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

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)	RC245847
APPLICANT	Hughes Development
BRIEF DESCRIPTION OF THE APPLICATION	This is an application for a change of conditions to RC245235206
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 Zone **Partially Operative Selwyn District Plan (Appeals Version)** General Rural Zone Plains Flood Management Overlay, Liquefaction Damage Unlikely Overlay, Urban Growth Overlay, and 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 the 1st of October 2024.

2. The application proposes to change Condition 35 of land use consent RC235206.

3. The proposed change is to include Lot 563 in Condition 35 to allow the vehicle crossing to be excluded from the intersection setback requirements.

4. The following changes are proposed to RC245206:

> 35. Unless otherwise approved by a separate resource consent, with the exception of Lots 1 – 5, 12–14, 17 – 19, 21 – 23, 26, 28 – 29, 30 – 32, 37 – 39, 42, 50, 54 – 56, 61 – 62, 64, 67 – 69, 71 – 73, 77

–82, 87 – 89, 92 – 99, 102 – 106, 112 – 113, 121 – 126, 128 – 130, 135, 138, 142 – 148, 150 – 164, 170 – 175, 182 – 184, 190 – 192, 203 – 205, 209, 212, 215, 220 – 222, 232 – 236, 246, 250 – 251, 258 – 260, 272 – 273, 283 – 287, 288 – 290, 292, 300 – 303, 310 – 313, 315, 328 – 330, 336 – 340, 345 – 347, 351 – 354, 361 – 362, 365 – 367, 371, 376 – 377, 379, 382, 388 – 391, 403 – 406, 418 – 426, 431 – 433, 435 – 440, 443 – 444, 448, 454, 452, 456 – 458, 461 – 473, 479 – 482, 490 – 494, 502 – 505, 512 – 513, 517 – 518, 527 – 528, 553, 542 – 544, 559 – 561**, 563,** 567, 569 – 571, 577 – 578, 580 – 581, 588 – 589, 593 – 594, 598 – 611, 614 – 616, 630 – 633, 637 – 639, 641 – 644, 649 – 652, 661 – 664, 668, 671, 679 – 683, 688, vehicle crossings shall be separated from intersections in accordance with Table 2: …

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, including commercial buildings, open space, and public reserves. 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, changes to lot boundaries of medium density lots, and the addition of three new lots.

- RC245327 was approved on the 1st of July 2024. This resulted in the reconfiguration of the layout of Stage 15, 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 in 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.

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 while to the south of the site is rural zoned land. To the west of the site is rural zoned land with a portion of land set aside for rural-residential use. The Rolleston Town Centre is located approximately 2.5km north-east of the site.



Figure 1: Application site and surrounding environment. (Source: Canterbury Maps).

Activity Status

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 include an additional lot (lot 563) in Condition 35 of the land use consent relating to vehicle crossing setbacks from intersections.

16. The proposed change above will not alter or increase the residential density from the original application, nor will it alter the site layout or the scale of housing that may be established.

17. On that basis, I consider that that proposal will not result in a fundamental change to the consented activity, nor will it result in materially different adverse effects.

18. For the reasons above, I consider that this application can be considered as a change of conditions to the original resource consent (RC235206).

Affected Party Approval

19. Submissions and comments on the Fast Track application were received from the Associate Minister for Arts, Culture and Heritage, Heritage New Zealand Pouhere Taonga, Mahaanui Kurataiao, Selwyn District Council and Environment Canterbury.

20. The proposed change sought under this application is not materially different to what was originally consented, nor will it result in materially different adverse effects. Therefore, I do not consider that these submitters need to be notified about the proposed change. Further, I do not consider that the proposed change results in any additional persons being adversely affected.

Notification Assessment

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

Receiving Environment

21. 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.

22. 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 to the conditions though this application.

Effects

Lot 563 - vehicle crossing setback from an intersection

23. The Consent Holder seeks to include Lot 563 in Condition 35 of the land use consent (RC235506) to allow the future vehicle crossing associated with the site to be excluded from the minimum setback requirements from an intersection.

24. Lot 563 is a corner site as shown in **Figure 2** below (approved subdivision plan RC235205 as varied by RC235831).

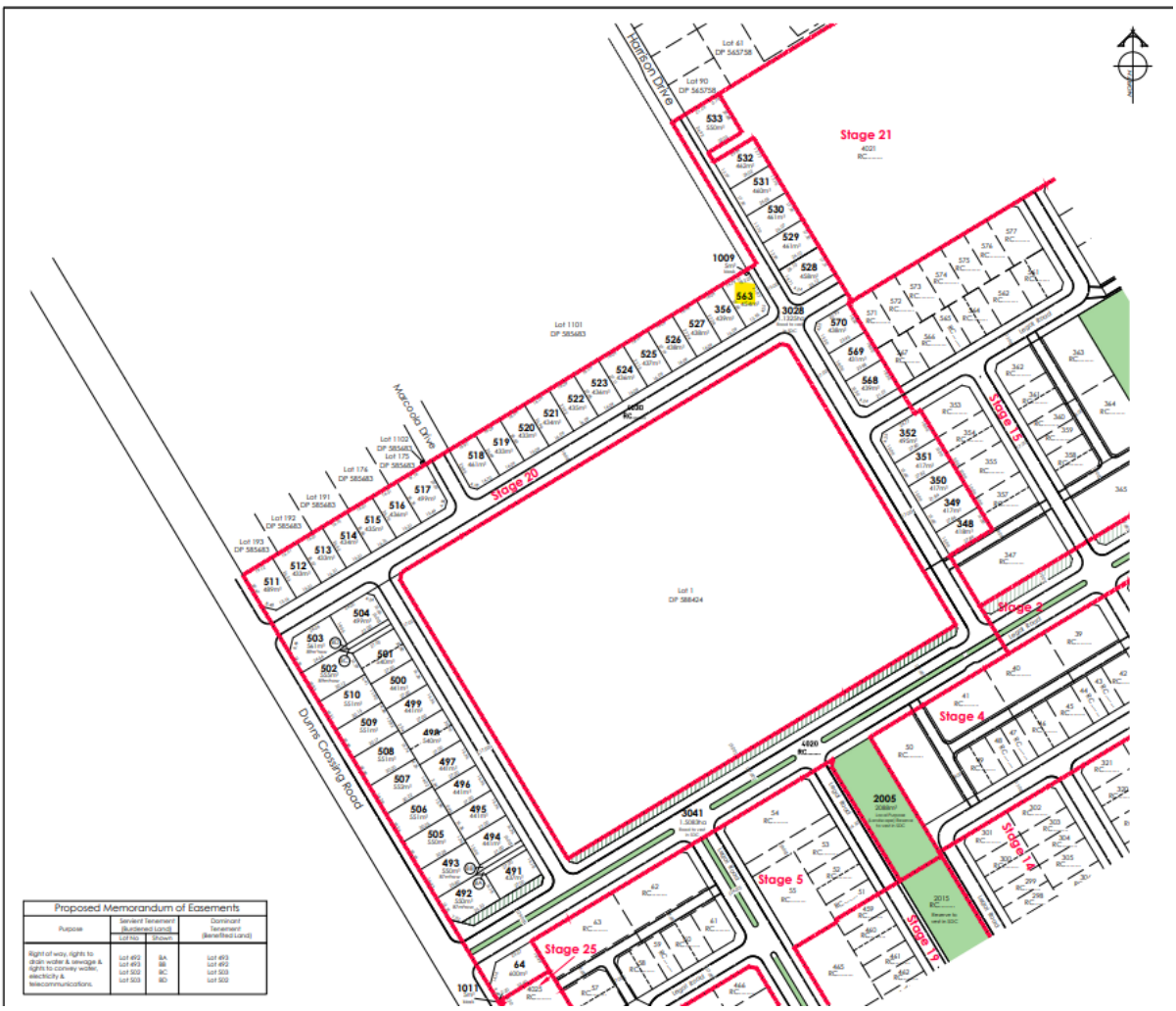


Figure 2: Location of Lot 563 within wider subdivision. (Source: Approved subdivision plan RC235205 as varied by RC235831).

25. The two roads bordering the site will have a Local Road classification, and as such, are likely to carry a lower volume of traffic. The surrounding sites are proposed for residential use and a school (within Lot 1 DP 588424). As a result, it is expected that traffic speeds will be low, reducing the potential for traffic conflict.

26. An Integrated Transport Assessment was prepared by Novo Group as part of the original consent application. This report included an assessment of the effects of the non-compliant vehicle crossings in terms of setbacks from intersections. Overall, it was concluded that vehicle crossings should be located in a position which most nearly complies with the setback requirements. Although it was recognised that the orientation of vehicle access will be dictated by the orientation of the dwelling, with effects considered less than minor. Importantly, this assessment was based on vehicle crossings adjoining collector and arterial roads. I consider that any adverse effects of the non-compliant vehicle crossing in terms of setbacks from an intersection for Lot 563 will be less than minor, noting the crossing will adjoin a local road where traffic speeds are likely to be low.

Further, the location and size of the site makes it difficult to comply with the required setbacks from an intersection.

27. Overall, I consider the proposed change will have less than minor adverse effects in terms of traffic safety.

Positive Effects

28. 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

29. Any adverse effects as a result of the proposed changes are considered to be less than minor, in terms of adjacent persons and the wider environment.

Public Notification (Section 95A)

30. 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

31. 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)

32. 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

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

Notification Recommendation

34. I recommend that the application RC245847 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: 25 October 2024

Notification Decision

35. 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

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

37. 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.*
>
> *…*

38. 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.

39. 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

40. 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.

41. It is also appropriate to consider the positive effects of the proposal at this section 104 stage. I do not consider there to be any particular positive effects as a result of the proposed change.

42. As concluded in my notification assessment, I consider that the adverse effects on the environment resulting from 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

43. 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

44. 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

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

46. 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.

47. 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.

48. 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.

49. 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.*

50. 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 quality of the environment and the amenity values of the area.

Conclusions

51. This is an application to change condition 35 of RC235206.

52. The application is assessed as a Discretionary activity.

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

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

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

Recommendation

56. I recommend that the application to change condition 35 of the land use consent RC2352056 (as previously varied by RC235831, RC245327, and RC245667) be **granted**, pursuant to sections 127 of the Resource Management Act 1991.

Report by: Rebecca Adolph Resource Management Planner	Date: 25 October 2024

Decision

57. 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

RC245847 Change of condition

35. Unless otherwise approved by a separate resource consent, with the exception of Lots 1 – 5, 12– 14, 17 – 19, 21 – 23, 26, 28 – 29, 30 – 32, 37 – 39, 42, 50, 54 – 56, 61 – 62, 64, 67 – 69, 71 – 73, 77 –82, 87 – 89, 92 – 99, 102 – 106, 112 – 113, 121 – 126, 128 – 130, 135, 138, 142 – 148, 150 – 164, 170 – 175, 182 – 184, 190 – 192, 203 – 205, 209, 212, 215, 220 – 222, 232 – 236, 246, 250 – 251, 258 – 260, 272 – 273, 283 – 287, 288 – 290, 292, 300 – 303, 310 – 313, 315, 328 – 330, 336 – 340, 345 – 347, 351 – 354, 361 – 362, 365 – 367, 371, 376 – 377, 379, 382, 388 – 391, 403 – 406, 418 – 426, 431 – 433, 435 – 440, 443 – 444, 448, 454, 452, 456 – 458, 461 – 473, 479 – 482, 490 – 494, 502 – 505, 512 – 513, 517 – 518, 527 – 528, 553, 542 – 544, 559 – 561**, 563,** 567, 569 – 571, 577 – 578, 580 – 581, 588 – 589, 593 – 594, 598 – 611, 614 – 616, 630 – 633, 637 – 639, 641 – 644, 649 – 652, 661 – 664, 668, 671, 679 – 683, 688, vehicle crossings shall be separated from intersections in accordance with Table 2: …

Full conditions of RC245506 (as amended by RC245847):

Earthworks

1. The development and activity shall proceed in accordance with the information submitted with the application RC235206 and the further information and response to comments provided.
2. Any uncontrolled fill encountered during subdivision works shall be removed and replaced with controlled compacted clean fill in accordance with NZS4431:1989.
3. Hours of earthworks operations shall be limited from 7am to 7pm Monday to Saturday. These hours shall exclude public holidays and Sunday, unless otherwise agreed by Selwyn District Council.
4. All construction noise on the site shall be planned and undertaken to ensure that construction noise emitted from the site does not exceed the noise limited outlined in Table 2 of NZS6803:1999 Acoustics – Construction Noise. Sound levels associated with construction activities shall be measured and assessed in accordance with the NZS6803:1999 Acoustics – Construction Noise.
5. The Consent Holder shall implement the best practicable option to avoid or mitigate the dispersal and deposition of dust from construction and earthworks activities beyond the boundary of the property.
6. The total area of disturbed land at any one time shall not exceed 4ha.
7. The maximum depth for all excavations shall not exceed 4.8 metres below natural ground level.
8. A Dust Management Plan which includes measures to ensure compliance with conditions 5 and 6 above is to be prepared by a suitably qualified and experienced practitioner and provided to Selwyn District Council for approval at least 10 working days before work under this consent begins on site.

   Advice Note: *This DM Plan is also to be submitted to Environment Canterbury under the relevant ECan consent.*
9. The Consent Holder shall implement the best practicable option to avoid or mitigate the discharge of sediment laden runoff beyond the boundary of the property.
10. On the completion of works:
    a. All disturbed areas shall be returned to their original state as near as is practicable and stabilised and/or revegetated; and
    b. All spoil and other waste material from the works shall be removed.

Contaminated Soils / unexpected contamination

11. The areas identified by ENGEO as being contaminated shall be remediated in accordance with the recommendations in the ENGEO Report titled “Remedial Action Plan, Faringdon Oval” dated 25.06.2021.

12. Where contaminated material (exceeding residential guidelines) is removed from the site, the consent holder shall submit to the Team Leader Compliance waste manifests from the contractor and cartage company that clearly identify the stockpile reference number against the laboratory sample number at the end of the remediation process.

13. Any contaminated material (exceeding residential guidelines) that is excavated and stored on the site shall be stockpiled on an already contaminated part of the site or on a surface that will prevent the stockpile from contaminating a new part of the site.

14. Any replacement soils shall be certified as clean fill in accordance with the definition of Ministry for the Environment's Guide to Management of Cleanfills (2002) or tested by a Suitably Qualified and Experienced Practitioner with respect to contaminated land to confirm that they are suitable for residential land use under the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health.

    The soil trace element concentrations that define "cleanfill" (per the MfE 2002 cleanfill guidelines, Section 4.3.2) for the site are those of "Regional Yellow Brown Stony" soils. These contaminant concentrations are available on the "Soil Trace Elements Level 2" layer on Canterbury Maps. For convenience, those values have been tabulated below:

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

15. Where evidence of a contaminated site/materials not identified in the application is found at any stage of the site development works, then work shall cease at that site until the risk has been assessed by a Suitably Qualified and Experienced Practitioner with respect to contaminated land in accordance with current Ministry for the Environment Guidelines and, if required, a resource consent obtained under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (or most recent subsequent amendment). Once the risk has been assessed and any required resource consent obtained, the consent holder shall undertake all necessary work to remediate the contaminated area to applicable land use NESCS and in accordance with the resource consent (as appropriate). All works shall be undertaken at the Consent Holder's expense.

16. The Consent Holder shall submit to the Team Leader Compliance for their approval a Site Validation Report prepared by a Suitably Qualified and Experienced Practitioner with respect to contaminated land and in accordance with the Ministry for the Environment Contaminated Land Management Guidelines No.1 – Reporting on Contaminated Sites in New Zealand (Revised 2011) at the end of the remediation process.

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

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

Accidental Discovery Protocol

18. In the event of any discovery of material suspected to be evidence of pre-1900 human activity, taonga/treasured artefacts or human remains/kōiwi in a 'place', the following applies:

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

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

    c. The Site Manager shall secure the affected area and immediately notify the Heritage New Zealand Pouhere Taonga ("HNZPT") Archaeologist, Selwyn District Council and Environment Canterbury. HNZPT will advise if further assessment by a suitably qualified archaeologist and/or an archaeological authority application is required from the Consent Holder.

19. If the material is of Māori origin, in addition to the requirements in the condition above, the Site Manager shall immediately notify Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, subject to meeting statutory requirements (Heritage New Zealand Pouhere Taonga Act 2014, Protected Objects Act 1975). In this instance, Te Ngāi Tūāhuriri Rūnanga, Te Taumutu Rūnanga and the HNZPT Archaeologist will jointly advise if further assessment by a suitably qualified archaeologist and/or an archaeological authority is required from the Consent Holder.

20. If human remains (kōiwi) are uncovered, in addition to the conditions above, the Site Manager shall immediately advise the NZ Police. The affected area must be treated with the utmost discretion and respect. Remains are not to be moved until such time as Te Ngāi Tūāhuriri Rūnanga, Te Taumutu Rūnanga, HNZPT and NZ Police have responded and agreed that they can be moved.

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

22. Prior to commencing work, the Consent Holder shall ensure that all persons involved in, or supervising, works on-site are familiar with the Accidental Discovery Protocol.

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

Advice Notes:

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

Fencing and Landscaping

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

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

Residential Activity

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

Business – Neighbourhood Centre (Lot 18)

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

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

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

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

Issuing Building Consent prior to s224 Certificate

27. The lots shall remain in the ownership of Hughes Developments Limited until the s224(c) certificate is issued for the subject allotment.

28. Where any building is erected prior to the issue of the 224(c) Certificate, the Council's Resource Monitoring Officer shall be supplied with a Building Location Certificate from a Registered Professional Surveyor prior to the pouring of foundations. The Building Location Certificate shall confirm that the building is contained wholly within the lot to which it relates and meets the Operative District Plan requirements for bulk and location.

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

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

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

Accessways and Vehicle Crossings

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

1. **Distance Between Crossings (m) on Same Side of Road**	**Width (m)**	
	Minimum	**Maximum**
Vehicle crossing to a shared accessway	Residential activities — 3.5m	Residential activities — 6m

Greater than 7m; All other vehicle crossings; Less than 1m or greater than 7m		

Table 1 Vehicle Crossings

33. All vehicle crossing shall be formed, sealed/metalled to match the existing road surface for the full width of the crossing between the site boundary and sealed carriageway.
34. Unless otherwise approved by a separate resource consent, for residential lots there shall be only one vehicle crossing per residential unit.
35. Unless otherwise approved by a separate resource consent, with the exception of Lots 1 – 5, 12– 14, 17 – 19, 21 – 23, 26, 28 – 29, 30 – 32, 37 – 39, 42, 50, 54 – 56, 61 – 62, 64, 67 – 69, 71 – 73, 77 –82, 87 – 89, 92 – 99, 102 – 106, 112 – 113, 121 – 126, 128 – 130, 135, 138, 142 – 148, 150 – 164, 170 – 175, 182 – 184, 190 – 192, 203 – 205, 209, 212, 215, 220 – 222, 232 – 236, 246, 250 – 251, 258 – 260, 272 – 273, 283 – 287, 288 – 290, 292, 300 – 303, 310 – 313, 315, 328 – 330, 336 – 340, 345 – 347, 351 – 354, 361 – 362, 365 – 367, 371, 376 – 377, 379, 382, 388 – 391, 403 – 406, 418 – 426, 431 – 433, 435 – 440, 443 – 444, 448, 454, 452, 456 – 458, 461 – 473, 479 – 482, 490 – 494, 502 – 505, 512 – 513, 517 – 518, 527 – 528, 553, 542 – 544, 559 – 561**,** 563**,** 567, 569 – 571, 577 – 578, 580 – 581, 588 – 589, 593 – 594, 598 – 611, 614 – 616, 630 – 633, 637 – 639, 641 – 644, 649 – 652, 661 – 664, 668, 671, 679 – 683, 688, vehicle crossings shall be separated from intersections in accordance with Table 2:

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

Table 2: Vehicle Crossing Separation from Intersection

36. The distances specified in Table 2 shall be measured along the road boundary parallel to the centre line of the roadway of the frontage road from the kerb line, or formed edge, of the intersecting road.
37. Lot 685 shall only take access from Goulds Road.
38. Lot 64 shall only take access from Shillingford Boulevard.
39. All ROW and access legs required to service Lots 87-88, 252, 492 – 493, 503 – 504, 623, 625 and 687 shall be formed and sealed in accordance with Table 3:

Potential No of Sites	**Length (m)**	**Legal Width (m)**	**Carriageway Width (m)**	**Turning Area**	**Passing Bay**

1	**Any length**	**3.5**	**3.0**	**-**	**-**
2-3	Any length	4.5	3.0	-	-

Table 3: ROW and Access Legs