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(S)	Rc245846
APPLICANT	Hughes Developments Limited
BRIEF DESCRIPTION OF THE APPLICATION	This is an application for a change of conditions to RC235205 (as varied by RC235831, RC245327, and RC245667).
ADDRESS	Arbor Green, Faringdon
LEGAL DESCRIPTION	Various
TITLE REFERENCE	CB33K/67, CB36C/247, CB40D/788 & 1115039, and 1118996 & 1118997
AREA	69.2572ha
ZONING / OVERLAYS	**Operative Selwyn District Plan (2016), Rural Volume** Inner Plains **Partially Operative Selwyn District Plan (Appeals Version)** General Rural Zone Plains Flood Management Overlay, Liquefaction Damage Unlikely Overlay, Rural Density Overlay (SCA-RD1), Urban Growth Overlay
OVERALL ACTIVITY STATUS	**Discretionary**

The Application

1. This application was formally received by the Selwyn District Council on the 1st of October 2024.

2. The application proposes to change Condition 2 of the subdivision consent RC235205 (as previously varied by RC235831, RC245327, and RC245667).

3. The main aspects of the activity are as follows:

   (a) Changes to the Residential Development Matrix:

(i) The first change is to define what constitutes a primary and secondary road boundary in relation to corner sites for low density, medium density, duplex, and zero-lot typologies.

(ii) The second change is in relation to garage setbacks from the road boundary for medium density, duplex, and zero-lot typologies. Specifically, the proposed changes sought are to reduce the setback from 5.5m to 5m and to clarify that the setback is measured from the garage door.

4. The following changes are proposed to RC235205 (as varied by RC235831, RC245327, and RC245667):

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~~
- **Residential Development Matrix September 2024**
- Neighbourhood Centre Development Matrix September

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.

Background

5. Resource consent RC235205 was granted by a panel of Independent Commissioners on 27th of July 2023 to undertake a large, staged subdivision to enable rural land at Rolleston to be developed for residential uses. The proposed subdivision is referred Arbor Green.

6. The site is a triangular block of land, situated approximately 2.5km south-west of the Rolleston Town Centre. The site comprises six separate parcels of land with a total area of approximately 69.3ha.

7. An associated land use consent RC235206 was also granted on the 27th of July 2023 to undertake earthworks and other works associated with the development of the subdivision including residential development. Resource consents were also obtained from Environment Canterbury for excavation, to take and use groundwater, and construction and operational phase discharges under the Canterbury Land and Water Regional Plan (CRC234541, CRC234542, CRC234543, and CRC234544).

8. 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.

9. RC234205 was later varied by RC235831, RC245327, and most recently RC245667.

- RC235831 was granted on the 15th of March 2024. This allowed for the reconfiguration of the consented subdivision boundaries relating to Stages 5, 15, 20, and 21, to amend lot boundaries to medium density lots and to add three new lots.

- RC245327 was approved on the 1st of July 2024. This resulted in the reconfiguration of the layout of Stage 15, an amendment of the boundary of Stage 2, and change of conditions to the Residential Development Matrix.

- RC245667 was granted on the 8th of August 2024. This allowed for changes to the layout of Stages 3 and 22, an increase building coverage for low density lots resulting in a change to the Residential Development Matrix, and the addition of a new condition relating to the right of way for CRD Lots 689 and 699 to enable the right of way to be formed as part of the housing development.

The Existing Environment

10. The application site is zoned General Rural under the Partially Operative Plan; however, it is currently being developed for urban and residential uses as a result of the approved subdivision and land use consents.

11. Dunns Crossing Road runs along the western boundary of the site while Goulds Road runs along the eastern boundary. To the north and east of the site is residential zoned land that is being developed for that purpose. Further to the south of the site is rural zoned land. To the west of the site is a primarily rural zoned land with a block of land zoned rural-residential. The Rolleston Town Centre is located approximately 2.5km north-east of the site.

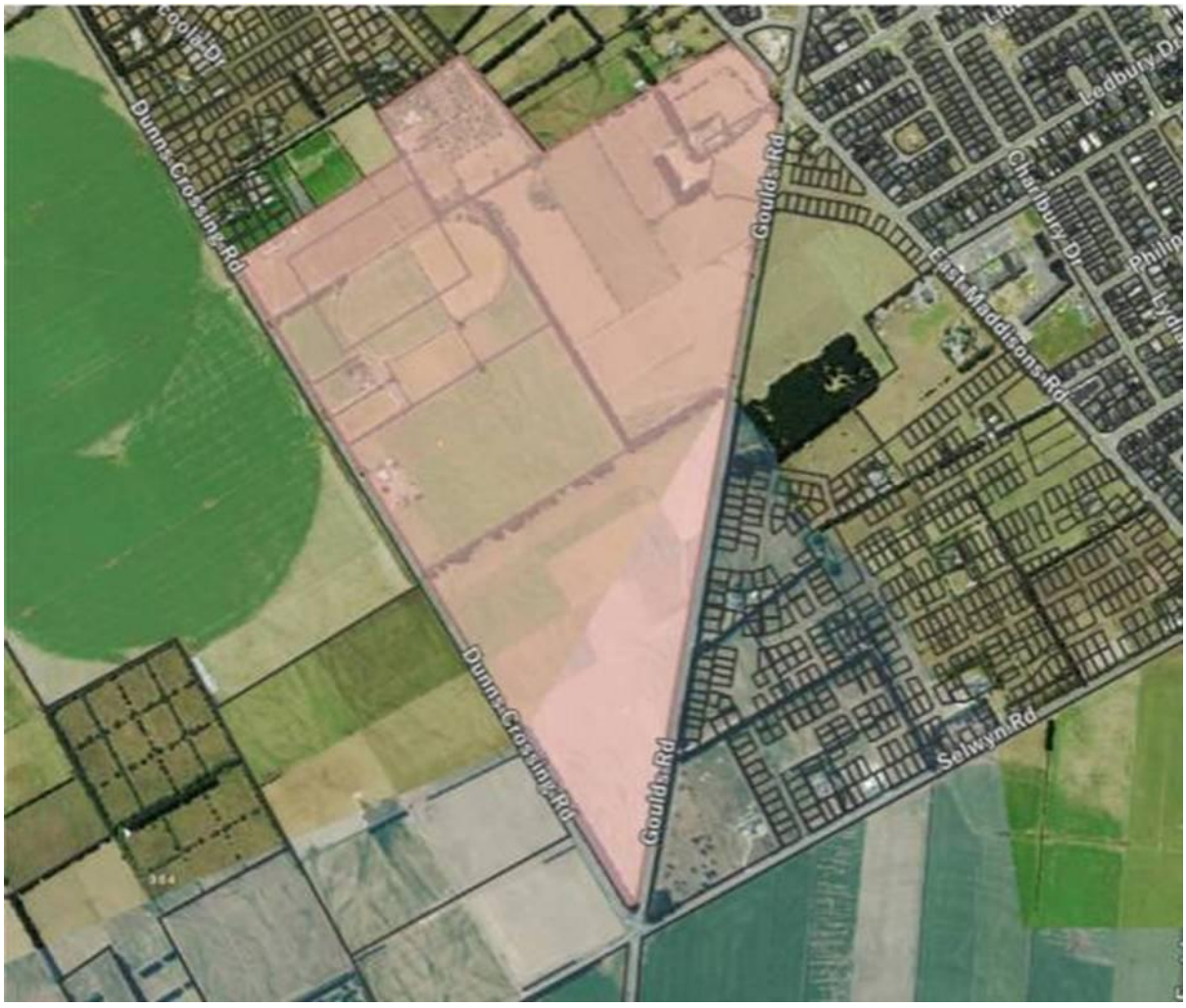


Figure 1: Site location and surrounding environment.

Statutory Considerations

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

Type of Application

13. 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 in which case would require a new application.

14. The original application sought to subdivide and develop rural land for residential and commercial use. The consents provide for a mix of residential densities and typologies, landscaping, and transport links.

15. This application seeks to amend the Residential Development Matrix in terms of the road boundary setback from garages and to provide clarification as to what constitutes a primary and secondary road boundary.

16. The proposed changes above will not alter or increase the residential density from the original application. Additionally, the proposed changes will not alter the site layout or the scale of housing that may be established.

17. 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. Further, no survey plan has deposited yet in relation to the stages 3 and 22 which is sought to be altered by this change.

18. For the reasons above, I consider that this application can be considered as a change of conditions to the original resource consent (RC235205).

Notification Assessment

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

Receiving Environment

19. 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 a mix of rural and residential land uses, with residential surrounding the majority of the site. The site itself is in varying stages of development.

20. As a change of conditions, the application is to be assessed as a Discretionary activity. As such, all actual and potential adverse effects must be considered, but only in relation to the changes sought through this application.

21. The proposed changes seek to amend the Residential Development Matrix, specifically in relation to the interpretation of corner sites and garage setbacks from the road boundary for medium density, duplex, and zero-lot typologies. The effects of the proposed changes are discussed below.

Effects

Residential Development Matrix (RDM) Changes - corner sites and garage setbacks

22. The Consent Holder seeks to amend the Residential Development Matrix (RDM). The proposed changes are as follows:

- Defining what constitutes a primary and secondary road boundary for corner sites that are low density lots, medium density lots, duplex lots, and zero lots. As such, the following definition is proposed to be included in the Residential Development Matrix:

  For corner sites, the primary road boundary is where vehicle access is taken. By default, the secondary boundary is any other road boundary.

- Clarifying that the garage setback from the road boundary is measured from the garage door,

- Reducing the setback from the garage to the road boundary from 5.5m to 5.0m for medium density lots, duplex lots, and zero lots.

23. The inclusion of the definitions of the primary and secondary road boundary and setback measurement from the garage provides greater clarity for those developing the sites, future owners of the lots, and Council, and will help ensure the desired outcomes are achieved.

24. The proposed reduction in the road boundary setback of 0.5m is sought due to a reduction in the depth of the lots as a result of the previous amendments to road alignments and widths dictated by residential developments to the north and east of the site. The 0.5m reduction is considered minimal, noting that the reduction is only sought for lots planned for higher density development. The proposed new setback of 5m is more stringent that what is required under the Partially Operative Plan (in terms of the Medium Density Residential Zone).

25. The reason for the 5.5m setback was to allow for vehicles to park in front of garages without encroaching on the footpaths. This setback was based on the use of garage tilt doors. Since the granting of the consent, the use of tilt doors is less common, and roller doors are now the most common choice.

26. Regarding the above proposed changes, the applicant has made the following assessment of the potential effects:

> *"The proposed amendments will not give rise to any adverse effects. To the contrary the changes will maintain a high level of amenity within Arbor Green which includes design standards for medium density that are significantly stricter that the MRZ elsewhere. The changes will also provide much needed clarity for designers and council staff when determining compliance with Residential Development Matrix."*

27. I consider that the proposed changes will maintain the intended outcomes sought by the original subdivision and that any adverse effects from the proposed changes will be less than minor.

Conclusion

28. Any adverse effects are considered to be less than minor, in terms of adjacent persons and the wider environment.

Public Notification (Section 95A)

29. 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))	
Has the applicant requested the application is publicly notified?	No
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)?	No
Has the application has been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?	No

STEP 2: PUBLIC NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES (SECTIONS 95A(4) AND 95A(5))	
Are all activities in the application subject to one or more rules or national environmental standards that preclude public notification?	No
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)?	No

STEP 3: PUBLIC NOTIFICATION REQUIRED IN CERTAIN CIRCUMSTANCES (SECTIONS 95A(7) AND 95A(8))	
Is the activity subject to a rule or national environmental standard that requires public notification?	No
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	No

STEP 4: PUBLIC NOTIFICATION IN SPECIAL CIRCUMSTANCES (SECTION 95A(9))	
Do special circumstances exist in relation to the application that warrant public notification?	No

Conclusion

30. 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)

31. 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))	
Are there any affected protected customary rights groups, as defined in s 95F?	No
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))?	No
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?	No

STEP 2: LIMITED NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES (SECTIONS 95B(5) AND 95B(6))	
Are all activities in the application subject to one or more rules or national environmental standards that preclude limited notification?	No
Is the application for a controlled activity under the district plan only and not a subdivision of land?	No

STEP 3: CERTAIN OTHER AFFECTED PERSONS MUST BE NOTIFIED (SECTIONS 95B(7)-(9))	
In the case of a "boundary activity", is an owner of an allotment with an infringed boundary an affected person?	No
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)?	No

STEP 4: LIMITED NOTIFICATION IN SPECIAL CIRCUMSTANCES	
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)?	No

Conclusion

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

Notification Recommendation

33. I recommend that the application Rc245846 be processed on a **non-notified** basis in accordance with sections 95A-E of the Resource Management Act 1991.

Report by: Rebecca Adolph Resource Management Planner	Date: 24 October 2024

Notification Decision

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

 **Commissioner O'Connell**	**Date: 29 October 2024**

Section 104 Assessment

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

36. 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.*
>
> *…*

37. 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.

38. 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(1)(a) - Effects on the Environment

39. 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.

40. It is also appropriate to consider the positive effects of the proposal at this section 104 stage. The proposed changes will provide greater clarity of the design and compliance requirements.

41. As concluded in my notification assessment, I consider that the adverse effects on the environment resulting from the proposal will be less than minor. Taking the positive effects into account, on balance and overall, I conclude that the adverse effects of the proposal will be less than minor.

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

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

Operative Plan – Objectives and Policies

42. The original decision from the Independent Commissioners Panel acknowledged that the proposal cannot meet the rural Objectives and Policies, and that the proposal is contrary to them. I consider that there is no change in this regard because of the proposed changes.

Partially Operative Plan – Objectives and Policies

43. The original decision also acknowledged that the proposal is inconsistent with the objectives and policies of the Partially Operative Plan given the rural zoning of the site. The decision noted that the site was within the Urban Growth Overlay which identifies areas for future residential and business growth, and the proposal was considered to be in keeping with the relevant Urban Growth objectives and policies. However, it was concluded that the proposal did not meet the objectives and policies of the Proposed District Plan. I consider there would be no change to this as a result of the proposed changes.

Part 2 – Purpose and principles

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

45. 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.

46. 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.

47. 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.

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

> ***7 Other matters***
>
> *In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*
>
> *(b) the efficient use and development of natural and physical resources:*
>
> *...*
>
> *(c) the maintenance and enhancement of amenity values:*
>
> *...*
>
> *(f) maintenance and enhancement of the quality of the environment:*

49. Based on my assessment of the proposal in this report, I conclude that the proposal will be consistent with Part 2 of the Act, as the proposal will maintain the amenity values of the area and the quality of the environment.

Conclusions

50. This is an application to change condition 2 of RC235205.

51. The application is assessed as a Discretionary activity.

52. The effects of the proposed activity will be less than minor in terms of adjacent persons and the wider environment.

53. The proposal will remain contrary to the objectives and policies of both Operative Plan and the Partially Operative Plan.

54. Having considered all relevant matters, on balance and overall, I conclude that the application may be granted, subject to conditions of consent.

Recommendation

55. I recommend that the application to change condition 2 of subdivision consent RC235205 (as previously varied by RC235831, RC245327, and RC245667) be **granted**, pursuant to sections 127 of the Resource Management Act 1991, subject to the conditions of consent below pursuant to sections 108, 108AA and 220 of the Act.

Report by: Rebecca Adolph Resource Management Planner	Date: 24 October 2024

Decision

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

 **Commissioner O'Connell**	**Date: 29 October 2024**

Conditions of Consent

RC245846 Change of condition

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~~
- **Residential Development Matrix September 2024**
- Neighbourhood Centre Development Matrix September

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.

Attachments

1. RC245846 Approved Residential Development Matrix

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

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 September 2024
- Neighbourhood Centre Development Matrix September

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:

    c) 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 August 2024
        iii. Landscape Plan
        iv. Subdivision Plan July 2024 R14
        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).