duplex lots 594 & 597 have been replaced by 3 medium density lots (594-596).
- Medium density lots 595 & 596 have been renamed 597 & 717 along with a small increase in area.
- The stage 3 and 22 boundaries have been amended so that all residential lots are confined to Stage 3, with stage 22 consisting solely of 17m legal road that has shares a boundary with the adjacent HDL land to the north.

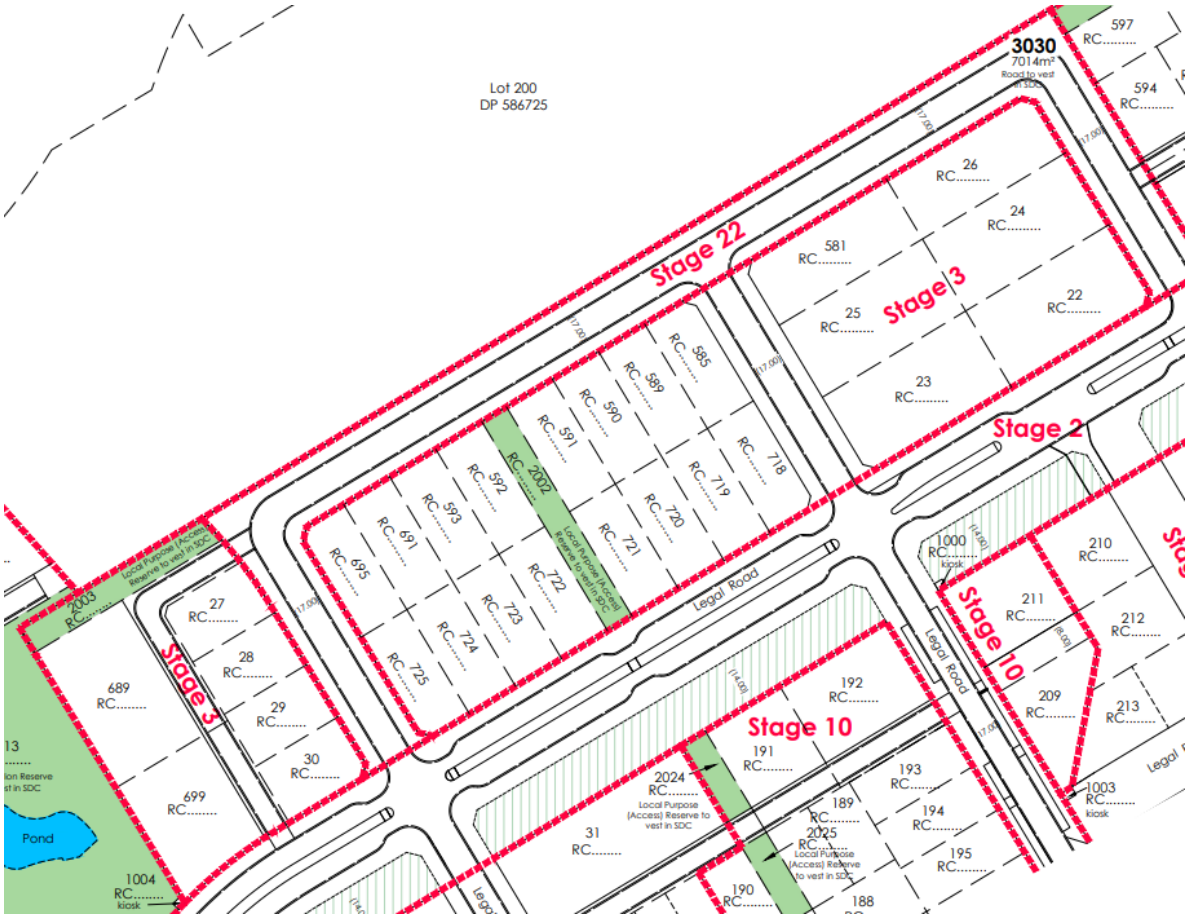


Figure 3 Subdivision Plans – Stage 3 and Stage 22

26. The application states that the rationale for the changes is "*largely due to a preference for introducing a different typology to the Boulevard frontage in addition to CRD. The medium density lots (718-725) that are now proposed along the Boulevard are intended to provide a break in the CRD typology and will form part of a show home village in the future*".

27. In consideration of the potential effects of the proposed change, the applicant states that the proposed changes will not give rise to any adverse effects.

28. It is considered that the scale and nature of the proposed changes to the lots and typologies are of a scale and nature where the potential effects will be less than minor beyond the boundaries of the subject site.

Residential Development Matrix (RDM) Changes – Building Coverage

29. The Consent Holder seeks to change the Residential Development Matrix (RDM) for low density sites to increase the building coverage from 40% to 45%. The Residential Development Matrix was altered by resource consent RC245327 whereby the measurement of building coverage was changed to include the area of building "*that extends out beyond the ground floor level limits of the building and overhangs the ground*."

30. The applicant states that the proposed changes are sought in response to the *"updated method of calculating coverage, which essentially incorporates area within the outer extremities of the building as opposed to the foundation."*

31. In consideration of the potential effects of the proposed change, the applicant provides the following assessment:

"The change is unlikely to give rise to any adverse effects in respect of facilitating additional building bulk, given that the percentage area increase is likely to be a result of eaves and building overhangs as opposed to a greater building footprint."

32. It is considered that the increased building coverage has the potential to create adverse character and amenity effects, including building dominance and compatibility with the planned urban form. The majority of the low density lots are located on Dunns Crossing Road and Goulds Road on the external interface of the development. Given the visual separation from the adjacent properties to the subject sites created by the intervening roads, it is considered that any adverse effects resulting from the proposed increase in building coverage will be less than minor.



Figure 4 Lot Typologies

33. It is noted that there are five low density sites located within the development, being Lots 214 - 217 adjacent to properties fronting Goulds Road in Stage 10 and 11 and Lot 561 located on a diagonal from the Recreation Reserve in Stage 15). These sites will be read in the context of the surrounding medium density sites. On balance, it is considered that any adverse effects from the proposed change will be less than minor when viewed from adjacent properties and the wider environment.

34. It is considered that the proposed change to building coverage has the potential to create adverse character and amenity effects, including building dominance and compatibility with the planned urban form for low density Lots 578 and 579. However, the adjacent site 605 East Maddisons Road is owned by the applicant and therefore any adverse effects on this site has been disregarded.

35. The original application sought to include low density Lots 533 and 534, located adjacent to properties in adjacent developments (33 Harrison Drive and 102 Jean Archie Drive). The applicant has since amended the application and the Residential Development Matrix to exclude Lots 533 and 534 from the proposed change to building coverage in the Residential Development Matrix.

36. It is considered that any adverse effects from the proposed increase in building coverage will be less than minor.

Right of Way Servicing for Lots 689 and 699

37. The applicant proposed changes to the right of way servicing for Comprehensive Residential Development (CRD) Lots 689 and 699 to enable the construction of the right of way to be constructed as part of the housing development. The application states that the timing "*is important in preserving the surface of the right of way, ensuring it is not damaged when the housing development commences"*. On this basis, the application has sought the inclusion of an additional consent condition, as follows:

96. That the Right of Way serving Lots 689 and 699 shall be constructed as part of the Comprehensive Residential Development of those lots (being RC245530).

38. It is concluded that, subject to the proposed condition, that any adverse effects will be less than minor.

Positive Effects

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

Conclusion

40. I consider that the adverse effects on the adjacent environment and the wider environment will be less than minor.

Public Notification (Section 95A)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Limited Notification (Section 95B)

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

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

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

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

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

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

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

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

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

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

Step 4 – Limited notification in special circumstances	Y	N
Do any special circumstances exist in relation to the application that warrant notification to any other persons not already determined to be eligible for limited notification (excludes persons assessed under section 95E as not being affected)?	☐	✓

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

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

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

Notification Recommendation

45. I recommend that the application (RC245667) is processed on a **non-notified** basis in accordance with sections 95A-E of the Resource Management Act 1991.

Report by:	Date: **6 August 2024**

Jane Anderson, Consultant Planner	

Notification Decision

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

 **Richard Bigsby, Team Leader Resource Consents**	**Date: 8 August 2024**

Section 104 Assessment

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

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

> ***104 Consideration of applications***
>
> *(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M* [Effect of incorporation of MDRS in district plan]*, have regard to–*
>
> *(a) any actual and potential effects on the environment of allowing the activity; and*
>
> *(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
>
> *(b) any relevant provisions of—*
>
> *(i) a national environmental standard:*
>
> *(ii) other regulations:*
>
> *(iii) a national policy statement:*
>
> *(iv) a New Zealand coastal policy statement:*
>
> *(v) a regional policy statement or proposed regional policy statement:*
>
> *(vi) a plan or proposed plan; and*
>
> *(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
>
> *…*

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

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

Section 104 – Effects on the Environment

51. An assessment of the adverse environmental effects of the proposal was completed above as part of the notification section of this report. That assessment is equally applicable to section 104 and is applied as such. Again, it is noted that the permitted baseline is relevant (section 104(2)), and regard must not be had to any person who has given written approval (section 104(3)(ii)).

52. It is also appropriate to consider the positive effects of the proposal at this section 104 stage. In this case, the proposed changes will respond to market demand and preferences, maintaining the supply of housing as anticipated by the original consent approval, and increasing the housing stock available in Rolleston to meet necessary demand.

53. As concluded in my notification assessment, I consider that the adverse effects on the environment resulting from the proposal will be less than minor on the adjacent environment and minor on the wider environment.

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

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

Operative Plan – Objectives and Policies

54. The original decision from the Independent Commissioners Panel acknowledged that the proposal simply cannot meet the rural Objectives and Policies, therefore the Application acknowledges that it is contrary. I consider that there is no change in this regard as a consequence of the proposed changes.

Partially Operative Plan – Objectives and Policies

55. The site is zoned General Rural in the PODP. The original decision acknowledged that 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. The Panel concluded that the proposal was contrary to the objectives and policies of the PODP. I consider that there would be no change to this conclusion as a consequence of the proposed changes.

Plan Weighting

56. Section 104(1)(b)(vi) requires the consent authority to have regard to an [operative] plan or proposed plan. Where there is conflict between the provisions of an operative and proposed plan, a weighting assessment is required to determine which plan may be afforded more weight.

57. There is no conflict between the provisions of either Plan, and therefore no weighting exercise is needed.

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

Canterbury Regional Policy Statement (CRPS)

58. The District Plans give effect to the relevant higher order documents, including the CRPS. Therefore, I consider there is no need to assess these provisions. The changes are limited in scale and substance relevant to these provisions and I arrive at the same conclusion as the Panel.

Part 2 – Purpose and principles

59. The consideration under section 104 is subject to Part 2 of the Act – Purpose and principles.

60. The purpose of the Act is contained within section 5 and it is to promote the sustainable management of natural and physical resources. *Sustainable management* means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while: sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.

61. The other sections of Part 2, sections 6, 7 and 8, address matters of national importance, other matters and Te Tiriti o Waitangi (the Treaty of Waitangi) respectively.

62. The relevant District Plans have been prepared having regard to Part 2, with a coherent set of policies designed to achieve clear environmental outcomes; therefore, taking into account relevant case law, I consider that assessment under Part 2 is unlikely to be necessary. For the sake of completeness, however, Part 2 is briefly assessed below.

63. In addition to section 5, I note that the following clauses of Part 2 would be particularly relevant:

> *7(b) the efficient use and development of natural and physical resources*
>
> *…*
>
> *7(c) the maintenance and enhancement of amenity values*
>
> *…*
>
> *7(f) the maintenance and enhancement of the quality of the environment.*

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

Conclusions

65. It is proposed to undertake changes to reconfigure the layout of Stages 3 and 22 of the subdivision, changes to the RDM in respect of Low Density sites and to change the right of way servicing for Lots 689 and 699.

66. All applications under s127 are a discretionary activity, and the above assessment is considered sufficient in scope given the nature and scale of the proposal.

67. Adverse effects are considered to be less than minor on the adjacent environment and minor on the wider environment.

68. For completeness, the proposal would remain contrary to both District Plans and no weighting exercise is required.

69. Having considered all relevant matters, I conclude that the application may be granted, subject to conditions of consent.

Recommendation

70. I recommend that the application change conditions 2, 4 & 12 of subdivision consent RC235205 (as previously varied by RC235831 and RC245327) be **granted**, pursuant to sections Section 127 of the Resource Management Act 1991.

RC245667 Change of conditions

Condition 2:

2. The subdivision shall proceed in general accordance with the following

iii. approved plans and documents:

- Precinct Plan
- ~~Typology Plan April 2024~~
- **Typology Plan August 2024**
- Landscape Plan
- ~~Subdivision Plan June 2024 R2d~~
- **Subdivision Plan July 2024 R14**
- Pedestrian and Cycle Network Plan
- Road Network Plan
- Reserve Network Plan
- ~~Residential Development Matrix~~
- ~~Residential Development Matrix June 2024~~
- **Residential Development Matrix August 2024 version II**
- Neighbourhood Centre Development Matrix

iv. 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

Condition 4:

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 1000, 1001, 3002
- ~~Stage 3 – Lots 20 – 33, 689, 2003, 3003, 3041~~
- **Stage 3 – Lots 20, 22-30, 581, 589-597, 689, 691, 695, 699, 717-725, 2002, 2003, 2019, 3003**
- Stage 4 – Lots 34 – 50, 2004, 3004
- Stage 5 - Lots 51 - 63, 3005, 3006, 3039

- Stage 6 – Lots 65 – 97, 2006, 3007
- Stage 7 – Lots 98 – 125, 3008
- Stage 8 – Lots 126 – 149, 2007, 2008, 3009,
- Stage 9 – Lots 150 – 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, 353-358, 359-363, 364, 365, 561, 562, 564-567, 571-579, 580, 690, 3022, 2013, 1012 and 1004
- Stage 16 – Lots 366 – 389, 3023
- Stage 17 – Lots 390 – 424, 3024
- Stage 18 – Lots 425 – 454, 2014, 3010, 3025, 3039
- Stage 19 – Lots 455 – 490, 2015, 3026, 3027
- Stage 20 – Lots 64, 348 – 352, 356, 491 – 533, 563, 568 – 570, 2005, 3028, 3041
- Stage 21 – Lots 534 – 560, 2016, 2017, 3029
- ~~Stage 22 – Lots 581 – 597, 2018, 2019, 3030~~
- **Stage 22 – Lot 3030**
- Stage 23 – Lots 598 – 637, 2020, 3031, 3032, 3033
- Stage 24 –638 - 662, 2021, 3034, 3035, 3036
- Stage 25 – Lots 663 – 681, 3037
- Stage 26 – Lots 682 – 688

Condition 12:

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~~, **20, 22-26**, 28 – 35, 38 – 41, 50, 54 –55, 62 – 63, 65 – 66, 79, 96 – 98, 123 - 125, 126 – 127, 129, 135, 139, 143, 150, 191 – 192, 211, 222, 291, 347, 364– 370, 420 – 423, 433, 439 – 440, 452 – 455, 458, 465, 467 – 468, **689 and 699** to record the following conditions are complied with on a continuing basis:

d. Unless otherwise approved by a separate resource consent Lots 14 – 17, ~~20 – 26~~, **20, 22-26**, 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, 364– 370, 420 – 423, 433, 439 – 440, 452 – 455, 458, 465, 467 – 468, **689 and 699** are to be developed as Comprehensive Residential Development sites;

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

f. 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.

New condition 96:

96. That the Right of Way serving Lots 689 and 699 shall be constructed as part of the Comprehensive Residential Development of those lots (being RC245530).

Attachments

1. RC245667 Approved Subdivision Plans
2. RC245667 Approved Typology Plan
3. RC245667 Approved Residential Development Matrix

All other conditions of Resource consent RC235205 (as amended by RC235831 and RC245237) remain unchanged and in effect.

Full conditions of RC235205 (as amended by RC235831, RC245327 and RC245667):

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 August 2024
      - Landscape Plan
      - Subdivision Plan July 2024 R14
      - Pedestrian and Cycle Network Plan
      - Road Network Plan
      - Reserve Network Plan
      - Residential Development Matrix August 2024 version II
      - 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 1000, 1001, 3002
   - Stage 3 – Lots 20, 22-30, 581, 589-597, 689, 691, 695, 699, 717-725, 2002, 2003, 2019, 3003
   - Stage 4 – Lots 34 – 50, 2004, 3004
   - Stage 5 - Lots 51 - 63, 3005, 3006, 3039
   - Stage 6 – Lots 65 – 97, 2006, 3007
   - Stage 7 – Lots 98 – 125, 3008
   - Stage 8 – Lots 126 – 149, 2007, 2008, 3009,
   - Stage 9 – Lots 150 – 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, 353-358, 359-363, 364, 365, 561, 562, 564-567, 571-579, 580, 690, 3022, 2013, 1012 and 1004
   - Stage 16 – Lots 366 – 389, 3023
   - Stage 17 – Lots 390 – 424, 3024
   - Stage 18 – Lots 425 – 454, 2014, 3010, 3025, 3039
   - Stage 19 – Lots 455 – 490, 2015, 3026, 3027
   - Stage 20 – Lots 64, 348 – 352, 356, 491 – 533, 563, 568 – 570, 2005, 3028, 3041
   - Stage 21 – Lots 534 – 560, 2016, 2017, 3029
   - Stage 22 – Lots 3030

- Stage 23 – Lots 598 – 637, 2020, 3031, 3032, 3033
- Stage 24 –638 - 662, 2021, 3034, 3035, 3036
- Stage 25 – Lots 663 – 681, 3037
- Stage 26 – Lots 682 – 688

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

Consent Notices

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 27 February 2024
        iii. Landscape Plan
        iv. Subdivision Plan November 2023 R2B
        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 500m2 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, 22 – 26, 28 – 35, 38 – 41, 50, 54 –55, 62 – 63, 65 – 66, 79, 96 – 98, 123 - 125, 126 – 127, 129, 135, 139, 143, 150, 191 – 192, 211, 222, 291, 347, 364– 370, 420 – 423, 433, 439 –

440, 452 – 455, 458, 465, 467 – 468, 689 and 699 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, 22 – 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, 364–370, 420 – 423, 433, 439 – 440, 452 – 455, 458, 465, 467 – 468, 689 and 699 are to be developed as Comprehensive Residential Development sites;
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.

Covenants

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.

Engineering Approval

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 rectification; and

    b. 24 months for landscaping, reserve assets, stormwater treatment and discharge systems and sewer pump stations.

Utilities

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.

Water Supply

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:
    - The primary piped system – 10% AEP rainfall event
    - 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.

Power and Telephone

50. Front lots:

    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. Rear Lots:

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

52. The Consent Holder shall provide evidence in writing from the relevant authorities that electrical and 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 49 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.*

Reserves

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. 51 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.

Right of Way Servicing for Lots 689 and 699

96. That the Right of Way serving Lots 689 and 699 shall be constructed as part of the Comprehensive Residential Development of those lots (being RC245530).

Report by: Jane Anderson, Consultant Planner	Date: **6 August 2024**

Decision

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

	**Date: 8 August 2024**

Richard Bigsby, Team Leader Resource Consents	