



## Consents

[www.yoursection.nz](http://www.yoursection.nz)

**YOUR  
SECTION**.nz

## Section 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

<b>APPLICATION NUMBERS</b>	RC255899, RC255900
<b>APPLICANT</b>	Yoursection Ltd
<b>BRIEF DESCRIPTION OF THE APPLICATION</b>	<p>This is an application for a change of conditions pursuant to section 127:</p> <ul style="list-style-type: none"><li>• RC255899 is sought to change Conditions 1, 140 and 143 of approved subdivision consent <b>RC245401</b> (as varied by <b>RC255548</b>) to alter the sizes of several residential lots, change the staging of the subdivision, and amend the amalgamation of allotments. The applicant also seeks to add two new conditions relating to the creation of infrastructure sites.</li><li>• RC255900 is sought to change Condition 1 of approved land use consent <b>RC245402</b> (as varied by <b>RC255548</b>) to reflect the above changes.</li></ul>
<b>ADDRESS</b>	148, 156, 178 Lincoln Rolleston Road and 6/487 Weedons Road, Rolleston
<b>LEGAL DESCRIPTION</b>	Lot 2 DP 427521, Lot 3 DP 427521, Lot 10 DP 47839, Lot 14 DP 47839, Lot 15 DP 47839, Lot 900 DP 614406
<b>TITLE REFERENCE</b>	508790, 508791, CB47C/39, 1225770
<b>AREA</b>	3.9714ha, 4.0705ha, 4.0705ha, 5.5754ha
<b>ZONING / OVERLAYS</b>	<p><b>Operative Selwyn District Plan (2016), Rural Volume</b></p> <p>Inner Plains Zone</p> <p><b>Partially Operative Selwyn District Plan (Appeals Version)</b></p> <p>Medium Density Residential Zone</p> <p>Rolleston 16 Development Area</p> <p>Plains Flood Management Overlay</p> <p>Liquefaction Damage Unlikely Overlay</p>
<b>OVERALL ACTIVITY STATUS</b>	<b>Discretionary</b>

### The Application

1. The Applicant is seeking to change Conditions 1, 140 and 143 of existing subdivision consent RC245401 (as previously varied by RC255548), and to change Condition 1 of existing land use consent RC245402 (as previously varied by RC255548), which was granted on a non-notified basis on 13 November 2024. The

applicant also seeks to add two new conditions to the existing subdivision consent to allow for the creation of infrastructure sites.

## Background

- The original subdivision consent was granted to subdivide six existing allotments to create 265 residential allotments, 19 allotments to vest as road, seven allotments to vest as reserve, 15 access lots and two utility allotments as shown in **Figure 1** below. The original land use consent RC245402 was granted to undertake earthworks, to establish roading/access for the proposed subdivision, to address Outline Development Plan non-compliances, and for consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS).

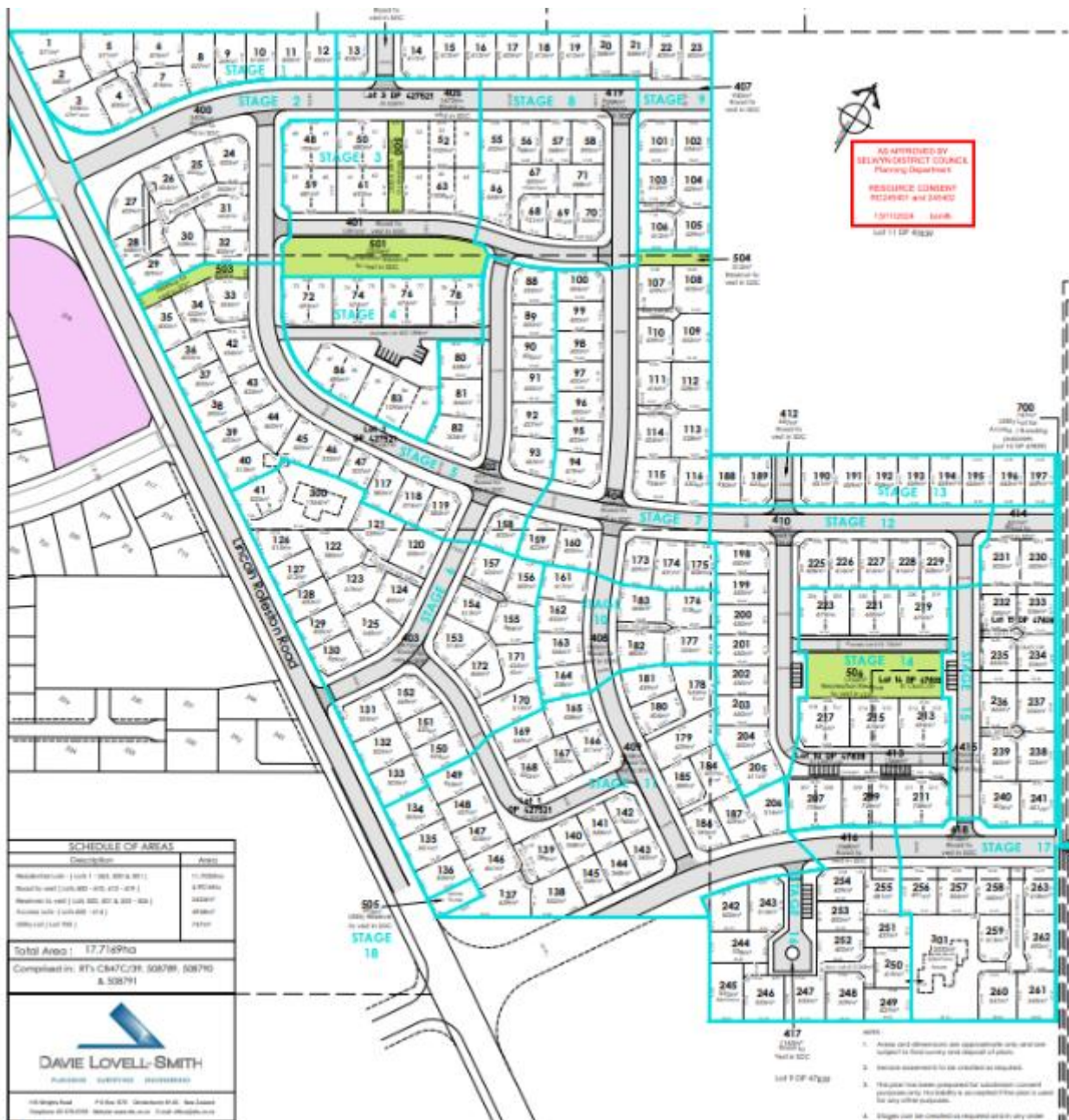


Figure 1: RC245401 approved subdivision plan.

3. Subdivision consent (RC245401) was required for the following reasons:
- Creation of residential lots (Lots 1 to 4, 7, 13, 14, 24, 26, 30, 31, 33, 44 to 47, 58, 68 to 70, 94, 95, 100, 103 to 106, 111, 114, 206, 225, 242, 250, 252 and 254) that do not comply with the minimum 16m by 23m lot dimension required within MRZ.
  - Undertaking a subdivision within an ODP area that is not in accordance with the ODP in terms of the number of rear sites created and for the development occurring in advance of the intersection of upgrades.
  - Creation of residential lots with direct access to an Arterial Road (Lincoln Rolleston Road) with a speed limit of 80km/hr.
  - Undertaking a subdivision within the Plains Flood Management Overlay, noting there are no areas defined as high hazard.
4. Land use consent (RC245402) was required for the following reasons:
- Undertaking earthworks on an area greater than 1,000m<sup>2</sup>.
  - Formation of vehicle crossings that adjoin an Arterial Road, with a posted speed limit greater than 60km/hr.
  - Establishment of vehicle crossings for Lots 167, 168, and 217 that do not comply with the minimum sight distances.
  - Creation of accessways that do not comply with the minimum legal width requirements; exceed the maximum permitted formed widths; and which provide access to more than four sites.
  - Formation of roads that do not comply with the road formation standards and the intersection spacing requirements.
  - Consent under the NES-CS as a Restricted Discretionary activity due to the presence of soil contaminants above the applicable standards in Regulation 7.
5. RC245401 was later varied by RC255548 which was granted on 12 August 2025. This variation allowed for the alteration of the subdivision layout to align with the adjoining subdivision to the north-west of the site (8 Nobeline Drive and 202 Lincoln Rolleston Road). The neighbouring subdivision and associated land use consents (RC255546 and RC255547) were granted on the 2 December 2025.
6. The amended subdivision approved plan of RC255548 is shown below in **Figure 2**.



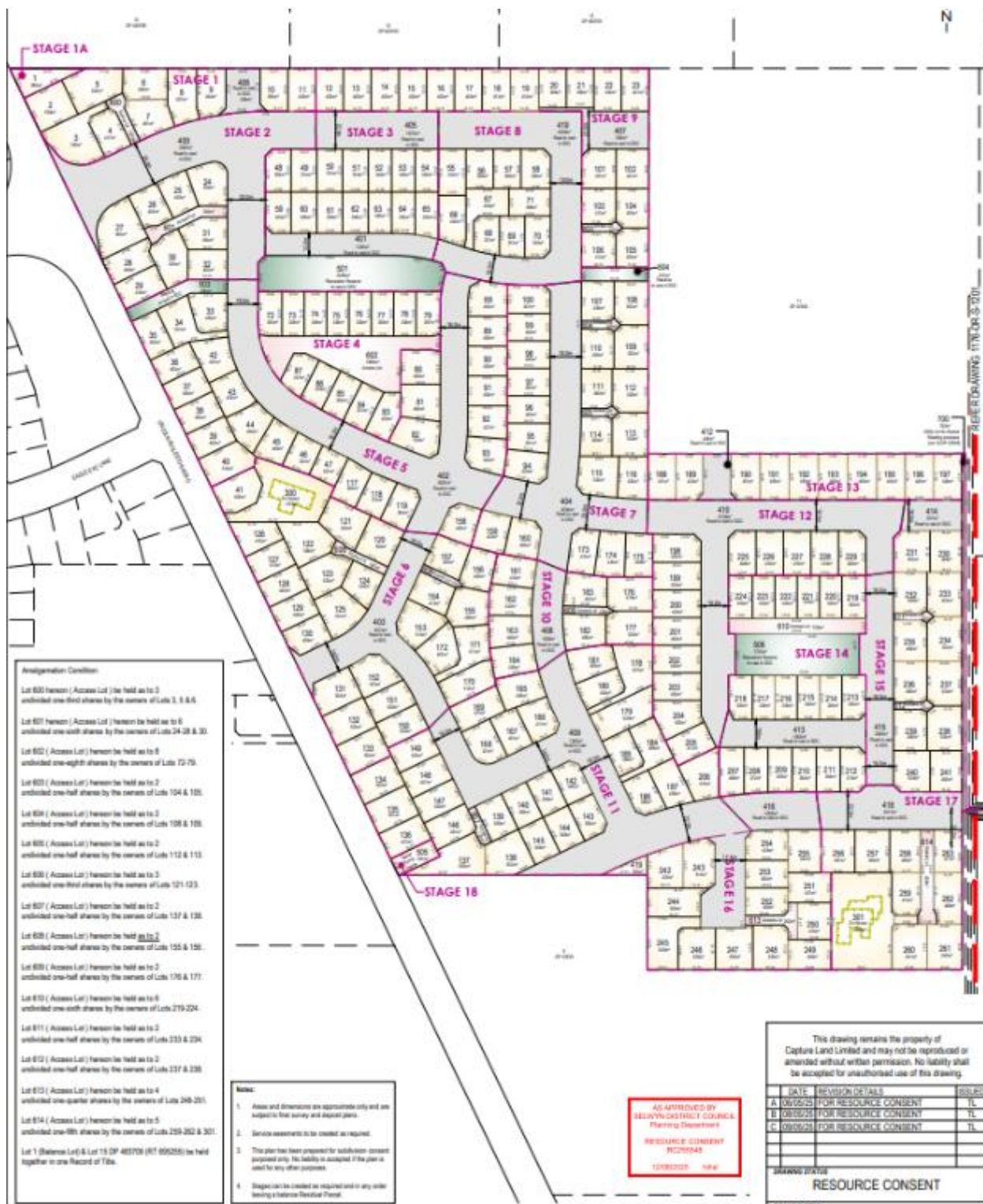


Figure 2: Approved subdivision plan of RC245401 as varied by RC245548.

7. The following changes are sought via this application:
- To alter the existing consented lot sizes of 16 residential lots.
  - To alter the staging as follows:
    - Stage 2 will be split into two substages: Stage 2 and Stage 2A.

- Stage 9 will be split into two substages: Stage 9A and Stage 9B.
- Amend the boundaries of Stages 7, 11, 12, 14 to 17.
- Create a new stage: Stage 19.
- c. To renumber lots which were proposed to be created and vested as a road in the Council as part of Stages 8, 9, 11, 12, 15, 16 and 17 to reflect the above proposed changes to the staging.
- d. To amend Condition 140 relating to the number of units or principal buildings which can be established on residential lots to include lots that were missed and to remove lots that no longer need to be subject to this condition.
- e. To amend Condition 143 relating to the amalgamation of allotments to reflect the required access arrangements.
- f. To add two new conditions relating to the creation of infrastructure kiosk sites.
- g. Change Condition 1 of land use consent RC245402 to reflect the changes to be made to the subdivision consent.

8. The proposed amended subdivision plan is shown in **Figure 3** below.





Figure 3: Proposed subdivision plan. Source: Further Information provided on 16<sup>th</sup> December 2025.

9. The application indicates that the primary reason for the above changes is to achieve a more efficient and practical configuration of sections around the existing residential units on Lots 300 and 301.
10. The proposed changes to Subdivision Consent RC245401 (as varied by RC255548) are outlined below.
11. Condition 1 of RC245401 currently reads:
  1. The subdivision shall proceed in general accordance with the information submitted with the application on 30 May 2024, the further information provided on 17 October 2024, as amended by RC255548, and the attached stamped Approved Plan entitled Falcons Run, Proposed Subdivision of Lot 10, 14 & 15 DP 47839 & Lot 1-3 DP 427521, Drawing No. 1176-DR-C-1200 Revision C and dated 09/05/2025, except where another condition of this consent must be complied with.

12. It is proposed to change Condition 1 as follows (changes underlined and in bold and strikethrough):
1. The subdivision shall proceed in general accordance with the information submitted with the application on 30 May 2024, the further information provided on 17 October 2024, as amended by RC255548, **and the information submitted for RC255899 (including the further information)**, and the attached stamped Approved Plan entitled Falcons Run, Proposed Subdivision of Lot 10, 14 & 15 DP 47839 & Lot 1-3 DP 427521, Drawing No. 1176-DR-C-1200-**1201**, Revision ~~CJ~~ and dated **09/11/2025**, except where another condition of this consent must be complied with.
13. Condition 140 of RC245401 currently reads:
140. A Consent notice shall be registered against the Records of Title for each of Lots 1 to 4, 7, 10, 24, 26, 30, 31, 33, 44 to 47, 48 to 54, 58, 59 to 65, 68 to 70, 94, 95, 100, 103 to 106, 111, 114, 206, 225, 242, 250, 252 and 254 which shall restrict each Lot to the establishment of not more than one residential unit or principal building on each lot.
14. It is proposed to change original Condition 140 as follows (changes underlined and in bold and strikethrough):
140. A Consent notice shall be registered against the Records of Title for each of Lots ~~1, to 4, 7, 10, 24, 25, 26, 30, 31, 33, 42, 43, 44, to 46, 47, 48 to 54, 58, 59 to 65, 68 to 70, 72 to 79, 83 to 88, 93 to 94, 95, 100, 103 to 106, 111, 114, 119, 123, 124, 130, 138, 142, 143, 152 to 160, 166, 168, 171 to 175, 180, 181, 185, 186, 204, 206 to, 225, 229, 242, 250, 252 and, 254 and 262~~ which shall restrict each Lot to the establishment of not more than one residential unit or principal building on each lot.
15. Condition 143 of RC245401 currently reads:
143. The following lots shall be amalgamated and one Record of Title be issued (LINZ ref #1929995):
- Lot 600 hereon (Access Lot) be held as to 3 undivided one-third shares by the owners of Lots 3, 5 & 6
  - Lot 601 hereon (Access Lot) hereon be held as to 6 undivided one-sixth shares by the owners of Lots 24, 25, 26, 27, 28 & 30.
  - Lot 602 (Access Lot) hereon be held as to 8 undivided one-eighth shares with two shares each to the owners of Lots 72, 74, 76 & 78
  - Lot 603 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 104 & 105.
  - Lot 604 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 108 & 109.
  - Lot 605 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 112 & 113.
  - Lot 606 (Access Lot) hereon be held as to 3 undivided one-third shares by the owners of Lots 121, 122 & 123
  - Lot 607 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 137 & 138.
  - Lot 608 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 155 & 156.
  - Lot 609 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 176 & 177.



- Lot 610 (Access Lot) hereon be held as to 6 undivided one-sixth shares with two shares each to the owners of Lots 219, 221 & 223.
- Lot 611 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 233 & 234.
- Lot 612 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 237 & 238.
- Lot 613 (Access Lot) hereon be held as to 4 undivided one-quarter shares by the owners of Lots 248, 249, 250, & 251.
- Lot 614 (Access Lot) hereon be held as to 5 undivided one-fifth shares by the owners of Lots 259, 260, 261, 262 & 301.

16. It is proposed to Condition 143 as follows (changes underlined and in bold and strikethrough):

143. The following lots shall be amalgamated and one Record of Title be issued (LINZ ref #~~4929995~~  
**1970023**):

- Lot 600 hereon (Access Lot) be held as to 3 undivided one-third shares by the owners of Lots 3, 5 & 6
- Lot 601 hereon (Access Lot) hereon be held as to 6 undivided one-sixth shares by the owners of Lots 24, 25, 26, 27, 28 & 30.
- Lot 602 (Access Lot) hereon be held as to 8 undivided one-eighth shares ~~with two shares each~~  
~~to~~**by** the owners of Lots ~~72, 74, 76 & 78~~**79**
- Lot 603 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 104 & 105.
- Lot 604 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 108 & 109.
- Lot 605 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 112 & 113.
- Lot 606 (Access Lot) hereon be held as to 3 undivided one-third shares by the owners of Lots 121, 122 & 123
- Lot 607 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 137 & 138.
- Lot 608 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 155 & 156.
- Lot 609 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 176 & 177.
- Lot 610 (Access Lot) hereon be held as to 6 undivided one-sixth shares ~~with two shares each~~  
~~to~~**by** the owners of Lots ~~219, 221 & 223~~**224**.
- Lot 611 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 233 & 234.
- Lot 612 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 237 & 238.

- Lot 613 (Access Lot) hereon be held as to 4 undivided one-quarter shares by the owners of Lots 248, 249, 250, & 251.
- Lot 614 (Access Lot) hereon be held as to 5 undivided one-fifth shares by the owners of Lots 259, 260, 261, 262 & 301.

17. Two new conditions will be added (Conditions 145 and 146) as follows:

**145. The consent holder must identify the location(s) of any infrastructure (Kiosk) sites required on the LT plan submitted to Council for certification. The infrastructure site(s) shall be numbered and a consent notice pursuant to Section 221, to be complied with on an ongoing basis, must be registered on the Record of Title to issue for infrastructure site(s), which states the following:**

***Any infrastructure site must be used as an infrastructure site only and must not be used for calculating future boundary adjustments or subdivision.***

**The consent notice must be prepared and registered by Council's solicitor at the request and expense of the consent holder.**

**146. The consent holder must confirm that any allotment(s) that contain an infrastructure site have a minimum dimension of 16m x 23m. If an allotment does not achieve the minimum dimension, Condition 140 shall apply to that allotment and a consent notice shall be registered on the allotment in accordance with Condition 140.**

18. The proposed changes to the approved Land Use Consent RC245402 (as varied by RC255548) are outlined below.

19. Condition 1 of RC245402 currently reads:

1. The land use shall proceed in general accordance with the information submitted with the application on 30 May 2024, the further information provided on 17 October 2024, as amended by RC255548, and the attached stamped Approved Plan entitled Falcons Run, Proposed Subdivision of Lot 10, 14 & 15 DP 47839 & Lot 1-3 DP 427521, Drawing No. 1176-DR-C-1200 Revision C and dated 09/05/2025, except where another condition of this consent must be complied with.

20. It is proposed to change Condition 1 as follows (changes underlined and in bold and strikethrough):

1. The land use shall proceed in general accordance with the information submitted with the application on 30 May 2024, the further information provided on 17 October 2024, as amended by RC255548, **and the information submitted with the application for RC255900 (including the further information)**, and the attached stamped Approved Plan entitled Falcons Run, Proposed Subdivision of Lot 10, 14 & 15 DP 47839 & Lot 1-3 DP 427521, Drawing No. 1176-DR-C-1200 Revision ~~C~~**J** and dated ~~09/05/2025~~**11/05/2025**, except where another condition of this consent must be complied with.

21. There will be no change to any of the other conditions.

## The Existing Environment

22. The application site is physically described as 148, 156 and 178 Lincoln Rolleston Road and 6/487 Weedons Road, and covers an area of approximately 17.68m<sup>2</sup>.
23. 148, 156 and 178 Lincoln Rolleston Road are located on the north-eastern side of Lincoln Rolleston Road and 6/487 Weedons Road is located between Lincoln Rolleston Road and Weedons Road. 6/487 Weedons Road has access to Weedons Road via an existing right of way.
24. Both Lincoln Rolleston Road and Weedons Road are classed as Arterial Roads, which have a posted speed limit of 80km/hr along the site frontage.

25. Two of the existing residential units located on the application site will be wholly retained on proposed Lots 300 and 301 of the subdivision.
26. The previous processing planner undertook a site visit on Friday 17 October 2025, during which earthworks were being undertaken in accordance with the conditions of RC245401 and RC245402. I did not undertake a site visit; however, I am familiar with the area and the surrounding environment.
27. **Figure 4** below is an aerial photograph of the application site and the surrounding area.

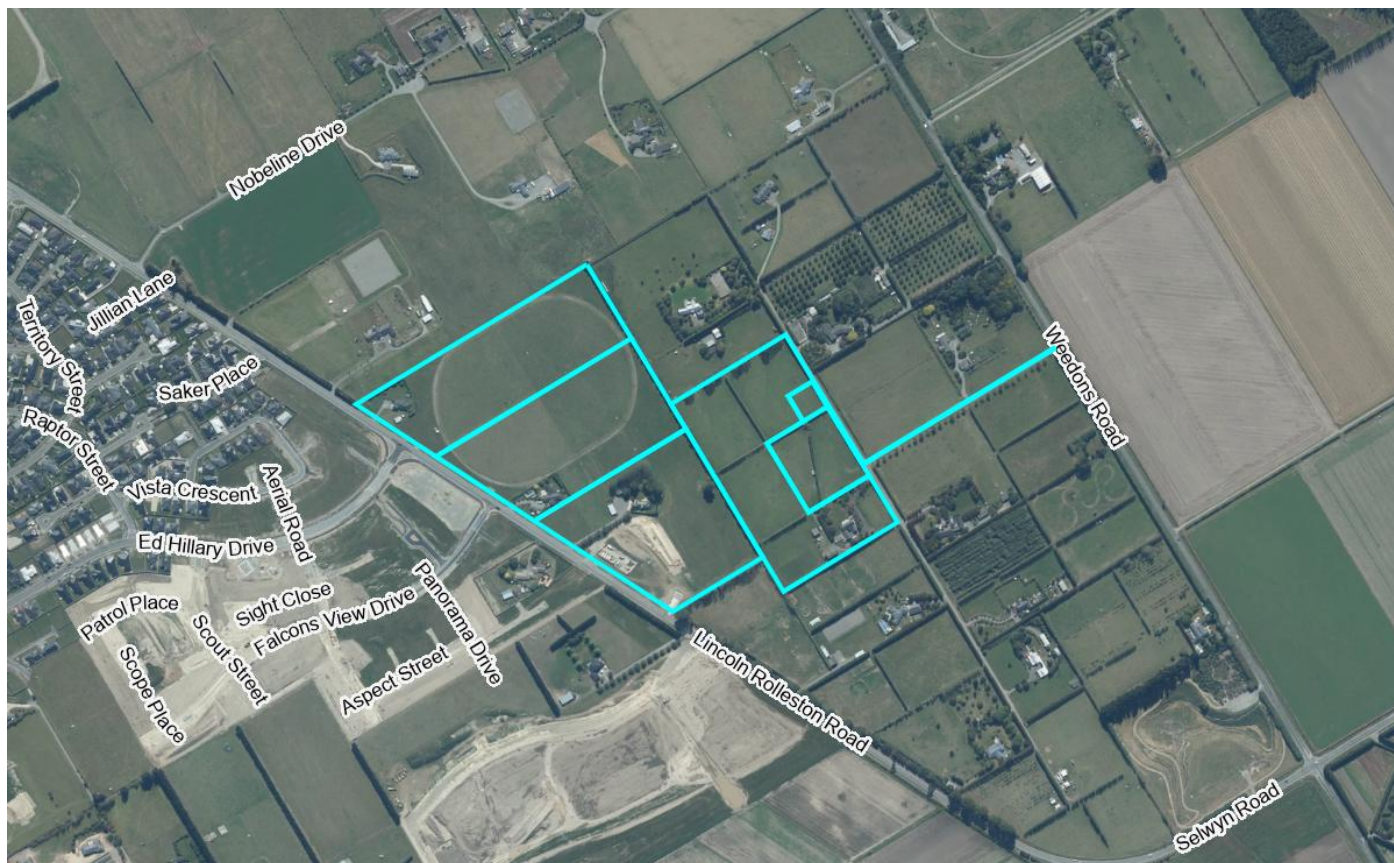


Figure 4. Aerial image of the application site and the surrounding area.

## Statutory Considerations

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

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

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

4. For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who –

(a) made a submission on the original application; and

(b) may be affected by the change or cancellation.

29. The first consideration that is required is whether the application can be treated as one for a change of conditions or whether it will result in a fundamentally different activity or one having materially different adverse effects, such that it should be treated as a new application.
30. The original application sought to subdivide the site into 265 residential allotments with associated reserves, roading, enabling works, and disturbance and remediation of contaminated land. This application seeks to make adjustments to the lot sizes of several residential lots, alter the staging for the proposed subdivision, add new conditions relating to the creation of infrastructure sites, renumber lots to vest as road, change the amalgamation condition to ensure all residential lots have legal and physical access, and correctly identify the residential lots that need to be subject to a consent notice restricting development to one residential unit or principal building. In my opinion this application can be considered as a change to the original resource consent as the nature of the activity will not fundamentally change and the adverse effects will not be materially different from those associated with the original consent. It is noted that the proposed changes will not alter the consented number of residential lots.
31. For these reasons, I consider that this application can be considered as a change to the original resource consent.

## Notification Assessment

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

32. Pursuant to Section 127(3) the application must be assessed as a discretionary activity. As such, the Council's assessment is unrestricted and all actual and potential effects of this proposal must be considered. In my opinion the effects on the environment associated with the proposed change of conditions relate to residential character and amenity, access and servicing, and amalgamation of allotments.

### Residential Character and Amenity Effects

33. The application seeks to amend the boundaries of 16 residential lots and amend the staging of the subdivision, including the addition of a new stage (Stage 19).
34. The reconfiguration of the residential lots will result in changes to the size of the lots as outlined in **Table 1** below. It is noted that the table below is a slightly altered version of the table shown on Page 8 of the assessment of environmental effects (AEE) submitted with this application. This to correct minor errors in terms of the areas referenced.

LOT NUMBER	CONSENTED AREA (M <sup>2</sup> )	PROPOSED NEW AREA (M <sup>2</sup> )
40	510	522
41	500	582
45	400	439
46	332	358
47	307	388
121	540	609
122	586	640
123	520	539



126	416	450
127	412	447
300	1,370	918
255	481	466
256	491	728
257	506	728
258	450	419
301	2,080	1,668

35. Within the Medium Density Residential Zone (MRZ), every vacant residential lot must be a minimum dimension of 16m by 23. This is considered the minimum 'ground level activity footprint' for one to three units. During the processing of this application, it was discovered that the following additional residential lots will be created as under-dimensioned lots:
- 25, 42, 43, 46, 72 to 79, 83 to 88, 93, 119, 123, 124, 130, 138, 142, 143, 152 to 160, 166, 168, 171 to 175, 180, 181, 185, 186, 204, 207 to 224, 229, and 262.
36. The applicant has confirmed that they agree for these residential lots to be subject to a consent notice limiting each lot to containing no more than one residential unit or principal building. Condition 140 will be amended accordingly. It is noted that the above lots are able to provide a compliant building square of 8m by 15m. Therefore, I consider that any adverse effects as a result of the under-dimensioned residential lots has been appropriately mitigated.
37. Residential lots 1,2, 3, and 45 have been removed from Condition 140. The reasons for this are outlined below.
38. Lot 1 will be amalgamated with Lot 15 DP 483709. Therefore, although the lot will not comply with the 16m by 23m lot dimension, it cannot be sold as a separate residential lot as it will be held in the same Record of Title as Lot 15 DP 483709.
39. Through the previous change of conditions (RC245548), the configuration of Lots 2 and 3 (in addition to others) were amended which resulted in compliant lot dimensions for some lots. As such, I consider that these lots no longer need to be subject to a consent notice limiting development to only one residential unit or principal building, noting that this was the reason for the consent notice in the first place. As part of this change of conditions, the layout and size of Lot 45 has been changed, resulting in a compliant lot dimension. Therefore, I consider that this lot no longer needs to be subject to a consent notice restricting development to only one residential unit or principal building.
40. As mentioned previously, the applicant seeks to include a new condition to allow for the creation of infrastructure sites and for a consent notice to be registered on these lots stating that these lots are infrastructure sites only and cannot be used for calculating future boundary adjustments or subdivision. The final location of the infrastructure sites will be determined through s 223 certification where final engineering design has been completed. Due to the unknown location of infrastructure sites during the processing of this application, additional residential lots may be created as under-dimensioned lots. To avoid under-dimensioned lots being created without an appropriate mitigation measure in place, an additional condition will also be included stating the following:

*The consent holder must confirm that any allotment(s) that contain an infrastructure site have a minimum dimension of 16m x 23m. If an allotment does not achieve the minimum dimension, Condition 140 shall apply to that allotment and a consent notice shall be registered on the allotment in accordance with Condition 140.*

41. For the reasons outlined above, it is considered that the potential adverse residential character and amenity effects associated with the proposed changes will be less than minor.

## Access and Servicing Effects

42. No changes are proposed to the servicing requirements for the proposed subdivision. Each of the proposed lots to be created via the subdivision will still be adequately serviced and will be provided with the necessary services, including individual connections to water, sewer, electrical, and telecommunication networks. The proposed changes to the staging of the subdivision will also not adversely affect the servicing of the proposed subdivision.
43. The changes to the staging, including the addition of stage 19, will result in some of the allotments to be vested as road being split into multiple stages, resulting in additional lot numbers (e.g. Lot 421). Notably, there will be no change to the formation of the roads. Each residential lot will still be provided with physical and legal access to a road. The applicant has confirmed that they are aware that the proposed subdivision will need to be staged so that all lots created as part of each stage will be provided with legal access at the time they are created.
44. For the reasons outlined above, any adverse access and servicing effects associated with the proposed changes are considered to be avoided.

## Amalgamation of Allotments

45. The applicant seeks to amend Condition 143 in relation to Access Lots 602 and 610 to include additional residential lots in the amalgamation conditions which were originally missed in the processing of RC245401 and RC245402. The proposed changes are required to ensure the residential lots have physical and legal access. The proposed changes are as follows (underlined and in bold):

- Lot 602 (Access Lot) hereon be held as to 8 undivided one-eighth shares ~~with two shares each to by~~ the owners of Lots ~~72, 74, 76 & 78~~ **72, 74, 76 & 78-79**
- Lot 610 (Access Lot) hereon be held as to 6 undivided one-sixth shares ~~with two shares each to by~~ the owners of Lots ~~219, 221 & 223~~ **219, 221 & 223-224**.

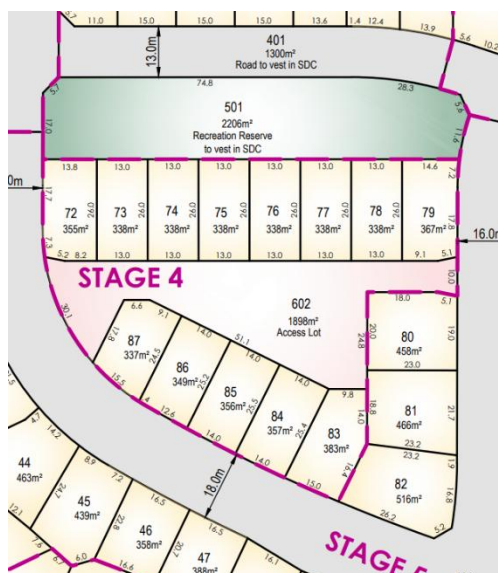


Figure 5: Access lot 602 and adjoining residential lots.

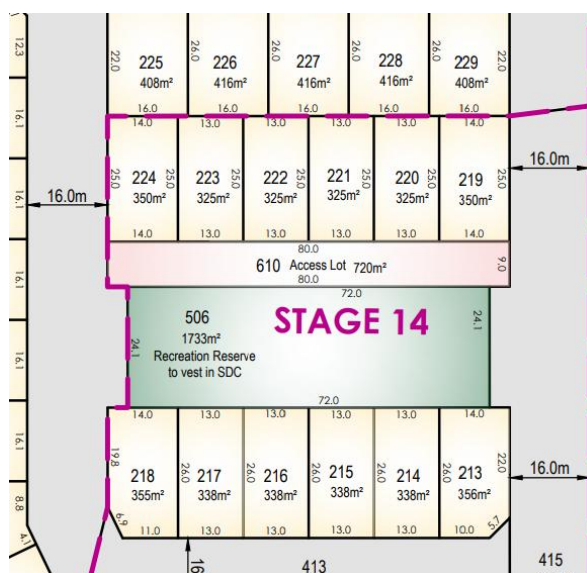


Figure 6: Access lot 610 and adjoining residential lots.

46. **Figures 5 and 6** above show the location of the access lanes and the adjoining residential lots. Land Information New Zealand (LINZ) has reviewed the changes to the amalgamation conditions and confirmed the proposed amalgamation of allotments is practicable (LINZ reference number 1970023).

## Positive Effects

47. 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

48. Any adverse effects as a result of the proposed change of conditions will be less than minor on both the environment and any persons.

## Public Notification (Section 95A)

49. 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

50. 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)

51. 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

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


## Notification Recommendation

53. I recommend that the applications RC255899 and RC255900 be processed on a **Non-Notified** basis in accordance with sections 95A-E of the Resource Management Act 1991.

<b>Report by:</b> Rebecca Stewart Resource Management Planner	Date: 15 December 2025
---	------------------------

## Notification Decision

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

 Commissioner O'Connell	Date: 24 December 2025
---	------------------------



## Section 104 Assessment

### Section 104(1)(a) - Actual and Potential effects on the Environment

55. 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.
56. It is also appropriate to consider the positive effects of the proposal at this section 104 stage. The proposed changes will allow for the creation of infrastructure sites; ensure appropriate mitigation measures are in place for the under-dimensioned residential lots; and ensure appropriate legal and physical access.
57. As concluded in my notification assessment, I consider that the adverse effects on the environment resulting from the proposal will be less than minor. On balance and overall, I consider that any adverse effects on the environment will be less than minor.

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

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

##### *Operative Selwyn District Plan – Objectives and Policies*

58. The proposal is permitted under the Operative Plan, and therefore, I consider the proposal to be in keeping with the objectives and policies of the Plan.

##### *Partially Operative Selwyn District Plan – Objectives and Policies*

59. The Partially Operative Plan objectives and policies that I consider relevant relate to subdivision design and layout.
60. Objectives SUB-O1 and SUB-O2 seek to ensure that subdivision design and layout is compatible with the role, function, and planned urban form of the zone and that every site is provided with the infrastructure and facilities for the intended use of the land. As discussed in my preceding assessment of environmental effects, the proposed changes will have less than minor adverse effects on the character and amenity of the Medium Density Residential Zone. The proposed changes will not affect the servicing of the residential lots. For completeness, each residential lot will be provided with the necessary services (SUB-P3) and the changes to the amalgamation conditions will ensure appropriate physical and legal access for all residential lots (SUB-P2).
61. SUB-O3 requires that site sizes reflect the intended development outcomes of the zone. The associated policy, SUB-P1, seeks to avoid the creation of sites that cannot contain a residential unit as a permitted or controlled activity. As discussed above, the proposed lot sizes are appropriate for their intended use, with each residential lot able to accommodate a compliant building square. For residential lots that do not comply with the minimum lot dimensions, a consent notice restricting development to one residential unit or principal building will be applied. Additionally, the proposed changes do not alter the number of residential lots approved under RC245401 and will continue to meet the households per hectare density standard.
62. Overall, I consider the proposal to be consistent with the Partially Operative Plan.

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

##### *Canterbury Regional Policy Statement (CRPS)*

63. The District Plans give effect to the relevant higher order documents, including the CRPS. Therefore, I consider there is no need to assess these provisions.

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

64. The NES-CS was considered as part of the underlying resource consent, and the proposed changes will change the existing contamination-related consent conditions on the approved land use consent. In this regard, the proposal remains consistent with the NES-CS.

## Part 2 – Purpose and principles

65. The consideration under section 104 is subject to Part 2 of the Act – Purpose and principles.
66. 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.
67. 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.
68. 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.
69. The proposed activity can be undertaken without any impact on the matters of national importance outlined in Section 6. Similarly, in terms of Section 7, the proposal will not compromise the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations and will have no adverse effects on the life-supporting capacity of air, water, soil and/or ecosystems. In addition, the adverse effects of the proposed activity are considered to be appropriately avoided, remedied or mitigated.
70. Finally, in respect to Section 8, an activity of this nature and scale will not undermine the principles of the Treaty of Waitangi.
71. Based on my assessment of the proposal in this report, I consider it to be consistent with Part 2 of the Act.

## Conclusions

72. It is proposed to change the conditions of approved subdivision consent RC245401 (as varied by RC255548) and approved land use consent RC245402 (as varied by RC255548) to alter the sizes of several residential lots and ensure the correct residential lots are subject to a consent notice restricting development; to alter the staging of the proposed subdivision resulting in changes to the numbering of several lots that will vest as road; and to add two new conditions relating the creation of infrastructure sites.
73. All applications under s.127 are a discretionary activity, and the above assessment is considered sufficient in scope given the nature and scale of the proposal. As per the preceding assessment, any adverse effects will be less than minor, and the proposal will be consistent with the objectives and policies of the Partially Operative District Plan.
74. Having considered all relevant matters, I conclude that the application may be granted, subject to the changes to conditions 1, 140, and 143 of approved subdivision consent RC245401 (as varied by RC255548) and the addition of Conditions 145 and 146, and the changes to Condition 1 of approved land use consent RC245402 (as varied by RC255548).

## Recommendation

75. That the application to change conditions of subdivision consent RC245401 (as previously varied by RC255548) and land use consent RC245402 (as previously varied by RC255548) be **granted** pursuant to Section 127 of the Resource Management Act 1991.
76. The conditions shall now read:

### **RC255899 Subdivision Consent Change of Conditions:**

1. The subdivision shall proceed in general accordance with the information submitted with the application on 30 May 2024, the further information provided on 17 October 2024, as amended by RC255548, **and the information submitted for RC255899 (including the further information)**, and the attached stamped Approved Plan entitled Falcons Run, Proposed Subdivision of Lot 10, 14 & 15 DP 47839 & Lot 1-3 DP 427521, Drawing No. 1176-DR-C-1200-**1201**, Revision ~~CJ~~ and dated ~~093/1105/2025~~, except where another condition of this consent must be complied with.
  
140. A Consent notice shall be registered against the Records of Title for each of Lots ~~1, to 4, 7, 10, 24, 25, 26, 30, 31, 33, 42, 43, 44, to 46, 47, 48 to 54, 58, 59 to 65, 68 to 70, 72 to 79, 83 to 88, 93 to 94, 95, 100, 103 to 106, 111, 114, 119, 123, 124, 130, 138, 142, 143, 152 to 160, 166, 168, 171 to 175, 180, 181, 185, 186, 204, 206 to, 225, 229, 242, 250, 252 and, 254 and 262~~ which shall restrict each Lot to the establishment of not more than one residential unit or principal building on each lot.
  
143. The following lots shall be amalgamated and one Record of Title be issued (LINZ ref #~~4929995~~ **1970023**):
  - Lot 600 hereon (Access Lot) be held as to 3 undivided one-third shares by the owners of Lots 3, 5 & 6
  - Lot 601 hereon (Access Lot) hereon be held as to 6 undivided one-sixth shares by the owners of Lots 24, 25, 26, 27, 28 & 30.
  - Lot 602 (Access Lot) hereon be held as to 8 undivided one-eighth shares ~~with two shares each to~~ **by** the owners of Lots ~~72, 74, 76 & 78~~ **79**
  - Lot 603 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 104 & 105.
  - Lot 604 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 108 & 109.
  - Lot 605 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 112 & 113.
  - Lot 606 (Access Lot) hereon be held as to 3 undivided one-third shares by the owners of Lots 121, 122 & 123
  - Lot 607 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 137 & 138.
  - Lot 608 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 155 & 156.
  - Lot 609 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 176 & 177.
  - Lot 610 (Access Lot) hereon be held as to 6 undivided one-sixth shares ~~with two shares each to~~ **by** the owners of Lots ~~219, 221 & 223~~ **224**.
  - Lot 611 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 233 & 234.
  - Lot 612 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 237 & 238.
  - Lot 613 (Access Lot) hereon be held as to 4 undivided one-quarter shares by the owners of Lots 248, 249, 250, & 251.

- Lot 614 (Access Lot) hereon be held as to 5 undivided one-fifth shares by the owners of Lots 259, 260, 261, 262 & 301.

**145. The consent holder must identify the location(s) of any infrastructure (Kiosk) sites required on the LT plan submitted to Council for certification. The infrastructure site(s) shall be numbered and a consent notice pursuant to Section 221, to be complied with on an ongoing basis, must be registered on the Record of Title to issue for infrastructure site(s), which states the following:**

**Any infrastructure site must be used as an infrastructure site only and must not be used for calculating future boundary adjustments or subdivision.**

**The consent notice must be prepared and registered by Council's solicitor at the request and expense of the consent holder.**

**146. The consent holder must confirm that any allotment(s) that contain an infrastructure site have a minimum dimension of 16m x 23m. If an allotment does not achieve the minimum dimension, Condition 140 shall apply to that allotment and a consent notice shall be registered on the allotment in accordance with Condition 140.**


**77. RC255900 Land Use Consent Change of Conditions:**

1. The land use shall proceed in general accordance with the information submitted with the application on 30 May 2024, the further information provided on 17 October 2024, as amended by RC255548, **and the information submitted with the application for RC255900 (including the further information)**, and the attached stamped Approved Plan entitled Falcons Run, Proposed Subdivision of Lot 10, 14 & 15 DP 47839 & Lot 1-3 DP 427521, Drawing No. 1176-DR-C-1200 Revision **CJ** and dated **09/11/2025**, except where another condition of this consent must be complied with.

<b>Report by:</b> Rebecca Stewart Resource Management Planner	Date: 15 December 2025
---	------------------------

## Decision

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

 Commissioner O'Connell	Date: 24 December 2025
---	------------------------



## Full conditions of RC245401 (as amended by RC255899):

1. The subdivision shall proceed in general accordance with the information submitted with the application on 30 May 2024, the further information provided on 17 October 2024, as amended by RC255548, and the information submitted for RC255899 (including the further information), and the attached stamped Approved Plan entitled Falcons Run, Proposed Subdivision of Lot 10, 14 & 15 DP 47839 & Lot 1-3 DP 427521, Drawing No. 1176-DR-C-1201, Revision J and dated 03/11/2025, except where another condition of this consent must be complied with.
2. The following conditions of consent shall be met prior to the issue of a section 224(c) Completion Certificate at the expense of the consent holder.

### Staging

3. The subdivision may be undertaken in stages and in any order.

### Easements

4. All required easements must be created and granted or reserved.

### Engineering General

5. All works on existing infrastructure and/or any Council vested assets must comply with the Engineering Code of Practice, comply with all conditions set out in the Acceptance letter, and be completed in accordance with the detailed design plans accepted by Council.

#### *Commencement of physical works*

6. Works on Council infrastructure or vested assets must not commence until Engineering Acceptance has been confirmed in writing. Any subsequent amendments to the plans and specifications must be submitted to the Development Engineering Manager for acceptance.
7. Plans and specifications are to be submitted to Development.Engineer@selwyn.govt.nz at least 10 working days prior to commencement of related work and once accepted, will thereafter form part of the Approved Consent Document.

*NOTE: The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.*

8. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in conditions +.
9. On-site construction must commence within 12 months of the issue of Engineering Acceptance. If construction on site does not commence within 12 months of the issue of Engineering Acceptance letters, the applicant must re-submit plans for Engineering Acceptance prior to works commencing.
10. The consent holder or consent holder's agent must provide written notification to Council of intention to commence physical works at least 10 working days prior to commencement of works.

#### Advice Notes

- (a) *The vested assets schedule must cover all vested asset types and include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.*

#### *Provision of pedestrian links*

- (b) Council considers all proposed pedestrian infrastructure to be part of the roading network and subject to the requirements of Engineering Acceptance.

#### *Services in Recreational Reserves*

- (c) The installation of services in Recreation Reserves may impose limits on the end use of the reserve. Council's preference is that all services are located within the road reserve. The consent holder and/or their agent is informed that the installation of services in Recreation Reserves may change the final value of the Developer's Improvement Contributions.
- (d) The applicant will need to get a valuation prepared for the land value for the proposed Recreation Reserves. Any credit provision will be assessed by the Open Spaces team.

#### *Council vested assets in private land*

11. The easement in gross for Council vested assets in private land must be duly granted (or reserved) in accordance with the stamped plans that form part of this consent.
12. As-built plans for the services covered by the easement(s) must be provided to the Council at Section 223 Certification Stage.

#### *Maintenance Bonds (In accordance with the Council's Bonding Policy of Subdivision Works and Large Projects as at the date of issue of this consent)*

13. 12 months for the following assets:

- Roothing Infrastructure
- Water Reticulation
- Stormwater Reticulation
- Wastewater Reticulation

14. 24 months for the following assets:

- Landscaping
- Reserve Assets
- Stormwater Treatment and Discharge Systems
- Wastewater Pumpstation

#### *Advice Note*

- (e) Maintenance bonds will be valued at 5% of the total value of works (plus GST).
- (f) The consent holder must provide costings and estimates for the total value of works from an independent quantity surveyor, acceptable to Council, at the resource consent holder's expense.
- (g) The Council may re-evaluate the value and duration of the maintenance bond for the following reasons:
- a. Inflation;
  - b. Delays in works being completed; or
  - c. Repairs, rectification and or replacement is required

*d. Price escalations.*

*Engineering Acceptance – additional information*

15. Copies of any consents required and granted in respect of this subdivision (ECan Consents and Waka Kotahi approval) must be supplied to the Development Engineer via [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz)

*Suitably qualified designer*

16. An Engineer's Design Certificate for all civil designs from the principal civil designer who is a chartered engineering professional with suitable experience must be submitted to Council ([development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz)) as part of Engineering acceptance.

*Contractor Produced Statements*

17. A Contractors Completion Certificate from the principal civil contractor must be supplied to Council ([development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz)) certifying that all vested assets have been installed in accordance with the approved engineering plans and specifications prior to the issuing of S224(c) certificate.

*Designer Producer Statements*

18. An Engineer's Completion Certificate from the principal civil designer who is a chartered engineering professional must be supplied to Council ([development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz)) certifying that all vested assets have been installed in accordance with the approved engineering plans and specifications prior to the issuing of S224(c) certificate.

*Advice Note*

*Engineering Acceptance*

- (h) *Plans and supporting information accompanied in the design report required for Engineering Acceptance must include but not be limited to the following:*

- a. Water Reticulation*
- b. Wastewater Reticulation*
- c. Roding Network – new and alterations to existing and streetlighting.*
- d. Stormwater, water races, and land drainage*
- e. Walking and cycling infrastructure provision and connection.*
- f. Future Public Transport provision accessibility (in consultation with Environment Canterbury Regional Council)*

- (i) *Please note that pedestrian linkages through proposed reserves are considered to be part of the roading infrastructure and will require engineering acceptance prior to construction.*

**Landscaping**

*Suitably qualified design certification*

19. A design certificate must be supplied to Council ([development.landscaping@selwyn.govt.nz](mailto:development.landscaping@selwyn.govt.nz)) by the designer and included in the Landscaping plans and design report submitted for engineering acceptance.

*Landscape and servicing plans*

20. Landscaping must be located clear of all services and demonstrated on plan/s that show proposed landscaping and all proposed services.

*Producer statement – landscaping works*

21. Producer statements from the principal landscaping contractor must be supplied to Council confirming that all vested assets have been installed in accordance with the accepted landscaping plans and specifications prior to the issuing of S224(c) certificate.

Advice Note

- (j) If multiple landscaping contractors are used, instead of a principal contractor, to install vested assets each contractor will be required to supply producer statements for their contribution to the physical works.*

22. The proposed landscaping must be established in accordance with the accepted landscaping plans and design report.
23. The consent holder must maintain all landscaping asset on Reserve Lots 501, 503, 504 and 506 to the standards specified in the Engineering Code of Practice for the 24 month establishment period (defects liability) from the date of Council's practical completion acceptance until final inspection and acceptance of the landscaping by Council.
24. The consent holder must maintain all landscaping asset on Reserve Lot 505 to the standards specified in the Engineering Code of Practice for the 12 month establishment period (defects liability) from the date of Council's practical completion acceptance until final inspection and acceptance of the landscaping by Council.

Advice Notes

*Landscaping Acceptance*

- (k) Landscaping Plans and supporting information accompanied in the design report required for Landscaping Acceptance must include but not be limited to the following:*
- a. Plant selection*
  - b. Soft landscaping features*
  - c. Hard landscaping features*
  - d. Playground specifications*
- (l) Please note that pedestrian linkages are considered to be part of the roading infrastructure and will require landscaping acceptance prior to construction.*
- (m) On-site construction must commence within 12 months of the issue of Landscaping Approval. If works do not commence within 12 months of the issue or approval, the applicant must re-submit plans for Landscaping Acceptance prior to works commencing.*

**Roading**

*Roading Design Review and Acceptance*

25. Engineering plans and details for all works associated with:
- Alterations to the existing roading network
  - Extensions of the existing roading network



- Provision of pedestrian access reserves
- Provision of roundabout
- Provision of Streetlighting
- Provision of proposed roading network

must be submitted to Council via the [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 10 working days prior to the commencement of related work.

*NOTE: The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.*

26. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition 25.

#### *Construction of new roads*

27. All roads must be constructed in accordance with the accepted engineering plans.

#### *Vesting of new roads*

28. On deposit of the survey plan all roads must be vested in the Selwyn District Council as road.

#### *Corner Splays - Urban*

29. The corner of all Lots at the road intersection must be splayed with a rounded minimum radius of 3 metres.

#### *Road Frontage Upgrades*

30. The road frontage of Lincoln Rolleston Road must be upgraded to the agreed to standard as shown on the stamped plans that form part of this consent. This work is required to be accepted and undertaken through Engineering Acceptance.

#### *Street lighting – Township/Urban*

31. Street lighting must be provided on all new roads and existing roads in accordance the Engineering Code of Practice and Engineering Acceptance.
32. Prior to the granting of Engineering Acceptance designs for all street lighting that will vest to Council will be submitted to the Development Engineering Manager ([development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz)) for review and acceptance at least 10 working days prior to the commencement of related work.

*NOTE: The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.*

33. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition 32.

#### *Street naming and property numbering*

34. A minimum of three name options for each road, and street numbering plans must be submitted to Council in accordance with Council Policies N101 and N102 for acceptance prior to section 224(c) Approval.

### *Road Signage*

35. The consent holder must install street name signs displaying the Council approved street name and poles at each intersection in accordance with Policy R430 prior to the granting of section 224(c).

### *Road Safety*

36. All vested roading infrastructure must be constructed in accordance with a Safe System Audit that must be supplied at time of Engineering Acceptance. An audit must be undertaken by an independent assessor at the consent holder's expense, with the report provided to Council prior to Engineering Acceptance.

### *Testing standards*

37. All vested roading infrastructure must meet Council's testing standards as prescribed by the Engineering Code of Practice. Supporting documentation must be supplied to Council prior to the issuing of section 224(c) certificate.

### *S224 document requirement*

38. Prior to the issuing of section 224(c) certificate the consent holder must provide accurate 'as built' plans for all vested roading infrastructure installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems will be borne by the consent holder.
39. Prior to the issuing of section 224(c) certificate the consent holder must provide AMIS and RAMM schedules for all vested roading infrastructure installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and Engineering Acceptance. Any costs involved in provision and transfer of this data to Council's systems will be borne by the consent holder.

### *Advice Note*

*(n) The AMIS schedule submitted for works occurring within the road reserve will also include any specific planting constructed as part of works required for the completion of this consent.*

40. Prior to the issuing of section 224(c) certificate the consent holder must provide a comprehensive electronic schedule of all roading infrastructure assets to be vested in the Council that meets the requirements set out in the Engineering Code of Practice and the Engineering Acceptance letter.

### *Advice Note*

*(o) The vested assets schedule must cover all vested asset types and include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.*

### *Developers Agreements*

41. A Developers Agreement must be entered into with Council for the construction of Falcon's East Subdivision. The Developers agreement must be agreed to by Council in writing and Engineering Acceptance will be issued prior to construction commencing on site.

## **Vehicle Crossings and Accessways**

### *Urban vehicle crossings*

42. A vehicle crossing to service each lot must be formed in accordance with the requirements of TRAN-DIAGRAM5 and TRAN-DIAGRAM6 and the approved consent documents prior to the establishment of a residential unit or principal building.
43. The vehicle crossing must be sealed to match the existing road surface for the full width of the crossing between the site boundary and sealed carriageway.

#### *Testing standards*

44. All vehicle crossings and formed accessways must meet Council's testing standards as prescribed by the Engineering Code of Practice. Supporting documentation must be supplied to Council prior to the issuing of section 224(c) certificate.

#### *Non-complying vehicle crossings*

45. The vehicle crossings serving Lot 300 must be upgraded to meet the requirements of the Partially Operative District Plan and the Engineering Code of Practice.

#### *Vehicle crossings*

46. A vehicle crossing to service all front lots must be formed and sealed for the full width and length of the vehicle crossing between the carriageway and the site boundary and the requirements of the Engineering Code of Practice. Construction must be completed prior to issuing of the section 224(c).

#### *Shared accessways*

47. The vehicle accessway serving all Lots from each Access Lot must be formed and sealed in accordance with TRAN-REQ7 (including TRAN-TABLE3 – Minimum Requirements for Accessways and TRAN-TABLE6A – Accessway Separation from Other Accessways) of the Partially Operative Selwyn District Plan and the requirements of the Engineering Code of Practice. Construction must be completed prior to the issuing of section 224(c).

#### *Street Trees and Vegetation*

48. All proposed vehicle crossings must be located in accordance with Council's Tree's and vegetation Policy. The relocation of existing street trees to enable works proposed by this consent must be undertaken at consent holders' expense with works undertaken in accordance with the accepted plans.

#### *Private Road naming and property numbering*

49. Private Road name options, a minimum of three options for each road, and street numbering plans must be submitted to Council in accordance with Council Policies N101 and N102 as part of Engineering Acceptance.

#### *Private Road/Right of Way Signage*

50. The consent holder must install private road/ROW name signs displaying the Council approved street name and poles at each ROW in accordance with Policy R430.

#### *S224 document requirement*

51. Prior to the issuing of s224(c) certificate the consent holder must provide accurate 'as built' plans of the vehicle crossings installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and the Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.
52. Prior to the issuing of s224(c) certificate the consent holder must provide a comprehensive electronic schedule of any vehicle crossings to be vested in the Council that meets the requirements set out in the Engineering Code of Practice and the Engineering Approval letter.

#### *Advice Note*

- (p) *The vested assets schedule must cover all vested asset types and include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.*

*The following LIM note is required for all proposed Lots:*

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

## **Water Supply**

### *Design Review and Acceptance – Water Reticulation*

53. Engineering plans and details for all works associated with the following proposed works that will vest to Council:

- a. Extensions of the existing water supply;
- b. Provision of Council maintained points of supply;

to service each new lot must be submitted to Council via the [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 10 working days prior to the commencement of related work and once accepted will thereafter form part of the Approved Consent Document.

*NOTE: The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.*

54. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition 53.

### Advice Note

#### *Water Supply Bylaw Requirement*

- (r) Council Policy only permits one water connection per valuation number/property.

#### *Private irrigation*

- (s) No irrigation is permitted from the Council Water Supply.

#### *Council maintained Water Supply Points*

55. The net area of each lot must be provided with an individual potable connection to the Council's water reticulation network in accordance with Engineering Code of Practice and the Engineering Acceptance letter.

#### *Council maintained Water Supply Points – metered*

56. All Water connections must be metered. Meters must be installed in the road reserve in accordance with Engineering Code of Practice and the accepted engineering plans. (Note that multi meter boxes may be utilised).

#### *Design requirement – Firefighting urban*

57. All Council vested water infrastructure must be designed in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008 and subsequent variations).
58. Urban hydrant coverage must be provided to ensure that all residential lots can be serviced by two hydrants, the first within 135m and then second within 270m. Hydrant water supply must be capable of providing 750 litres per minute of water flow.

59. Firefighting water supply may only be provided by means other than the above if the New Zealand Fire Service has endorsed the alternative method, and written evidence provided in support of Engineering Approval application.

*Relocation of existing neighbours water meters*

60. The existing water meters for Lots 300 and 301 must be relocated to the road reserve at the consent holders' expense.

*Private irrigation*

61. Irrigation exceeding domestic equivalent flows and quantities is not permitted from the Council's Water Supply in accordance with Council Policy.

*Connection to Councils infrastructure*

62. Connection into Council's reticulated water supply must either be carried out by Council's Five Waters maintenance contractor, or a suitably qualified water installer under the supervision of Council's five waters contractor. Costs incurred through supervision by CORDE must be met directly by the consent holder.

Advice Note

- (t) *For supervision purposes a minimum of 5 working days' notice is required. Please note a connection fee being the actual cost quoted by Council's Five Waters maintenance contractor will apply.*
- (u) *Applications for new water connections can be made online via SDC's website (Selwyn District Council - New Water Connection approval form). Applications should be made at least 8 working days prior to commencement of work (allow a minimum of 10 working days for watermain shutdowns).*

*Testing standards*

63. All vested water reticulation must meet Council's testing and hygiene standards as prescribed by the Engineering Code of Practice. Supporting documentation confirming compliance must be supplied to Council prior to the issuing of s224(c) certificate.

Advice Note

- (v) *Refer to WSP 005 for Council's water chlorination, hygiene, and water installer qualification requirements for water reticulation connection requirements.*

*S224 document requirement*

64. Prior to the issuing of s224(c) certificate the consent holder must provide accurate 'as built' plans of the water reticulation installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.
65. Prior to the issuing of s224(c) certificate the consent holder must provide accurate AMIS schedules of the water reticulation installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.

Advice Note

- (w) *The vested assets schedule must cover all vested asset types and include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.*

*Developers Agreements*



66. A Developers Agreement must be entered into with Council for the construction of Falcon's East Subdivision. The Developers agreement must be agreed to by Council in writing and Engineering Acceptance will be issued prior to construction commencing on site.

## **Wastewater Supply**

### *Design Review and Acceptance – Wastewater Reticulation*

67. Engineering plans and details for all works associated with the following proposed works that will vest to Council:

- Extensions of the existing wastewater supply;
- Provision of Council maintained points of supply;
- Provision of a wastewater pumpstation to service the proposed development;

to service each new lot must be submitted to Council via the [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 10 working prior to the commencement of related work and once accepted will thereafter form part of the Approved Consent Document.

*NOTE: The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.*

68. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition 64.

### *Council maintained Wastewater supply*

69. Each lot must be provided with an individual wastewater connection to Council's wastewater reticulation infrastructure that is laid to the boundary and can service the net area of that lot in accordance with the Engineering Code of Practice and the accepted engineering plans.

### *Gravity Wastewater laterals*

70. All gravity wastewater laterals must be installed ensuring grade and capacity are provided for and in accordance with Council's Engineering Code of Practice, giving regard to maximum upstream development density.

### *Standard testing*

71. All vested wastewater reticulation must meet Council's pressure testing and CCTV inspection standards as prescribed by the Engineering Code of Practice. Supporting documentation must be supplied to Council prior to the issuing of s224(c) certificate.

### *Connecting to Council infrastructure*

72. Connection to the Council sewer must be arranged by the consent holder at the consent holder's expense. The work must be done by a registered drainlayer.

### *Decommissioning of septic tank*

73. The existing on-site effluent treatment and disposal system on Lots 300 and 301 must be decommissioned and the site be completely reinstated with the appropriate quality assurance documents including as built details and a fill certificate confirming compliance with NZS4431:2022 and submitted Council via [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) prior to issuing of S224c certificate. If this information is not supplied, then the location of the decommissioned septic tank must be identified on the survey plan as a no build area.

#### Advice Note

- (x) *The connection of Lots 300 and 301 to the vested wastewater reticulation following decommissioning of onsite wastewater treatment system requires a Building Consent. Notification of the decommissioning of the onsite wastewater treatment should be made to the Regional Council.*

#### *Pumpstation*

74. A wastewater pumpstation must be installed by the consent holder to provide this development with an acceptable wastewater outfall.
75. All works associated with the design and installation of the pumpstation will be at the consent holders' expense unless otherwise agreed in writing with Council.
76. The Design details are to be submitted to [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) at least 10 working days prior to the commencement of construction. The Design details are to be accepted by the Development Engineering Manager or their nominee as meeting the requirements of Selwyn District Council's Engineering Code of Practice and once accepted, will thereafter form part of the Approved Consent Document.

*NOTE: The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documents within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the document then they will provide a letter outlining why acceptance is refused based on the parameters contained in this condition.*

77. Should the Development Engineering Manager (or their nominee) refuse to accept the documents, the consent holder must submit a revision to the Development Engineering Manager for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition 76.

#### *Pumpstation operation*

78. Council will assume full operation of the wastewater pumpstation once all required works are completed and accepted by Council in accordance with condition (above - Pumpstation Installation).
79. The consent holder will be responsible for the operation of the wastewater pumpstation until such time that it is accepted by Council.

#### *S224 document requirement*

80. Prior to the issuing of s224(c) certificate the consent holder must provide accurate 'as built' plans of the wastewater reticulation installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.
81. Prior to the issuing of s224(c) certificate the consent holder must provide accurate AMIS schedule of the wastewater reticulation installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.
82. Prior to the issuing of s224(c) certificate the consent holder must provide a comprehensive electronic schedule of all wastewater reticulation assets to be vested in the Council that meets the requirements set out in the Engineering Code of Practice and Engineering Acceptance letter.

#### Advice Note

- (y) *The vested assets schedule must cover all vested asset types and include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.*

#### *Developers Agreements*

83. A Developers Agreement must be entered into with Council for the construction of Falcon's East Subdivision. The Developers agreement must be agreed to by Council in writing and Engineering Acceptance will be issued prior to construction commencing on site.

## **Stormwater**

### *Design Review and Acceptance – Stormwater reticulation and management areas*

84. Engineering plans and supporting design information for all works associated with the installation of stormwater infrastructure to service the development site must be submitted to Council via the [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 10 working prior to the commencement of related work and once accepted will thereafter form part of the Approved Consent Document.

*NOTE: The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.*

85. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in conditions 84.

#### Advice Note

- (z) *Where designs require the installation of stormwater management areas landscaping plans will also be required prior to Engineering Acceptance being granted for that asset to allow Council to review the function of the asset holistically.*

### *Vested infrastructure*

86. The consent holder must install stormwater reticulation treatment and disposal systems to service the subdivision in accordance with the accepted engineering plans and the requirements of the associated discharge consent.

### *Provision of individual points of supply – reticulated stormwater only*

87. All lots must be provided with an individual stormwater lateral connection from Council reticulation to the designated point of supply.

### *Design Requirement – Discharge to ground*

88. Where the collection and disposal of roof/surface water is to ground, the suitability of the natural ground to receive and dispose of the water without causing damage or nuisance to neighbouring properties, must be determined by a suitably qualified person/engineer and evidence of results must be provided at engineering acceptance.

### *Design Requirement – Hydraulic Neutrality*

89. Post development stormwater discharges will not exceed pre-development stormwater discharges for all critical duration design storm events up to and including the 1% AEP storm. Designs and supporting information will be submitted to Council via [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for review and acceptance.

### *Design Requirement – Stormwater Treatment*

90. All vested stormwater infrastructure is required to have low maintenance stormwater treatment installed to meet the stormwater treatment outcomes prescribed by the Land Water Regional Plan.

*Discharge Consent Requirement – outside a Network Discharge Consent area and CRC consent required (more than 5 lots)*

91. 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 these obligations will be transferred to Selwyn District Council.

92. Draft CRC consent conditions must be submitted to Council for acceptance via [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) prior to Engineering Acceptance being granted, once accepted, will thereafter form part of the Approved Consent Document.

*NOTE: The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.*

93. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in conditions 87 and 88.

#### *Developer requirements*

94. The consent holder will hold, operate, and maintain the Canterbury Regional Council operational discharge consent held in their name for a minimum of two years after the section 224(c) Completion Certificate for the final stage of this consent has been issued.

95. 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 prior to the transfer of the CRC consent to Council.

#### *Vested infrastructure – s224 requirement*

96. The consent holder must demonstrate that the operational discharge stormwater is compliant with the Canterbury Regional Council consent that is held in the consent holder's name.

97. A fully compliant Compliance Monitoring Report issued by the Canterbury Regional Council must be submitted to Council certifying compliance with the relevant CRC consent via [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) prior to the granting of section 224(c).

#### *Construction works stormwater infrastructure*

98. Any works undertaken on stormwater infrastructure located within the development site must completed in accordance with the Engineering Code of Practice and accepted engineering plans.

#### *Stormwater Management Plan*

99. The consent holder shall prepare and submit a Stormwater Design Report and Management Plan in accordance with the requirements of Selwyn District Council and Environment Canterbury Regional Council. This plan shall be provided for Selwyn District Council's for approval and sign-off prior to granting section 224(c) at the consent holder's cost.

#### *Advice Note*

*(aa) The Stormwater Management Plan 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. *Ongoing operation and maintenance requirements.*

#### *Inspection standards*

100. All vested stormwater reticulation must meet Council's pressure testing and CCTV inspection standards as prescribed by the Engineering Code of Practice. Supporting documentation must be supplied to Council prior to the issuing of s224(c) certificate.

#### *Stormwater Operations and Maintenance Manual*

101. The consent holder must provide a Stormwater Operations and Maintenance Manual prior to the approval of the section 224(c) certificate.

#### *Advice Note*

*(bb) The Stormwater Operations and Maintenance Manual must include but not be limited to:*

- a. *As built documents/images of system for baseline records. This would include the extent of the stormwater catchments, surveyed long-sections and x-sections of pipelines and stormwater management devices e.g. basins wetlands and swales, and where available, any baseline data i.e. water quality, quantity or soil monitoring results.*
- b. *Contact details for maintenance personnel engaged by the developer over the maintenance period*
- c. *As built documents/images of system for baseline records. This would include the extent of the stormwater catchments and any baseline data i.e. heavy metal level in receiving environment.*
- d. *Maintenance procedures and how compliance with the consent conditions must be achieved and recorded. This will also cover stormwater system maintenance during the maintenance period(s).*
- e. *What actions will be undertaken when non-compliance is detected and recorded.*
- f. *Where all cleanings from sumps are proposed to be disposed of – in accordance with Regional and local landfill requirements.*
- g. *Summary of costs to maintain the system including details of the number of inspections and cleaning of sumps/disposal of sump material.*
- h. *What actions will be undertaken before handover to Selwyn District Council is proposed i.e. notification procedure at least two months prior to requesting handover.*

#### *Producer statement*

102. Prior to the approval of a section 224(c) completion certificate the consent holder must provide a Producer Statement demonstrating that the stormwater system has been designed and constructed in accordance with CRC132527. The producer statement is to be submitted to [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz).

#### *S224 document requirement*

103. Prior to the issuing of s224(c) certificate the consent holder must provide accurate 'as built' plans of all stormwater infrastructure installed as part of this consent that meet the requirements set out in the Engineering Code of Practice. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.



#### Advice Note

*(cc) The as-builts submitted for stormwater management areas will also include any specific planting constructed as part of works required for the completion of this consent.*

104. Prior to the issuing of s224(c) certificate the consent holder must provide accurate AMIS schedule of all stormwater infrastructure installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and the Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.

*(dd) The AMIS schedule submitted for works occurring within a vested stormwater management area will also include any specific planting constructed as part of works required for the completion of this consent.*

105. Prior to the issuing of s224(c) certificate the consent holder must provide a comprehensive electronic schedule of any stormwater infrastructure assets to be vested in the Council that meets the requirements set out in the Engineering Code of Practice and the Engineering Acceptance letter.

#### Advice Note

*(ee) The vested assets schedule must cover all vested asset types and include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.*

#### *Developers Agreements*

106. A Developers Agreement must be entered into with Council for the construction of Falcon's East Subdivision. The Developers agreement must be agreed to by Council in writing and Engineering Acceptance will be issued prior to construction commencing on site.

#### Advice Note

#### *Discharge within global consent areas*

*(ff) The discharge of roof stormwater must not arise from unpainted galvanised sheet materials or copper building materials. The use of these materials is prohibited in accordance with the conditions of Selwyn District Council's global stormwater consent.*

#### *Discharge Consents – developer's responsibility*

*(gg) The consent holder must obtain Resource Consent from Canterbury Regional Council for earthworks, construction activities and operational stormwater discharges.*

### **Earthworks and Overland Flow**

#### *Design Review and Acceptance – overland flow paths*

107. Engineering plans and supporting design information for all works associated with all necessary earthworks and the creation of overland flow paths by the works proposed as part of this consent must be submitted to Council via the [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 10 working days prior to the commencement of related work and once accepted will thereafter form part of the Approved Consent Document.
108. The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.
109. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition 107.

#### *Advice Notes*

- (hh) *Where designs require the installation of overland flow paths landscaping plans will also be required prior to Engineering Acceptance being granted for that asset to allow Council to review the function of the asset holistically.*
- (ii) *All engineered fill designs must comply with New Zealand Standard (NZS) 4431:2022 Code of Practice for Earth Fill for Residential Development.*

#### *Design Requirement – Plains Flood Management Overlay*

110. The development site is located within the Plains Flood Management Overlay area as defined by the Partially Operative District Plan. All designs and supporting information submitted to Council for review and Engineering Acceptance must demonstrate that the secondary flow paths created by this consent are able to convey the 0.5% AEP storm event.

#### *Advice Note*

- (jj) *To allow for climate change the design storm event used for the creation of any secondary flow paths located within the Plains Flood Management Overlay area will be the HIRD's RCP 8.5 (2081 – 2100) rainfall event for the critical storm duration.*
- (kk) *The designs will be expected to demonstrate that all flows generated by the design storm event will not exceed the capacity of the overland flow path.*

#### *Design Requirement – Existing land drainage patterns*

111. Plans and support information must be submitted Council via the [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 10 working prior to the commencement of related work and confirm:
- Any change in ground levels will not cause ponding or drainage nuisance to neighbouring properties.
    - i. All filled land is shaped to fall to the road boundary.
    - ii. Existing drainage paths from neighbouring properties are maintained.
112. The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.
113. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition 107.
114. Once accepted the plans and documentation will thereafter form part of the Approved Consent Document.

#### *Construction requirement*

115. All earthworks completed on site are to be carried out in accordance with the Engineering Code of Practice and the accepted engineering plans.

#### *Consent Condition – Fill certificate*

116. Certificates satisfying the conditions of NZS4431: 2022 Code of Practice for Earth Fill for Residential Development are to be provided to the Council prior to section 224(c) approval. These certificates will be provided by a chartered engineering professional with suitable experience and accompanied by a report detailing the extent and nature of all earthworks undertaken.

### *S224 Requirement – Digital Elevation Model*

117. Prior to the issuing of s224(c) certificate the consent holder must provide an accurate digital elevation model (DEM) for all earthworks undertaken as part of this consent that meet the requirements set out in the Engineering Code of Practice and Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.

### *S224 Requirement – as-builts*

118. Prior to the issuing of s224(c) certificate the consent holder must provide accurate 'as built' plans for all earthworks undertaken as part of this consent that meet the requirements set out in the Engineering Code of Practice and Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.

## **Power and Telecommunications**

### *Front lots*

119. The consent holder must 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.

### *Rear lots*

120. The consent holder must 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.

### Advice Note

- ii. *In the case of rear allotments accessed and serviced via private accessways, the condition requires that the infrastructure is in place to make a connection to services ie that a conduit is in place to enable cables to be installed in the accessway without disturbing it. The cables themselves are not required to be installed.*

### *S224 Requirement*

121. The consent holder must provide evidence in writing from the relevant authorities that electrical and telecommunications service connections have been installed to each lot.

## **Landscaping**

### *Provision of landscaping*

122. Landscape plans for landscaping within the road reserve must be submitted to Council's Development Engineering Manager for acceptance. Landscaping plans and supporting documentation are to include;

- Tree species
- Plant species

123. Plans and specifications are to be submitted to [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) at least 30 working days prior to landscaping approval being granted and at least 10 working days prior to the commencement of related work and, once accepted, will thereafter form part of the Approved Consent Document.

*NOTE: The Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 30 working days of receipt. Should the Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.*

124. Should the Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents to the Engineering Manager for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition 123.
125. All landscaping must be carried out in accordance with the accepted plans.
126. The Consent Holder must maintain all landscaping that is accepted through the engineering approval process for the 24 months Establishment Period (Defects Maintenance) until a final inspection and acceptance of the landscaping by the Council.
127. The Landscape Plans are to provide sufficient detail to confirm compliance with the requirements of the SDC Engineering Code of Practice (current version).
128. Entrance structures shall not be placed on Council road reserve.

#### *S224 document requirement*

129. Prior to the issuing of s224(c) certificate the consent holder must provide accurate 'as built' plans and AMIS schedules that meet the requirements set out in the Engineering Code of Practice. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.
130. Prior to the issuing of s224(c) certificate the consent holder must provide a comprehensive electronic schedule of any assets to be vested in the Council that meets the requirements set out in the Engineering Code of Practice.

#### Advice Notes

- mm) The vested assets schedule must cover all vested asset types and include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.*
- nn) The Council does not encourage permanent irrigation systems in reserves to be vested in Council. The need for an irrigation system will be assessed on a case by case basis and approval given through the Engineering Approval process.*
- oo) Planting in Roundabouts is not encouraged. The need for planting/vegetation within roundabouts will be assessed on a case by case basis and approval given through the Engineering Approval process.*

#### **Fencing Covenants**

131. The consent holder must 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 must be ensured by way of a fencing covenant registered against the computer freehold register 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 must procure a written undertaking from the consent holder's solicitor that the executed fencing covenant will be registered on deposit of the subdivision plan.

#### **Reserves**

132. The consent holder must vest Lots 501 and 506 in the Council as Recreation Reserve, and Lots 503, & 504 in the Council as Local Purpose Access reserves.

#### *Landscaping Acceptance for Reserves*

133. Landscaping plans and accompanying design report for Recreation Reserve (Lots 501 and 506), and Local Purpose Reserves (Lots 503 & 504) must be submitted to Council via [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 30 working days prior to landscaping approval being granted and at least 10 working

days prior to the commencement of related work. The plans and design report are to provide sufficient detail to confirm compliance with the Engineering Code of Practice.

134. Plans and supporting information accompanied in the design report required for Landscaping Acceptance must include but not be limited to the following:

1. Plant selection
2. Soft landscaping features
3. Hard landscaping features
4. Crime Prevention Through Environmental Design (CPTED) principals.

135. Landscaping plans must be supplied with the Engineering Acceptance application.

#### *Suitably qualified design certification*

136. A design certificate must be supplied to Council(development,engineer@selwyn.govt.nz) by the designer and included in the Landscaping plans and design report submitted for engineering acceptance.

#### *S224 document requirement*

137. Prior to the issuing of s224(c) certificate the consent holder must provide accurate 'as built' plans and AMIS schedules that meet the requirements set out in the Engineering Code of Practice. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.

138. Prior to the issuing of s224(c) certificate the consent holder must provide a comprehensive electronic schedule of any assets to be vested in the Council that meets the requirements set out in the Engineering Code of Practice.

#### Advice Notes

*pp) The vested assets schedule must cover all vested asset types and include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.*

#### *Provision of pedestrian links*

*qq) Council considers all proposed pedestrian infrastructure to be part of the roading network and subject to the requirements of Engineering Acceptance.*

#### *Services in Recreational Reserves*

*rr) The installation of services in Recreation Reserves may impose limits on the end use of the reserve. Council's preference is that all services are located within the road reserve. The consent holder and/or their agent is informed that the installation of services in Recreation Reserves may change the final value of the Developer's Improvement Contributions.*

*ss) The applicant will need to get a valuation prepared for the land value for the proposed Recreation Reserves. Any credit provision will be assessed by the Open Spaces team.*

#### **Contamination**

139. Remediation as per the Remediation Action Plan must be completed so that soils are below residential guidelines values, prior to the issue of 224 certification.

#### **Consent Notices**



140. A Consent notice shall be registered against the Records of Title for each of Lots 4, 7, 10, 24, 25, 26, 30, 31, 33, 42, 43, 44, 46, 47, 48 to 54, 58 to 65, 68 to 70, 72 to 79, 83 to 88, 93 to 95, 100, 103 to 106, 111, 114, 119, 123, 124, 130, 138, 142, 143, 152 to 160, 166, 168, 171 to 175, 180, 181, 185, 186, 204, 206 to 225, 229, 242, 250, 252, 254 and 262 which shall restrict each Lot to the establishment of not more than one residential unit or principal building on each lot.

141. A consent notice pursuant to Section 221, to be complied with on an ongoing basis, must be registered on the Record of Title to issue for balance Lot(s) 1 and 419, which states the following:

- a) This is an un-serviced development lot. No services (power, phone, water, sewer or stormwater) have been provided to this lot. Connections to the relevant services will be required at the time future development occurs. This includes the establishment of a residential unit or principal building on the lot. No development contributions have been paid, and no credits are available.

The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.

142. A consent notice shall be registered against the Record of Title for Lot 419 which shall specify that no dwelling shall be established on Lot 419 until:

- reticulated water, sewer, power and telecommunications services are provided to the lot boundary; and
- the allotment is amalgamated with additional land to enable an allotment with a minimum 16m x 23m dimension to be achieved or a resource consent is obtained for a lesser allotment area to accommodate a dwelling.

The consent notices shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.

## **Amalgamation**

### Amalgamation

143. The following lots shall be amalgamated and one Record of Title be issued (LINZ ref #1970023):

- Lot 600 hereon (Access Lot) be held as to 3 undivided one-third shares by the owners of Lots 3, 5 & 6
- Lot 601 hereon (Access Lot) hereon be held as to 6 undivided one-sixth shares by the owners of Lots 24, 25, 26, 27, 28 & 30.
- Lot 602 (Access Lot) hereon be held as to 8 undivided one-eighth shares by the owners of Lots 72-79
- Lot 603 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 104 & 105.
- Lot 604 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 108 & 109.
- Lot 605 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 112 & 113.
- Lot 606 (Access Lot) hereon be held as to 3 undivided one-third shares by the owners of Lots 121, 122 & 123

- Lot 607 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 137 & 138.
- Lot 608 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 155 & 156.
- Lot 609 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 176 & 177.
- Lot 610 (Access Lot) hereon be held as to 6 undivided one-sixth shares by the owners of Lots 219-224.
- Lot 611 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 233 & 234.
- Lot 612 (Access Lot) hereon be held as to 2 undivided one-half shares by the owners of Lots 237 & 238.
- Lot 613 (Access Lot) hereon be held as to 4 undivided one-quarter shares by the owners of Lots 248, 249, 250, & 251.
- Lot 614 (Access Lot) hereon be held as to 5 undivided one-fifth shares by the owners of Lots 259, 260, 261, 262 & 301.

144. The following lot shall be amalgamated and one Record of Title be issued (LINZ ref #1956069):

- Lot 1 (Balance Lot) & Lot 15 DP 483709 (RT 695255) be held together in one Record of Title.

145. The consent holder must identify the location(s) of any infrastructure (Kiosk) sites required on the LT plan submitted to Council for certification. The infrastructure site(s) shall be numbered and a consent notice pursuant to Section 221, to be complied with on an ongoing basis, must be registered on the Record of Title to issue for infrastructure site(s), which states the following:

*Any infrastructure site must be used as an infrastructure site only and must not be used for calculating future boundary adjustments or subdivision.*

The consent notice must be prepared and registered by Council's solicitor at the request and expense of the consent holder.

146. The consent holder must confirm that any allotment(s) that contain an infrastructure site have a minimum dimension of 16m x 23m. If an allotment does not achieve the minimum dimension, Condition 140 shall apply to that allotment and a consent notice shall be registered on the allotment in accordance with Condition 140.

## **Full conditions of RC245402 (as amended by RC255900):**

1. The land use shall proceed in general accordance with the information submitted with the application on 30 May 2024, the further information provided on 17 October 2024, as amended by RC255548, and the information submitted with the application for RC255900 (including the further information), and the attached stamped Approved Plan entitled Falcons Run, Proposed Subdivision of Lot 10, 14 & 15 DP 47839 & Lot 1-3 DP 427521, Drawing No. 1176-DR-C-1200 Revision J and dated 03/11/2025, except where another condition of this consent must be complied with.

### **Earthworks**

2. The total volume of earthworks must not exceed 127,000m<sup>3</sup>.

### **Site Stability, Earthworks and Site Works**

### *Nuisance – sediment, dust and erosion*

3. The draft ESCP provided with the application is accepted in principle. All filling and excavation work must be carried out in accordance with an Erosion and Sediment Control Plan (ESCP). Unless approved as part of a separate Environment Canterbury (ECan) resource consent for stormwater discharge or ECan resource consent for excavation/filling, the ESCP will require formal acceptance by Selwyn District Council's Development Engineer (via email to [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz)) prior to any work starting on site.
4. The ESCP is to be designed by a suitably qualified person and a design certificate supplied with the ESCP for acceptance at least 5 working days prior to any earthworks commencing. The best practice principles, techniques, inspections and monitoring for erosion and sediment control must be based on ECan's Erosion and Sediment Control Toolbox for Canterbury <http://esc.canterbury.co.nz/>.
5. The ESCP must include (but is not limited to):
  - Site description, i.e. topography, vegetation, soils, sensitive receptors such as waterways, etc;
  - Details of proposed activities;
  - A report including the method and time of monitoring to be undertaken;
  - A locality map;
  - Drawings showing the site, type and location of sediment control measures, on-site catchment boundaries and off-site sources of run on/runoff;
  - Drawings and specifications showing the positions of all proposed mitigation areas with supporting calculations if appropriate;
  - Environmental monitoring and auditing, including frequency;
  - Corrective action, reporting on solutions and update of the ESCP;
  - Stabilised entrance/exit and any haul roads;
  - Site laydown and stockpile location(s) and controls.

### *Nuisance – sediment, dust and erosion*

6. The accepted ESCP referred to in condition 3 must be implemented on site over the entire construction phase. No earthworks may commence on site until:
  - (a) All measures required by the ESCP have been installed;
  - (b) An Engineering Completion Certificate, signed by an appropriately qualified and experienced engineer, has been submitted to the Council. This is to certify that the erosion and sediment control measures have been properly installed in accordance with the accepted ESCP;
  - (c) The Council has been notified (via email to [compliance@selwyn.govt.nz](mailto:compliance@selwyn.govt.nz)) no less than 3 working days prior to work commencing, of the earthworks start date and the name and details of the site supervisor;
  - (d) The contractor has received a copy of all resource consents and relevant permitted activity rules controlling this work.

### *Nuisance – vehicle movements*

7. All works on site must be subject to a Traffic Management Plan (TMP) which must be prepared by a suitably qualified person and submitted for acceptance prior to the commencement of earthworks. No works are to commence until the TMP has been accepted and installed.
8. The TMP must identify the nature and extent of temporary traffic management and how all road users will be managed by the use of temporary traffic management measures. It must also identify the provision of on-site parking for construction staff. Activities on any public road should be planned so as to cause as little disruption, peak traffic safety delay or inconvenience to road users as possible without compromising safety. The TMP must comply with the Waka Kotahi NZTA Code of Practice for Temporary Traffic Management (CoPTTM) and the relevant Road Controlling Authority's Local Operating Procedures.
9. The TMP must be submitted to the relevant Road Controlling Authority through the web portal [www.myworksites.co.nz](http://www.myworksites.co.nz)). To submit a TMP a Corridor Access Request (CAR) must also be submitted. A copy of the accepted TMP and CAR must be supplied to the Council's resource consent monitoring team (via email [tocompliance@selwyn.govt.nz](mailto:tocompliance@selwyn.govt.nz)) at least 3 working days prior to the commencement of works under this consent.

#### *Nuisance – drainage*

10. Any change in ground levels must not cause a ponding or drainage nuisance to neighbouring properties. All filled land must be shaped to fall to the road boundary. Existing drainage paths from neighbouring properties must be maintained.
11. Following the completion of the filling and associated work an engineering report including a finished section level as built, with retained wall height and slope batter details, must be submitted to the Development Engineer. This report must be undertaken by a suitably qualified engineer. The information contained in this report will be placed on the property record.

#### *Land stability*

12. The earthworks and construction work must be under the control of a nominated and suitably qualified engineer.
13. The fill sites must be stripped of vegetation and any topsoil prior to filling. The content of fill must be clean fill (as defined in the Partially Operative District Plan).
14. The consent holder must submit a report and calculations detailing any filling proposed against existing boundaries and the mitigation proposed to avoid adverse effects on adjoining properties. Any retaining wall construction over 0.5m high must be included and certified as part of the Earth Fill Report in condition 11.

#### *Note:*

*(a) Any retaining wall that exceeds 6m<sup>2</sup> is regarded as a building and requires a separate resource consent if not specifically addressed within the application supporting this consent.*

*(b) This report may be presented as part of the Design Report for the subdivision works under condition 133.*

15. All filling exceeding 300mm above excavation level must be in accordance with NZS 4431:2022 Engineered fill construction for lightweight structures. At the completion of the work an Earth Fill report including a duly completed certificate in the form of Appendix D of NZS 4431 must be submitted to the Council at [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) so that the information can be placed on the property record. This report must detail depths, materials, compaction test results and include as-built plans showing the location and finished surface level of the fill.

#### Advice Note

#### *Dust*

- (a) Dust management can be achieved through keeping the surface of the material damp or by using another appropriate method of dust suppression. Compliance with Canterbury Regional Council requirements must be maintained at all times. Dust mitigation measures such as water carts, sprinklers or polymers must be used on any exposed areas. The roads to and from the site, and the site entrance and exit, must remain tidy and free of dust and dirt at all times.*

## **Contamination**

16. No construction, development or site preparation work must occur on the site until the site has been remediated and validated in accordance with the Conditions 17 to 22.
17. The consent holder must provide a Remedial Action Plan (RAP) prepared by a suitably qualified and experienced Practitioner (SQEP) to Council for certification at least 10 (ten) days prior to the commencement of any earthworks.
18. All earthworks must be undertaken in accordance with the approved remedial action plan (RAP).
19. In the event that soils are found to have visible staining, odours and/or other conditions that indicate soil contamination, then work must cease until a Suitably Qualified and Experienced Practitioner (SQEP) engaged by the consent holder has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils. The consent holder must immediately notify the Council by way of email to [Compliance@selwyn.govt.nz](mailto:Compliance@selwyn.govt.nz). Any measures to manage the risk from potential soil contamination must also be communicated to the Council prior to work re-commencing.
20. Any clean fill material imported to the site must meet the WasteMINZ technical guideline requirements 2022 for clean fill disposal to land.
21. Following remediation, a site validation report must be prepared by a SQEP and provided to Council for certification, outlining the works undertaken. The site validation report must include the following:
  - (a) Plan showing the location of remediated areas.
  - (b) Full chronological, illustrated description (i.e., inclusion of photographs) of the remedial works including the collection of validation samples after removal of all the materials and prior to backfilling/reinstatement.
  - (c) Records of any contaminated land related incidents related to the release of soil contaminants, if any
  - (d) Information on additional investigations
  - (e) Records and details of any discovered contamination (if any)
  - (f) Statement of the volumes of soil:
    - i. Disturbed by the works
    - ii. Disposed offsite and confirmation of disposal facility location, and
    - iii. Cleanfill materials imported to site (if any), including source of this material including any supporting analytical data where appropriate
  - (g) Validation test results confirming all remaining soil meets the NESCS for residential 10% produce land use, including sampling locations and depths.
22. Contaminated soils removed from the site may not be suitable for disposal at a clean fill facility and must be disposed of at a facility whose waste acceptance criteria can be met. Evidence of waste disposal, such as weighbridge receipt weighbridge receipts or waste manifest, must be submitted to the Selwyn District Council along with the Site Validation Report.



## Accidental discovery

23. In the event of the discovery/disturbance of any archaeological material or sites, including taonga (treasured artefacts) and koiwi tangata (human remains), the consent holder must immediately:
- (a) Cease earthmoving operations in the affected area of the site; and
  - (b) Advise the Council of the disturbance via email to [compliance@selwyn.govt.nz](mailto:compliance@selwyn.govt.nz)
  - (c) Advise appropriate agencies, including Heritage New Zealand Pouhere Taonga and the local Mana Whenua (Te Taumutu Rūnanga) of the disturbance.

## Cultural Matters

24. To the extent practicable, indigenous plants from the Selwyn District Council pre-approved planting list shall be utilised for landscaping within land to be vested in Council.
25. An accidental discovery protocol (ADP) must be in place during all earthworks to deal with archaeological finds and protect the interests of mana whenua. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014).
26. An Erosion and Sediment Control Plan must be prepared, inspected, and maintained in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury until such time the site is stabilised.
27. If the erosion and sediment controls prove to be inadequate, works must cease until appropriate and effective measures are in place.
28. All contaminated land must be remediated to below residential guidelines prior to site development.
- Contaminated materials must not be stockpiled on site.
  - Contaminated soils must be disposed of at an appropriately licensed facility.

### Advice Note

- (a) *The future development of the lots should align with the Ngāi Tahu subdivision and development guidelines to the greatest practical extent, including sustainable urban design features with respect to stormwater and greywater management:*
- (i) *Greywater capture and reuse.*
  - (ii) *Rainwater capture and reuse (i.e., rainwater collection tanks).*
  - (iii) *Minimising impervious cover (e.g., using permeable paving and maintaining grass cover).*
  - (iv) *The use of rain gardens and swales (or other land-based methods) rather than standard curb and channel.*
  - (v) *The consent holder should avoid the use of building material known to generate contaminants such as copper guttering and roofing.*

## Notes to the Consent Holder

The lapse date of the consent remains unchanged, 13 November 2029. (This is usually 5 years from the date the consent was issued. For notified consents that were not appealed it is 5 years plus 15 working days.) The consent will lapse on this date unless it is given effect to before then.

# Sections 95, 95A-E, 104, 104B, 106, 108, 108AA, 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

<b>APPLICATION NUMBER:</b>	<b>RC245401 and 245402</b>
<b>APPLICANT:</b>	Yoursection Ltd
<b>BRIEF DESCRIPTION OF APPLICATION:</b>	<p>This is a joint application for subdivision, land use consent (including consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS):</p> <p>Subdivision consent RC245401 is sought to subdivide six allotments to create 265 residential allotments, 19 allotments to vest as road, seven allotments to vest as reserve, 15 access lots and two utility allotments.</p> <p>Land use consent RC245402 (including NES-CS to subdivide a site containing a HAIL site and change the use of that site) is sought for earthworks, roading/access and ODP non-compliances resulting from Subdivision consent RC245401.</p>
<b>SITE DESCRIPTION:</b>	<p><u>148 Lincoln Rolleston Road, Rolleston</u> Legal Description: Lot 1 DP 427521 Area: 40,005m<sup>2</sup> Title Reference: 508789</p> <p><u>156 Lincoln Rolleston Road, Rolleston</u> Legal Description: Lot 2 DP 427521 Area: 40,705m<sup>2</sup> Title Reference: 508790</p> <p><u>178 Lincoln Rolleston Road, Rolleston</u> Legal Description: Lot 3 DP 427521 Area: 40,705m<sup>2</sup> Legal Description: 508791</p> <p><u>6/487 Weedons Road, Rolleston</u> Legal Description: Lot 10, 14, 15 DP 47839</p>

	Area: 55,7540m <sup>2</sup> Legal Description: CB47C/39
<b>ZONING / OVERLAYS</b>	<b>Operative Selwyn District Plan (2016), Rural Volume</b> Rural Inner Plains Zone <b>Partially Operative Selwyn District Plan (Appeals Version)</b> MRZ Zone DEV-R016 Plains Flood Management Overlay and Liquefaction Damage Unlikely Overlay
<b>OVERALL ACTIVITY STATUS:</b>	<b>Discretionary</b>

## The Application

1. This application was formally received by the Selwyn District Council on 30 May 2024. Further information was received on 17 October 2024, and this information now forms part of the application.

### Subdivision Consent

2. The application proposes to subdivide six allotments to create 265 residential allotments (with lot sizes ranging from 307m<sup>2</sup> to 2000m<sup>2</sup> in net area), 19 allotments to vest as road, six allotments to vest as reserve, 15 access lots and one utility allotment.
3. The main aspects of the activity are as follows:
  - The subdivision will achieve an immediate density of 15.6 hh/ha, with a potential higher density if larger allotments are further subdivided.
  - Two allotments, Lots 300 and 301 will contain existing dwellings on the site.
  - Two further existing dwellings will be demolished as part of the subdivision works.
  - Vehicle access will be gained from Lincoln Rolleston Road via two new road intersections, with provision for future connection to Weedons Road and to future residential areas on the site to the immediate north and south.
  - Roading will include an extension of Ed Hillary Drive, via a roundabout on Lincoln Rolleston Road, and provision for the future extension of Lady Isaac Drive. The Ed Hillary Drive roundabout will be constructed by the applicant as part of the stage 2 works, through a private developer agreement to be entered into with Council.
  - Direct access will be provided to Lincoln Rolleston Road for Lots 1, 2, 29, 35-41, 300, 126-129, and 132-136.
  - The proposal will consist of 18 stages as outlined below:
    - Stage 1 = Lot 1 to 12, 600
    - Stage 2 = Lot 24 to 32, 400, 601
    - Stage 3 = Lot 48 to 54, 59 to 65, 401, 405, 500, 501
    - Stage 4 – Lot 72 to 79, 83 to 87, 602
    - Stage 5 = Lot 33 to 40, 42 to 47, 80 to 82, 88 to 93, 117 to 119, 158, 402, 503
    - Stage 6 = Lot 41, 120 to 133, 150 to 157, 170 to 172, 300, 403, 606 and 608
    - Stage 7 = Lot 94 to 100, 107 to 116, 159 and 160, 173 to 175, 404, 504, 604 and 605
    - Stage 8 = Lot 55 to 58, 66 to 71, 419
    - Stage 9 = Lot 13 to 23, 101 to 106, 406, 407, 603

Stage 10 = Lot 161 to 164, 176 and 177, 182 and 183, 408, 609

Stage 11 = Lot 134 to 149, 165 to 169, 178 to 181, 184 to 187, 206, 409, 505, 607

Stage 12 = Lot 198 to 205, 225 to 229, 410

Stage 13 = Lot 188 to 197, 412

Stage 14 = Lot 207 to 224, 413, 506, 610

Stage 15 = Lot 230 to 241, 414, 415, 611 and 612

Stage 16 = Lot 242 to 255, 613, 700, 416 and 417

Stage 17 = Lot 256 to 263, 301, 418, 614

Stage 18 = Lot 505

- 15 Access Lots are proposed. Widths will be as follows:

Lot 600 (access to three lots) will have a legal width of 5.5m and a formed width of 3.5m;

Lot 601 (access to six lots) will have a legal width of 6.5m and a formed width of 5.5m;

Lot 602 (access to four lots, provision for eight) will have a legal width of 8m and a formed width of 5.5m;

Lot 603, 604, 605 (access to two lots) will have a legal width of 4.5m and a formed width of 3.5m;

Lot 606 (access to three lots) will have a legal width of 5.0 and a formed width of 3.5m;

Lot 607, 608 (access to two lots) will have a legal width of 4.5m and a formed width of 3.5m;

Lot 609 (access to two lots) will have a legal width of 4.5m and a formed width of 3.5m;

Lot 610 (access to three lots with provision for six) will have a legal width of 9.0m and a formed width of 5.5m;

Lot 611, 612 (access to two lots) will have a legal width of 4m and a formed width of 3.5m;

Lot 613 (access to four lots) will have a legal width of 5.5m and a formed width of 3.5m; and

Lot 614 (access to five lots) will have a legal width of 7.5m and a formed width of 5.5m

- All lots have dimensions of 16m x 23m, except Lots 1 to 4, 7, 13, 14, 24, 26, 30, 31, 33, 44 to 47, 58, 68 to 70, 94, 95, 100, 103 to 106, 111, 114, 206, 225, 242, 250, 252 and 254. As a result, the applicant volunteers a consent notice restricting these lots to one dwelling.

**Land Use Consent** including NES for Assessing and Managing Contaminants in Soil to protect Human Health 2011 (NES-CS)

- Land use consent is sought for earthworks, roading/access and ODP non-compliances.
- Consent is also sought under the NES-CS to subdivide a site containing a HAIL site and change the use of that site.
- Earthworks are proposed comprising topsoil excavation 60,000m<sup>3</sup>, topsoil respread on site 46,000m<sup>3</sup>, cut to fill of bulk earthworks (i.e. below topsoil) 21,000m<sup>3</sup>.
- The maximum depth of fill will be 0.6m, with the maximum excavation depth (for soakpits) being 4.5m, and otherwise approximately 0.8m.

## The Existing Environment

4. The application site consists of Lots 1-3 DP 427521, Lots 10, 14 and 15 DP 47839 and is located at 148, 156 and 178 Lincoln Rolleston Road, and 6/487 Weedons Road, Rolleston.
5. The subject land is located generally on the southeastern side of the Rolleston township, east of the Falcons View residential development and to the east of Lincoln Rolleston Road. The overall site is 17.7169ha in area and is zoned Medium Density Residential Zone (DEV-RO16) under the Partially Operative District Plan.
6. As described in the application, the site has frontage and access to/from Lincoln Rolleston Road to the west. Lincoln Rolleston Road is an arterial road, with an 80km/hr speed limit at the site location. The site features land used predominantly for cropping and pastoral grazing, with a horse racing track on Lots 2 and 3 DP 427521.

7. Four dwellings and accessory buildings are located within the site. The site currently has three vehicle accesses to Lincoln Rolleston Road (serving each of three dwellings) and one to Weedons Road.
8. To the immediate north of the site are undeveloped MRZ areas. To the west is the existing Rolleston township. To the east and south is a mix of undeveloped Medium Density Residential Zone, and General Rural Zone. An aerial photograph of the site and surrounds is shown below in Figure 1.



Figure 1: Application site highlighted in blue. Source: Application

## Activity Status

### Operative Selwyn District Plan (2016), Rural Volume ("the Operative Plan")

9. The application site is zoned Rural Inner Plains.
10. The Council released the Appeals Version of the Partially Operative Selwyn District Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act), and the corresponding provisions in the Operative Plan are treated as inoperative.
11. All rules that would apply to this proposal are now treated as inoperative and the proposal is a permitted activity under the Operative Plan.

### Partially Operative Selwyn District Plan (Appeals Version) ("the Partially Operative Plan")

12. The application site is zoned Medium Density Residential (MRZ). The site is also subject to the following overlays:
  - Medium Density Residential Zone
  - Development Area: DEV-RO16
  - Plains Flood Management Overlay
  - Liquefaction Damage Unlikely Overlay
13. The Council released the Appeals Version of the Partially Operative Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act). Those subject to appeal continue to have legal effect pursuant to s 86B.
14. The rules of the Partially Operative Plan that this proposal does not meet are as follows.

## Subdivision

15. The proposed subdivision does not meet the following rules:

***Operative/treated as operative:***



RULE	TOPIC	NON-COMPLIANCE	STATUS
<b>SUB-R1</b>	Subdivision in the Residential Zones	<p>The proposal includes the creation of vacant allotments (Lots 1 to 4, 7, 13, 14, 24, 26, 30, 31, 33, 44 to 47, 58, 68 to 70, 94, 95, 100, 103 to 106, 111, 114, 206, 225, 242, 250, 252 and 254.) that will not meet the minimum required site dimension of 16m x 23m for MRZ.</p> <p>All proposed lots can accommodate a building square of not less than 8m x 15m.</p> <p>The proposed subdivision also does not comply with SUB-REQ3.</p> <p>Therefore resource consent is required under SUB-R1.</p>	Discretionary (SUB-R1.7A)
<b>SUB-R1/ SUB-REQ3</b>	Outline Development Plan	<p>The proposal is not considered to comply with the relevant ODP.</p> <p>The subdivision will comply with the ODP except insofar as development will occur in advance of required intersection upgrades.</p> <p>The number of rear sites does not exceed 20% of the sites created. (14.4% proposed).</p> <p>No more than 10% of the sites created in any one subdivision are rear sites from an accessway serving 3 lots or less. (9.4% proposed)</p>	Discretionary (SUB-REQ3.5)
<b>SUB-R1/ SUB-REQ6</b>	Access	<p>Every site created, including any balance site, has legal access to a road that is not an Arterial Road listed in APP2 – Roading Hierarchy where the posted speed limit is 60km/hr or greater.</p> <p>Multiple sites will have direct access to Lincoln Rolleston Road (arterial) with a speed limit of 80km/hr.</p>	Restricted Discretionary (SUB-REQ6.1)
<b>SUB-R17</b>	Subdivision and Natural Hazards	The application site is located within the Plains FMO, and is not located within a high hazard area.	Restricted Discretionary (SUB-R17.4)

***Has legal effect – subject to appeal:***

RULE	TOPIC	COMPLIANCE	STATUS
<b>SUB-R13</b>	Subdivision to Create Access, Reserve, or Infrastructure Sites in All Zones	<p>The proposal includes subdivision to create sites to be used solely for legal access (including roads).</p> <p>In addition, the proposal may create utility allotments as necessary, which are indicated on the scheme plan.</p>	Controlled (SUB-R13)

***Appeals***

- The subdivision related appeal affecting SUB-R13 is in relation to a single provision, being SUB-REQ13 – Condition Precedent in respect of DEV-DA8 and the correction of an error in the legend of the Outline Development Plan for DEV-DA8 that has been placed into the Partially Operative Selwyn District Plan in respect of that site in Darfield. For completeness, the rezoning of the site provided under the PODP is not appealed. Accordingly, very little weight is given to this appeal and the proposal is a Discretionary activity under the PODP.

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

**Operative/treated as operative:**

**Land Use**

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

**Operative/treated as operative:**

RULE	TOPIC	NON-COMPLIANCE	STATUS
<b>EW-R5A/REQ-1</b>	Volume of earthworks	<p>Earthworks will be undertaken on an area exceeding 1000m<sup>2</sup>.</p> <ul style="list-style-type: none"> <li>Earthworks are anticipated as follows: topsoil excavation 60,000m<sup>3</sup></li> <li>topsoil respread on site 46,000m<sup>3</sup></li> <li>cut to fill of bulk earthworks (i.e. below topsoil) 21,000m<sup>3</sup>.</li> </ul>	Restricted Discretionary (EW-REQ1.2)
<b>EW-R5A/REQ-3</b>	Excavation and Filling	<p>Earthworks will be undertaken on an area exceeding 1000m<sup>2</sup>.</p> <ul style="list-style-type: none"> <li>Earthworks are anticipated as follows: topsoil excavation 60,000m<sup>3</sup></li> <li>topsoil respread on site 46,000m<sup>3</sup></li> <li>cut to fill of bulk earthworks (i.e. below topsoil) 21,000m<sup>3</sup>.</li> </ul>	Restricted Discretionary (EW-REQ1.2)

RULE	TOPIC	NON-COMPLIANCE	STATUS
<b>TRAN-R4/TRAN-REQ2</b>	Vehicle crossing access restrictions	<p>A vehicle crossing shall not be formed on an arterial road where the posted speed limit is 60km/hr or more.</p> <p>Multiple allotments will have access directly to Lincoln Rolleston Road, an arterial road with a speed limit of 80 km/hr.</p>	Restricted Discretionary (TRAN-REQ2.2)
<b>TRAN-R4/TRAN-REQ4.1c</b>	Siting of vehicle crossings	<p>Must comply with TRAN-TABLE5 - Vehicle crossing sight distances as illustrated in TRANDIAGRAM2 - Sight distance measurements and values</p> <p>Proposed Lots 167, 168 and 217 do not comply.</p>	Restricted Discretionary (TRAN-REQ4.2)
<b>TRAN-R5/TRAN-REQ7</b>	Accessway design, formation and use	<p>The following accessways will not meet the requirements of TRAN-TABLE3</p> <p>Lots 603, 604 and 605 will access 2 lots each and will be 4.5m in legal width not 5m;</p> <p>Lot 178 will access 1 lot and will be 3.5m legal width not 4.5m;</p> <p>Lot 34 will access 1 lot and will be 4m in legal width, not 4.5m;</p>	Restricted Discretionary (TRAN-REQ7.2, 7.10, 7.11D, 7.16C)

		<p>Lots 607-609 will access 2 lots and will be 4.5m in legal width, not 5m.</p> <p>Lots 611 and 612 will access 2 lots and will be 4m in legal width not 5m.</p> <p>Formed accessway widths are no greater than the maximum vehicle crossing width listed in TRAN-TABLE6.</p> <p>Accessways Lots 601, 602 and 610 will be in excess of the maximum 6m width specified in TRAN-TABLE6.</p> <p>Where access is shared to more than four sites this shall be via a road.</p> <p>Lots 601, 602, 610 and 614 will serve or potentially serve in excess of 4 lots.</p>	
<b>TRAN-R4/TRAN-REQ16.1.c</b>	Vehicle manoeuvring	<p>All activities shall provide sufficient onsite manoeuvring to ensure that vehicles do not reverse either onto or off a site which has access to an accessway that serves a site with six or more vehicle parking spaces.</p> <p>Lot 602 will provide 10 parking spaces that will require reversing onto the access way.</p>	Restricted Discretionary (TRAN-REQ16.4)
<b>TRAN-R4/TRAN-REQ19</b>	Land Transport Infrastructure Formation Standards	<p>Land transport infrastructure shall be formed to the standards contained in TRAN-TABLE7 - Road Formation Standards.</p> <p>The Ed Hillary Drive and Lady Isaac Drive extensions (MRZ collectors) will be formed width 11m, 2 traffic lanes, no parking lane (does not comply) with a 1.8m wide pedestrian path on one side and a 2.5m shared path on the other. The local-major roads - 9m formed, two 1.8m pedestrian paths, no parking lane (does not comply). All other roads will be local roads - 8m formed, 1 pedestrian path, no parking lane (does not comply).</p> <p>The subdivision contains a single cul de sac, with a formed width of 8m, no parking lane (does not comply) and 1 pedestrian path.</p>	<p>Discretionary (TRAN-REQ19.5)</p> <p>Restricted Discretionary (TRAN-REQ19.7)</p>
<b>TRAN-R4/TRAN-REQ20</b>	Intersection Spacing	<p>The spacing between road intersections complies with the separation distances listed in TRAN-TABLE8 - Minimum Distances Between Intersections.</p> <p>Lincoln Rolleston Road currently has a speed limit of 80km/hr adjoining the subdivision site, requiring an intersection spacing of 214m. The intersection of Lot 403/Lincoln Rolleston Road and the consented intersection to the north into the Falcon's View development (see Subdivision Plan) will be 160m - does not comply. The distance between that same Falcon's View road and the intersection of Lot 400/Lincoln Rolleston Road will be around 148m - does not comply. For the extension of Ed Hillary Drive (a future Collector Road), the first two intersections encountered when travelling east from Lincoln Rolleston Road (within Lots 400 and 406) will be less than 123m apart - does not comply.</p>	Restricted Discretionary (TRAN-REQ20.3)

## Status – Operative Plan

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

## National Environmental Standards

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

19. Lot 2 DP568976 has previously been identified as being a HAIL site to which the NES would apply. A report and Detailed Site Investigation and Remediation Action Plan have been prepared by Momentum Environmental Ltd (MEL) and are attached in Appendix 4 of the application.
20. The report states that soil sampling was undertaken on 06 March 2024. The soil sampling identified two areas of heavy metal contamination exceeding the 'residential 10% produce' soil guideline values (SGVs) on the subject site. Arsenic contamination exceeding the 'residential 10% produce' SGV is present within a burn area (BP1) on 178 Lincoln Rolleston Road. Arsenic, lead and/or cadmium contamination exceeding 'residential 10% produce' SGVs is present within a burn area/mound with buried waste material on 6/487 Weedons Road.
21. MEL recommended that the two identified contaminated areas be remediated prior to the change of use or development of each area. The current proposed remediation methodology is excavation and disposal off-site to an approved disposal facility. Following remediation, a Site Validation Report is required to be produced and provided to Selwyn District Council and ECan. The remainder of the subject site is considered suitable for residential use with no further investigations required.
22. The MEL report concludes that resource consent is not required under the NES for the remediation. However, until such time as that remediation is completed, which is not yet the case, resource consent is required under the NES for subdivision and change of use of land where a detailed investigation report states that soil contamination exceeds the applicable standard. Resource consent is therefore sought as a restricted discretionary activity due to the presence of soil contamination above the applicable standards in Regulation 7.
23. Remediation as per the Remediation Action Plan will be completed so that soils are below residential guidelines values, prior to the issue of 223 certification.
24. The MEL documentation has been reviewed by Ms Madeline Sinha, a Scientist and Team member of Ecan's Contaminated Site's Team, who agrees with the conclusions and recommendations made by MEL.
25. The proposal is therefore a restricted discretionary activity in terms of the NES-CS.

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

#### Permitted Baseline

26. Sections 95D(b) and 95E(2)(a) allow that a consent authority "may disregard an adverse effect" if a rule or a national environmental standard permits an activity with that effect, a concept known as 'the permitted baseline'. The application of the permitted baseline is discretionary, as denoted by the use of the word "may". It is understood that its intention is to identify and exclude those adverse effects that would be permitted by the Plan from consideration.
27. In this case, there is no relevant permitted baseline for subdivision, because every subdivision application requires at least a controlled activity resource consent. As such, no consideration is given to this for subdivision in the following assessment.
28. The status of the activity is Discretionary. As such, the Council's discretion is unrestricted and all adverse effects must be considered.
29. The adverse effects that might be considered relevant to this proposal are:
- Allotment Size and Shape
  - Earthworks and Construction Effects
  - Contamination Effects
  - Subdivision Design, Residential Character and Amenity Effects

- Servicing Effects
- Access and Transport Effects
- Natural Hazard Effects
- Cultural Effects

#### ***Allotment Size and Shape (SUB-MAT1)***

30. The application proposes to undertake subdivision of land that is zoned MRZ in the Partially Operative District Plan and is subject to the requirements of DEV-RO16 - Rolleston 16 Development Area. There are no special features located on the site that are considered to limit the proposed subdivision layout, with the exception of the existing/consented development pattern and density. The development area requires a minimum net density of 15hh/ha.
31. A number of allotments will not meet the 16 x 23m shape factor. The applicant volunteers a consent notice restricting these lots to one dwelling to ensure an adequate level of residential amenity is maintained. All proposed allotments can accommodate a minimum building square of 8m x 15m and are considered to be an adequate size and shape for a single residential unit and I agree with the applicant that the variation in the minimum dimensions of the lots does not impede the ability to establish fit for purpose dwellings on these lots.
32. Based on the above assessment and condition agreed by the applicant, I consider that the site size and shape related adverse effects on the adjoining and wider environment will be less than minor.

#### ***Servicing (SUB-MAT3 to SUB-MAT8)***

33. Turning to the provision of services and infrastructure. Council's Development Engineers have reviewed the application and provided detailed engineering advice along with draft conditions. The applicant has accepted all of the draft conditions.
34. A servicing report has been prepared by Capture Land Development Consultants and is attached in Appendix 3 of the application. The applicant proposes for all new lots to be connected to reticulated water supply, wastewater, stormwater, electricity, and telecommunications connections. The existing dwelling to be retained will also be connected to reticulated services. The applicant intends for all new service connections to be installed in accordance with Council's Engineering Code of Practice. Council's Development Engineers have noted that no engineering plans have been provided with the application as part of their request for further information.

#### ***Wastewater***

35. The Capture report summarises wastewater servicing as follows: 'Wastewater servicing is proposed to be provided by way of a gravity reticulation to a permanent pump station on Lincoln Rolleston Road, located in the very southern corner of this development. From this pump station a rising main will be installed down Lincoln Rolleston Road and Selwyn Road to the new pump station on Selwyn Road. The pump station and rising main is being installed as part of the recently approved Falcons View subdivision to the west.' All new lots will be supplied with a 100mm PVC lateral connection which will be connected to the wastewater mains.
36. The applicant responded to further information requested by the engineers that a sewer pump station is planned to be constructed on lot 505 as shown on the subdivision scheme plan. This pump station is to satisfy the Falcons Landing subdivision under RC235161 & RC235357 as well as providing sewer capacity for this consent application for Falcons East. The sewer pump station on lot 505 will pump sewer to the Selwyn Road pump station which is almost complete. Work on a gravity main is underway which is represented on the attached DLS plan E20666\_DEEP SEWER provided. This main is sized to cater for the greater catchment in line with SDC's South East Sewer Catchment plan which was also provided.

#### ***Water Supply***

37. The Capture report advises: 'Water Supply will be readily available in Lincoln Rolleston Road. As part of the current development works at Falcons View (on the opposite side of Lincoln Rolleston Road) there is a 375mm PVC watermain being installed along Lincoln Rolleston Road which will be the primary source of water for this area.' 18. All water supply is assessed as compliant with SNZ PAS 4509:2008 for fire fighting supply.
38. The applicant responded to further information requested by the engineers that the current subdivision consents RC235161 & RC235357 require the installation of a 375mm uPVC watermain in Lincoln Rolleston Road in line with the ODP. This watermain is to bolster capacity for the development area sought in this application. This will be the main source of water for the development of which will be reticulated with a series of watermains to meet firefighting requirements and residential needs. The reticulation will be designed at a detailed engineering level and submitted to SDC for engineering approval prior to construction.

### *Telephone and Power*

39. All proposed telecommunications and power reticulations established as part of the subdivision proposal will be laid underground. With regard to telecommunications, the site is located within an Enable supply area and the net area of each proposed lot will be provided with a connection to the network, and this is an agreed condition of consent. The applicant has provided written confirmation from Enable that connections and capacity is available.
40. In respect of power, there is an existing overhead HV line on Lincoln Rolleston Road that is to be removed and undergrounded as part of the Falcon's View development. It is envisaged that the subject site will be reticulated from this line, with numerous kiosks required to be installed.
41. The net area of each proposed lot will be provided with a separate connection to the distribution network, and this is an agreed condition of consent. This development will comply with EI-R10 (Below Ground Network Utilities Upgrading or Installation) in the Partially Operative District Plan. As each stage is prepared for engineering approval, the detailed design for the network would be submitted by the applicant to Orion for their approval.

### *Roads and utilities*

42. Roads and utilities would be vested in Council as part of the proposed subdivision and would comply with the Council's Engineering Code of Practice, or otherwise be agreed to by the Development Engineers as part of the engineering approval. This would ensure that roads and utilities would operate at a satisfactory standard aligned with the Council's expectations for delivery of services.
43. Based on the above assessment, I consider that the servicing related adverse effects of the proposal on the adjoining environment will be less than minor. I also conclude that servicing adverse effects on the wider environment would be less than minor.

#### ***Earthworks (EW-R5A.4)***

44. Bulk earthworks are to be undertaken to provide for the formation and shaping of the residential allotments, formation of roads and the installation of servicing. The application proposes the movement of approximately 127,000m<sup>3</sup> of material. The earthworks exceed the maximum permitted threshold for the development of land for subdivision under the Partially Operative District Plan. The depth of earthworks required is likely to be variable, as indicated in the earthworks plans attached as Appendix 6 of the application. The deepest earthworks outside of the soakpits are expected to be around 0.8m in depth. The works will ensure that there is sufficient drainage from all sites to the streets, and that all sites have adequate elevation above the secondary flow path.
45. Earthworks of the scale proposed may have the potential to generate adverse dust, noise, and visual amenity effects for adjoining/adjacent property owners and occupiers. Construction activities/earthworks are generally an accepted component of development activities, given their relatively short duration and temporary nature.
46. With regards to the visual effects of the temporary earthworks, I consider that nearby residents or owners/occupiers of adjoining land would be aware of the development potential of the subject site and visual effects resulting from earthworks of a limited duration would be acceptable in this context.
47. The applicant has confirmed that any filling would be carried out in accordance with Council's Engineering Code of Practice and the New Zealand Standard – Engineered Fill construction for lightweight structures (NZS 4431:2022). In addition, the applicant has agreed to conditions of consent that would mitigate effects associated with construction noise, dust dispersal and management, sediment management and run-off, and reinstatement of disturbed surfaces following the completion of works.
48. Based on the extent of the works proposed and the conditions agreed to by the applicant, I consider that the earthworks related adverse effects on the adjoining and wider environment will be less than minor.

#### ***Reserves (SUB-MAT10)***

49. The applicant proposes six allotments to vest as reserve. Council's Urban Design Team expressed concerns about the location and purpose of proposed reserve 502 and accordingly the applicant has removed this as a reserve, it will be a private allotment.
50. No conditions relating to the height or transparency of the fencing adjoining the reserve are considered to be necessary, recognising that there is a relevant rule that applies to fencing within the MRZ zone, which must be complied with and would ensure sufficient surveillance and outlook.
51. I consider that the proposed reserves will have no adverse effects on both the adjoining and wider environment.

#### ***Cultural effects***

52. The Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga were consulted with (via Mahaanui Kurataio Ltd) and a cultural advice report has been obtained to understand the potential cultural effects of concern.



53. The Rūnanga consider that the effects of the proposal will be appropriately mitigated by some recommended conditions of consent and advice notes, which the applicant has agreed to adopt. Consequently, I consider that the proposal will have less than minor cultural adverse effects on the adjoining and wider environment.

**Flood hazard (NH-MAT1)**

54. The application proposes to undertake subdivision within the Plains Flood Management Overlay (PFMO). The PFMO includes hazard modelling for during both a one-in-200-year and a one-in 500-year flood event. The LiDAR derived information identifies areas of potential flooding and water depths based on the average height of the surveyed land area. The subdivision site does not contain any defined high hazard areas.
55. The modelling indicates that during a one in 200-year flood event the water depth on parts of the site would vary, with some areas of the site not having any flooding and other areas having water depths of less than 0.2m or between 0.2m to 0.5m or 0.5m to 1m as shown on the flood map below. The proposed bulk earthworks (approx. 127,000m<sup>3</sup>) will change existing ground levels.



56. The roading network will be designed to assist in managing stormwater disposal in the design event, and works will ensure that sites have sufficient adequate elevation above the created secondary flow paths. This is supported by the servicing report provided by the applicant, which also states that the overall site will be graded in a way that directs flooding down the roading corridors and effectively maintains the existing overland flow directions.
57. The applicant has agreed to a condition of consent requiring that a report be provided at engineering approval stage to confirm that the design of the subdivision is sufficient to mitigate flooding on every site, based on the 200-year ARI event. A flood assessment certificate (FAC) will also be obtained after the earthworks and reporting are completed, to ensure that a residential unit or principal building can be efficiently developed on the site, without passing on that requirement to the individual lot purchasers.
58. Based on the above assessment and condition agreed by the applicant, I consider that the flood related adverse effects on the adjoining and wider environment will be less than minor.

**Geotechnical Matters**

59. A geotechnical investigation has previously been undertaken for the site in Yoursection Limited Falcon's East support of its rezoning (see Appendix 7 of the application), which confirmed that the site is not susceptible to earthquake and liquefaction damage, and that the land can be considered to be equivalent to the Ministry of Business, Innovation and Employment Technical Category 1 (TC1). The report also confirmed that the site is suitable for residential development.
60. Mr McCahon of Geotech Consulting has been asked to carry out a peer review of the geotechnical reports submitted on behalf of Your Section Ltd in support of the subdivision of these properties being Geotechnical report for Proposed Plan Change, 148, 156, 178 Lincoln – Rolleston Road & 487 Weedons Road, dated 7 September 2022, by Miyamoto for Your Section Ltd and Geotechnical report for Proposed Plan Change, 6/487 Weedons Road, dated 7 September 2022, by Miyamoto for Your Section Ltd.
61. Mr McCahon concluded that in Geotech Consulting's opinion, the evidence submitted is sufficient to demonstrate that the proposed residential land is geotechnically suitable for development. They agree that an equivalent

Foundation Technical Category of TC1 is appropriate. This is considered to meet the requirements of Section 106 of the Act

### ***Transportation Effects***

#### Outline Development Plan and Transport

62. The proposal is compliant with the ODP (DEV-RO16), including the requirement to achieve 15hh/ha, except in so far as text of the ODP states as follows:

*Residential development shall not occur within the Development Area until the following intersection upgrades are operational: (a) the Selwyn Road and Lincoln Rolleston Road intersection to form a roundabout; (b) the Selwyn Road and Weedons Road intersection to form a roundabout; and (c) the Lowes Road/Levi Drive/Masefield intersection to traffic signals.*

63. This proposal will provide for development of 265 residential sites in advance of those intersection upgrades.
64. An Integrated Transport Assessment has been provided by Stantec<sup>1</sup> and is attached in Appendix 8 of the application, which addresses this non-compliance. The ITA concludes that an assessment of anticipated staged development traffic effects showed that the performance of the intersections is expected to remain at acceptable levels up to the date that the upgrades are proposed. Accordingly, it is concluded that there is no need to delay development of the subdivision ahead of the intersection upgrades.
65. I therefore consider the effects of this technical non-compliance would be less than minor.

#### Road widths

66. The proposed roading network complies with the District Plan standards except that the Ed Hillary Drive and Lady Isaac Drive extensions (Collector Roads) will have a reduced formed width and no dedicated parking lane.
67. The application states that no adverse effects are anticipated, noting the proposed formation is consistent with that already approved for Ed Hillary Drive to the immediate west of the site and the formed carriageways will be of sufficient width to accommodate parking.
68. Lots 601, 602, 610 and 614 will each serve (or potentially serve) more than four dwellings and are therefore required by the District Plan to be vested as road. They will instead remain as private accessways. The application states that the proposed widths are sufficient for two-way vehicle movement and are considered adequate for their intended access function.
69. Council's Consultant Development Engineer, Ms Clare Hamilton has reviewed the application and has not raised any issues regarding these matters, therefore any adverse effects are considered to be less than minor.

#### Accessway widths and manoeuvring

70. Ms Hamilton noted that Lots 178, 34 and access lots 603, 604, 605, 607, 608, 609, 611, and 612 do not meet the plan requirements (TRAN-TABLE3) regarding legal width and asked for confirmation of what mitigation is proposed to address these non-compliances or why it is acceptable for these non-compliances to occur.
71. The applicant responded that the principal mitigation for the reduced legal widths will be that the formation width requirements will be complied with, ensuring the accesses can operate safely which Ms Hamilton has accepted.
72. Any adverse effects of these non-compliances are therefore considered to be less than minor.
73. In regard to TRAN-REQ16, cars utilising the parking spaces within Access Lot 602 will be required to reverse onto the access lot in order to exist the access forwards. As the accessway accommodates 10 parking spaces, the potential for vehicle conflict arises. However, the spaces are intended to serve the adjoining residential sections, and the accessway is not intended to provide any other vehicle function, i.e. it is not a through way for cars other than those accessing the residential units. As such, traffic volumes are expected to be relatively low, such that any potential adverse safety and efficiency effects can be avoided.
74. Council's Consultant Development Engineer, Ms Clare Hamilton has reviewed the application and has not raised any issues regarding these matters, therefore any adverse effects are considered to be less than minor.

#### Vehicle Crossings

75. Multiple allotments will have access directly to Lincoln Rolleston Road, which is an arterial road where the speed is 80km/hr. The Stantec report states that it is expected that the speed limit on Lincoln Rolleston Road will be able

---

<sup>1</sup> Council's Transport Lead, Mr Andrew Mazey has confirmed that the Stantec ITA is sufficient for Councils internal assessment purposes without needing further peer review.

to be reduced to 50km/h where there is residential development on both sides of the road, providing safety benefit to all road users. As the road speed is anticipated to reduce as the frontage urbanises (as has been the case further north adjacent Falcon's Landing), any adverse effects associated with the vehicle crossings in this location are likely to be temporary and not significant.

76. Lots 167, 168 and 217 will have vehicle crossings that cannot achieve the required sight distances from vehicle crossings. The non-compliances arise due to the site's locations on the inside bend of corners. The location on the corners will at the same time mitigate the issue, insofar as vehicles approaching and negotiating the corner are likely to be travelling at a slower speed than 50km/hr, reducing the likelihood of conflict occurring between vehicles.
77. Council's Consultant Development Engineer, Ms Clare Hamilton has reviewed the application and has not raised any issues regarding these matters, therefore any adverse effects are considered to be less than minor.

#### Intersection spacing

78. With regards to intersection spacing, the extension of Ed Hillary Drive will have two intersections spaced less than 123m (approximately 80m), while Lincoln Rolleston Road will have two intersections spaced less than 214m. Regarding Ed Hillary Drive traffic flows on the intersecting roads are anticipated to be relatively low, such that adverse effects arising from the intersection spacing are anticipated to be less than minor.
79. The road intersections to Lincoln Rolleston Road will be less than the required 214m (80km/hr), however will exceed the 123m required for a 50km/hr road, and the 151m required of a 60km/hr road. As the road speed is anticipated to reduce as the frontage urbanises (as mentioned above), any adverse effects associated with the intersection spacing in this location are likely to be temporary and not significant.
80. As such, any adverse effects are considered to be less than minor.

#### Amalgamation

81. The following amalgamation conditions are proposed, and were confirmed as practicable (LINZ ref #1929995):

The amalgamation conditions would read as follows:

- Lot 600 hereon ( Access Lot ) be held as to 3 undivided one-third shares by the owners of Lots 3, 5 & 6
- Lot 601 hereon ( Access Lot ) hereon be held as to 6 undivided one-sixth shares by the owners of Lots 24, 25, 26, 27, 28 & 30.
- Lot 602 ( Access Lot ) hereon be held as to 8 undivided one-eighth shares with two shares each to the owners of Lots 72, 74, 76 & 78
- Lot 603 ( Access Lot ) hereon be held as to 2 undivided one-half shares by the owners of Lots 104 & 105.
- Lot 604 ( Access Lot ) hereon be held as to 2 undivided one-half shares by the owners of Lots 108 & 109.
- Lot 605 ( Access Lot ) hereon be held as to 2 undivided one-half shares by the owners of Lots 112 & 113.
- Lot 606 ( Access Lot ) hereon be held as to 3 undivided one-third shares by the owners of Lots 121, 122 & 123
- Lot 607 ( Access Lot ) hereon be held as to 2 undivided one-half shares by the owners of Lots 137 & 138.
- Lot 608 ( Access Lot ) hereon be held as to 2 undivided one-half shares by the owners of Lots 155 & 156.
- Lot 609 ( Access Lot ) hereon be held as to 2 undivided one-half shares by the owners of Lots 176 & 177.
- Lot 610 ( Access Lot ) hereon be held as to 6 undivided one-sixth shares with two shares each to the owners of Lots 219, 221 & 223.
- Lot 611 ( Access Lot ) hereon be held as to 2 undivided one-half shares by the owners of Lots 233 & 234.
- Lot 612 ( Access Lot ) hereon be held as to 2 undivided one-half shares by the owners of Lots 237 & 238.
- Lot 613 ( Access Lot ) hereon be held as to 4 undivided one-quarter shares by the owners of Lots 248, 249, 250, & 251.

- Lot 614 ( Access Lot ) hereon be held as to 5 undivided one-fifth shares by the owners of Lots 259, 260, 261, 262 & 301.

### **Contaminated Land**

82. The Detailed Site Investigation and Remediation Plan contained in Appendix 4 of the application confirm that two areas within the site contain soil contamination that will require remediation as part of or prior to the site development, with the intention that contamination levels will be below residential guidelines prior to the issue of s223 certification. With the works undertaken as recommended, any adverse effects associated with the contamination are considered to be less than minor.

### **Positive Effects**

83. 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**

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

### **Public Notification (Section 95A)**

86. 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.

<b>Step 1: mandatory public notification in certain circumstances (sections 95A(2) and 95A(3))</b>	Y	N
Has the applicant requested that the application be publicly notified?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has the application has been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

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

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

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

<b>Step 3: public notification required in certain circumstances (sections 95A(7) and 95A(8))</b>	Y	N
Is the activity subject to a rule or national environmental standard that requires public notification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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



<b>Step 4: public notification in special circumstances (section 95A(9))</b>	Y	N
Do special circumstances exist in relation to the application that warrant public notification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

87. 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)

88. 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.

<b>Step 1: certain affected groups and affected persons must be notified (sections 95B(1)-(4))</b>	Y	N
Are there any affected protected customary rights groups, as defined in s 95F?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

<b>Step 2: limited notification precluded in certain circumstances (sections 95B(5) and 95B(6))</b>	Y	N
Are all activities in the application subject to one or more rules or national environmental standards that preclude limited notification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the application for a controlled activity under the district plan only and not a subdivision of land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

<b>Step 3: certain other affected persons must be notified (sections 95B(7)-(9))</b>	Y	N
In the case of a "boundary activity", is an owner of an allotment with an infringed boundary an affected person?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

<b>Step 4 – Limited notification in special circumstances</b>	Y	N
Do any special circumstances exist in relation to the application that warrant notification to any other persons not already determined to be eligible for limited notification (excludes persons assessed under section 95E as not being affected)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

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

## Notification Recommendation

90. I recommend that the application (RC245401 and RC245402) are processed on a **non-notified** basis in accordance with sections 95A-E of the Resource Management Act 1991.

<b>Report by:</b> Kate Bonifacio, Resource Management Planner	<b>Date: 12 November 2024</b>
--	-------------------------------

## Notification Decision

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

 <b>Commissioner Graham Taylor</b>	<b>Date: 13 November 2024</b>
--	-------------------------------

## Section 104 Assessment

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

93. 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.*

...

94. 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.

95. Other sections of relevance are summarised below:

### **Section 104B – Determination of applications for discretionary or non-complying activities**

After consideration of an application for a discretionary or non-complying activity, a consent authority may grant or refuse the application and, if granted, may impose conditions under section 108.



## Section 104 – Effects on the Environment

96. 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.
97. It is also appropriate to consider the positive effects of the proposal at this section 104 stage. The proposal will increase the supply of vacant allotments for residential development in Rolleston. In addition, the proposal will provide anticipated transportation links to adjoining sites in accordance with the relevant development area plan.
98. I consider that the adverse effects on the environment resulting from the proposal will be less than minor. In relation to positive effects, the proposal will increase the supply of allotments for development in Rolleston and will support the connectivity of the wider transportation network. On balance and overall, I conclude that the adverse effects of the proposal will be insignificant.

## Section 106 – Natural Hazards and Access

99. Section 106 of the Act states as follows:

### **106 Consent authority may refuse subdivision consent in certain circumstances**

- (1) *A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—*
- (a) *there is a significant risk from natural hazards; or*
  - (b) *[Repealed]*
  - (c) *sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*
- (1A) *For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—*
- (a) *the likelihood of natural hazards occurring (whether individually or in combination); and*
  - (b) *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*
  - (c) *any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).*
- (2) *Conditions under subsection (1) must be—*
- (a) *for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and*
  - (b) *of a type that could be imposed under section 108.*

100. In this case, appropriate legal and physical access can be provided to all lots, and no balance lots are proposed. The application site is not at significant risk from natural hazards, nor will the proposed subdivision exacerbate any existing hazards. The applicant has accepted suggested conditions of consent that would mitigate the potential effects of inundation on residential units or principal buildings.

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

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

#### **Operative Plan – Objectives and Policies**

101. Given that the Medium Density Residential Zone provisions are fully operative, the corresponding Operative Plan objectives and policies are inoperative. Furthermore, the proposal does not require consent under any other Operative Plan rules and therefore the Operative Plan objectives and policies are irrelevant to this application.

#### **Partially Operative Plan – Objectives and Policies**

102. The Partially Operative Plan objectives and policies that I consider relevant relate to subdivision design and layout, servicing, site sizes, transportation, earthworks, and natural hazards.
103. The Partially Operative District Plan objectives and policies that I consider relevant relate to subdivision design & layout, servicing, site sizes, transportation, earthworks, and natural hazards.

104. The subdivision objectives seek an efficient use of land and compatibility with planned urban form (SUB-O1), that sites have the services and characteristics for their intended use (SUB-O2), and that site areas align with the development outcomes of the relevant zone (SUB-O3).
105. The MRZ specifically seeks to enable a mix of densities, which includes a range of housing typologies (MRZ-P1). A large proportion of the proposed allotments will not meet the 16m x 23m minimum site dimension that was developed to accommodate at least three residential units on a site, although the applicant recognises that these allotments may not be suitable for multiple residential units and has volunteered a restriction on these sites to a single residential unit. All sites achieve a minimum building square and could accommodate standalone or duplex typologies (with use of an adjoining site). In addition, approximately one quarter of the proposed sites will achieve the minimum site dimension and will enable the subdivision development to still deliver a range of housing typologies and densities.
106. All lots will be provided with the necessary services and facilities as part of the subdivision works to enable residential development (SUB-P3). No balance lots are proposed or required. Each allotment will have acceptable legal access to a road vested in Council and the shared accessways will provide necessary easements and amalgamation conditions. The land use consent considers the vehicle accessway and roading non-compliances. Although the roads exceed the permitted dimensions, the effects are considered acceptable and will be consistent with the form and function of the existing roads consented in the development area (TRAN-P7). I consider that each lot created will have safe and efficient access to an urban standard road in alignment with SUB-O2 and SUB-P2.
107. The earthworks provisions seek to limit adverse effects on the surrounding environment (EW-O1), and the proposed earthworks will temporary (EW-P1), in association with the development of the land for subdivision. The applicant has agreed to a suite of earthworks related consent conditions that will appropriately minimise and mitigate adverse effects (EW-P4).
108. In respect of natural hazards, new subdivision, use and development should be undertaken in a manner that ensures that the risks of natural hazards to people, property and infrastructure is mitigated (NH-O1 & NH-P1). The site is located within the PFMO, and the proposal includes reporting to confirm that the development of each site created will provide appropriate mitigation for future development. An FAC will be obtained to confirm that the risk to people, property and infrastructure is appropriately mitigated.
109. Overall, I consider the proposal to be consistent with the Partially Operative Plan.

### **Plan Weighting**

110. Section 104(1)(b)(vi) requires the consent authority to have regard to an [operative] plan or proposed plan. Where there is conflict between the provisions of an operative and proposed plan, a weighting assessment is required to determine which plan may be afforded more weight.
111. Case law indicates that the extent to which the provisions of the proposed plan are relevant should be considered on a case-by-case basis and might include:
- how far through the plan making process the proposed plan is, and the extent to which it has been tested and undergone independent decision making;
  - any circumstances of injustice if the provisions are given more or less weight;
  - the extent to which a new provision, or the absence of a provision, implements a coherent pattern of objectives and policies;
  - whether the new provisions represent a significant shift in Council policy; and
  - whether the new provisions are in accordance with Part 2 of the Act.
112. Overall, more weight should be given to the Partially Operative Plan given consent is solely required under this plan. It is also acknowledged that policy direction does not differ significantly between the two plans.

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

#### **Canterbury Regional Policy Statement (CRPS)**

113. The District Plans give effect to the relevant higher order documents, including the CRPS. Therefore, I consider there is no need to assess these provisions.

## **National Policy Statement for Highly Productive Land 2022 (NPS-HPL)**

114. The site is classified as LUC-2 and 3, however as it is zoned Medium Density Residential under the PDOP and future urban development is provided for, the site is not considered to be highly productive land as per Clause 3.4(2) and 3.5(7)(b) of the NPS-HPL. No further assessment under the NPS-HPL is therefore required.

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

115. The NES-CS was discussed earlier in this report, with my conclusion being that consent is required under the NES-CS.

## **Section 104(1)(c) – Other Matters**

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

## **Section 104(3)(d) – Notification consideration**

117. Section 104(3)(d) states that a consent authority must not grant a resource consent if the application should have been notified and was not. This consideration under s 104 does not raise any issues that would lead me to the conclusion that the application should have been notified. Therefore, it is my view that section 104(3)(d) does not preclude the granting of consent in this case.

## **Part 2 – Purpose and principles**

118. The consideration under section 104 is subject to Part 2 of the Act – Purpose and principles.
119. 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.
120. 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.
121. 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.
122. In addition to section 5, I note that the following clauses of Part 2 would be particularly relevant:
- 7(b) the efficient use and development of natural and physical resources
  - 7(c) the maintenance and enhancement of amenity values.
  - 7(d) the intrinsic values of ecosystems.
  - 7(f) maintenance and enhancement of the quality of the environment
123. 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 manage the use of the site in a way that enables people to provide for their well-being and uses the land in an efficient manner.

## **Conclusions**

124. The applicant seeks to undertake a 265-lot residential subdivision, including reserves, roads and associated earthworks including disturbance of contaminated soil.
125. The application is bundled due to case law direction. As a result, the proposal is a Discretionary activity under the Partially Operative Plan and is a Restricted Discretionary activity under the NES-CS.
126. There are no affected parties, and the proposal is consistent with the objectives and policies. The proposal fits well within the context of the area and has characteristics similar to other surrounding subdivisions.

127. Pursuant to Section 106 of the RMA, the subdivision provides sufficient legal access and natural hazards will not be exacerbated as a result of the construction works or once the construction works have ceased and the subdivision is in effect.
128. Having considered all relevant matters, on balance and overall, I conclude that the application may be granted, subject to conditions of consent.

## Recommendation

129. I recommend that subdivision consent RC245401 and land use consent RC245402 (including consent under the NES-CS) are **Granted**, pursuant to sections 104 and 104B of the Resource Management Act 1991, subject to the conditions of consent below pursuant to sections 108, 108AA and 220 of the Act.

## Conditions of Consent

### RC245401 Subdivision Consent Conditions

1. The subdivision shall proceed in general accordance with the information submitted with the application on **30 May 2024**, the further information provided on **17 October 2024**, and the attached stamped Approved Plan entitled Falcons East, Proposed subdivision of Lots 10, 14 & 15 DP 47839 & Lots 1 – 3 DP 427521, Drawing No C.19115 FE, Revision R3 and dated **October 2024**, except where another condition of this consent must be complied with.
2. The following conditions of consent shall be met prior to the issue of a section 224(c) Completion Certificate at the expense of the consent holder.

### Staging

3. The subdivision may be undertaken in stages and in any order.

### Easements

4. All required easements must be created and granted or reserved.

### Engineering General

5. All works on existing infrastructure and/or any Council vested assets must comply with the Engineering Code of Practice, comply with all conditions set out in the Acceptance letter, and be completed in accordance with the detailed design plans accepted by Council.

### *Commencement of physical works*

6. Works on Council infrastructure or vested assets must not commence until Engineering Acceptance has been confirmed in writing. Any subsequent amendments to the plans and specifications must be submitted to the Development Engineering Manager for acceptance.
7. Plans and specifications are to be submitted to [Development.Engineer@selwyn.govt.nz](mailto:Development.Engineer@selwyn.govt.nz) at least 10 working days prior to commencement of related work and once accepted, will thereafter form part of the Approved Consent Document.

NOTE: The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.

8. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in conditions +.
9. On-site construction must commence within 12 months of the issue of Engineering Acceptance. If construction on site does not commence within 12 months of the issue of Engineering Acceptance letters, the applicant must re-submit plans for Engineering Acceptance prior to works commencing.

10. The consent holder or consent holder's agent must provide written notification to Council of intention to commence physical works at least 10 working days prior to commencement of works.

#### Advice Notes

- a) The vested assets schedule must cover all vested asset types and include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.

#### *Provision of pedestrian links*

- b) Council considers all proposed pedestrian infrastructure to be part of the roading network and subject to the requirements of Engineering Acceptance.

#### *Services in Recreational Reserves*

- c) The installation of services in Recreation Reserves may impose limits on the end use of the reserve. Council's preference is that all services are located within the road reserve. The consent holder and/or their agent is informed that the installation of services in Recreation Reserves may change the final value of the Developer's Improvement Contributions.
- d) The applicant will need to get a valuation prepared for the land value for the proposed Recreation Reserves. Any credit provision will be assessed by the Open Spaces team.

#### *Council vested assets in private land*

11. The easement in gross for Council vested assets in private land must be duly granted (or reserved) in accordance with the stamped plans that form part of this consent.
12. As-built plans for the services covered by the easement(s) must be provided to the Council at Section 223 Certification Stage.

#### *Maintenance Bonds (In accordance with the Council's Bonding Policy of Subdivision Works and Large Projects as at the date of issue of this consent)*

13. 12 months for the following assets:
- Roding Infrastructure
  - Water Reticulation
  - Stormwater Reticulation
  - Wastewater Reticulation
14. 24 months for the following assets:
- Landscaping
  - Reserve Assets
  - Stormwater Treatment and Discharge Systems
  - Wastewater Pumpstation

#### Advice Note

- e) Maintenance bonds will be valued at 5% of the total value of works (plus GST).
- f) The consent holder must provide costings and estimates for the total value of works from an independent quantity surveyor, acceptable to Council, at the resource consent holder's expense.
- g) The Council may re-evaluate the value and duration of the maintenance bond for the following reasons:
- (a) Inflation;
  - (b) Delays in works being completed; or
  - (c) Repairs, rectification and or replacement is required
  - (d) Price escalations.

#### *Engineering Acceptance – additional information*

15. Copies of any consents required and granted in respect of this subdivision (ECan Consents and Waka Kotahi approval) must be supplied to the Development Engineer via [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz)

#### *Suitably qualified designer*

16. An Engineer's Design Certificate for all civil designs from the principal civil designer who is a chartered engineering professional with suitable experience must be submitted to Council (development.engineer@selwyn.govt.nz) as part of Engineering acceptance.

#### *Contractor Produced Statements*

17. A Contractors Completion Certificate from the principal civil contractor must be supplied to Council (development.engineer@selwyn.govt.nz) certifying that all vested assets have been installed in accordance with the approved engineering plans and specifications prior to the issuing of S224(c) certificate.

#### *Designer Producer Statements*

18. An Engineer's Completion Certificate from the principal civil designer who is a chartered engineering professional must be supplied to Council (development.engineer@selwyn.govt.nz) certifying that all vested assets have been installed in accordance with the approved engineering plans and specifications prior to the issuing of S224(c) certificate.

#### Advice Note

#### *Engineering Acceptance*

- h) Plans and supporting information accompanied in the design report required for Engineering Acceptance must include but not be limited to the following:
  1. Water Reticulation
  2. Wastewater Reticulation
  3. Rooding Network – new and alterations to existing and streetlighting.
  4. Stormwater, water races, and land drainage
  5. Walking and cycling infrastructure provision and connection.
  6. Future Public Transport provision accessibility (in consultation with Environment Canterbury Regional Council)
- i) Please note that pedestrian linkages through proposed reserves are considered to be part of the rooding infrastructure and will require engineering acceptance prior to construction.

#### **Landscaping**

#### *Suitably qualified design certification*

19. A design certificate must be supplied to Council (development.landscaping@selwyn.govt.nz) by the designer and included in the Landscaping plans and design report submitted for engineering acceptance.

#### *Landscape and servicing plans*

20. Landscaping must be located clear of all services and demonstrated on plan/s that show proposed landscaping and all proposed services.

#### *Producer statement – landscaping works*

21. Producer statements from the principal landscaping contractor must be supplied to Council confirming that all vested assets have been installed in accordance with the accepted landscaping plans and specifications prior to the issuing of S224(c) certificate.

#### Advice Note

- j) If multiple landscaping contractors are used, instead of a principal contractor, to install vested assets each contractor will be required to supply producer statements for their contribution to the physical works.
22. The proposed landscaping must be established in accordance with the accepted landscaping plans and design report.
23. The consent holder must maintain all landscaping asset on Reserve Lots 500, 501, 503, 504 and 506 to the standards specified in the Engineering Code of Practice for the 24 month establishment period (defects



liability) from the date of Council's practical completion acceptance until final inspection and acceptance of the landscaping by Council.

24. The consent holder must maintain all landscaping asset on Reserve Lot 505 to the standards specified in the Engineering Code of Practice for the 12 month establishment period (defects liability) from the date of Council's practical completion acceptance until final inspection and acceptance of the landscaping by Council.

#### Advice Notes

##### *Landscaping Acceptance*

- k) Landscaping Plans and supporting information accompanied in the design report required for Landscaping Acceptance must include but not be limited to the following:
1. Plant selection
  2. Soft landscaping features
  3. Hard landscaping features
  4. Playground specifications
- l) Please note that pedestrian linkages are considered to be part of the roading infrastructure and will require landscaping acceptance prior to construction.
- m) On-site construction must commence within 12 months of the issue of Landscaping Approval. If works do not commence within 12 months of the issue or approval, the applicant must re-submit plans for Landscaping Acceptance prior to works commencing.

#### **Roading**

##### *Roading Design Review and Acceptance*

25. Engineering plans and details for all works associated with:

- Alterations to the existing roading network
- Extensions of the existing roading network
- Provision of pedestrian access reserves
- Provision of roundabout
- Provision of Streetlighting
- Provision of proposed roading network

must be submitted to Council via the [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 10 working days prior to the commencement of related work.

NOTE: The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.

26. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition 25.

##### *Construction of new roads*

27. All roads must be constructed in accordance with the accepted engineering plans.

##### *Vesting of new roads*

28. On deposit of the survey plan all roads must be vested in the Selwyn District Council as road.

##### *Corner Splays - Urban*

29. The corner of all Lots at the road intersection must be splayed with a rounded minimum radius of 3 metres.

### *Road Frontage Upgrades*

30. The road frontage of Lincoln Rolleston Road must be upgraded to the agreed to standard as shown on the stamped plans that form part of this consent. This work is required to be accepted and undertaken through Engineering Acceptance.

### *Street lighting – Township/Urban*

31. Street lighting must be provided on all new roads and existing roads in accordance the Engineering Code of Practice and Engineering Acceptance.
32. Prior to the granting of Engineering Acceptance designs for all street lighting that will vest to Council will be submitted to the Development Engineering Manager ([development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz)) for review and acceptance at least 10 working days prior to the commencement of related work.

NOTE: The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.

33. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition 32.

### *Street naming and property numbering*

34. A minimum of three name options for each road, and street numbering plans must be submitted to Council in accordance with Council Policies N101 and N102 for acceptance prior to section 224(c) Approval.

### *Road Signage*

35. The consent holder must install street name signs displaying the Council approved street name and poles at each intersection in accordance with Policy R430 prior to the granting of section 224(c).

### *Road Safety*

36. All vested roading infrastructure must be constructed in accordance with a Safe System Audit that must be supplied at time of Engineering Acceptance. An audit must be undertaken by an independent assessor at the consent holder's expense, with the report provided to Council prior to Engineering Acceptance.

### *Testing standards*

37. All vested roading infrastructure must meet Council's testing standards as prescribed by the Engineering Code of Practice. Supporting documentation must be supplied to Council prior to the issuing of section 224(c) certificate.

### *S224 document requirement*

38. Prior to the issuing of section 224(c) certificate the consent holder must provide accurate 'as built' plans for all vested roading infrastructure installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems will be borne by the consent holder.
39. Prior to the issuing of section 224(c) certificate the consent holder must provide AMIS and RAMM schedules for all vested roading infrastructure installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and Engineering Acceptance. Any costs involved in provision and transfer of this data to Council's systems will be borne by the consent holder.

### Advice Note

- n) The AMIS schedule submitted for works occurring within the road reserve will also include any specific planting constructed as part of works required for the completion of this consent.
40. Prior to the issuing of section 224(c) certificate the consent holder must provide a comprehensive electronic schedule of all roading infrastructure assets to be vested in the Council that meets the requirements set out in the Engineering Code of Practice and the Engineering Acceptance letter.

### Advice Note

- o) The vested assets schedule must cover all vested asset types and include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.

### *Developers Agreements*

- 41. A Developers Agreement must be entered into with Council for the construction of Falcon's East Subdivision. The Developers agreement must be agreed to by Council in writing and Engineering Acceptance will be issued prior to construction commencing on site.

### **Vehicle Crossings and Accessways**

#### *Urban vehicle crossings*

- 42. A vehicle crossing to service each lot must be formed in accordance with the requirements of TRAN-DIAGRAM5 and TRAN-DIAGRAM6 and the approved consent documents prior to the establishment of a residential unit or principal building.
- 43. The vehicle crossing must be sealed to match the existing road surface for the full width of the crossing between the site boundary and sealed carriageway.

#### *Testing standards*

- 44. All vehicle crossings and formed accessways must meet Council's testing standards as prescribed by the Engineering Code of Practice. Supporting documentation must be supplied to Council prior to the issuing of a section 224(c) certificate.

#### *Non-complying vehicle crossings*

- 45. The vehicle crossings serving Lot 300 must be upgraded to meet the requirements of the Partially Operative District Plan and the Engineering Code of Practice.

#### *Vehicle crossings*

- 46. A vehicle crossing to service all front lots must be formed and sealed for the full width and length of the vehicle crossing between the carriageway and the site boundary and the requirements of the Engineering Code of Practice. Construction must be completed prior to issuing of the section 224(c).

#### *Shared accessways*

- 47. The vehicle accessway serving all Lots from each Access Lot must be formed and sealed in accordance with TRAN-REQ7 (including TRAN-TABLE3 – Minimum Requirements for Accessways and TRAN-TABLE6A – Accessway Separation from Other Accessways) of the Partially Operative Selwyn District Plan and the requirements of the Engineering Code of Practice. Construction must be completed prior to the issuing of section 224(c).

#### *Street Trees and Vegetation*

- 48. All proposed vehicle crossings must be located in accordance with Council's Tree's and vegetation Policy. The relocation of existing street trees to enable works proposed by this consent must be undertaken at consent holders' expense with works undertaken in accordance with the accepted plans.

#### *Private Road naming and property numbering*

- 49. Private Road name options, a minimum of three options for each road, and street numbering plans must be submitted to Council in accordance with Council Policies N101 and N102 as part of Engineering Acceptance.

#### *Private Road/Right of Way Signage*

- 50. The consent holder must install private road/ROW name signs displaying the Council approved street name and poles at each ROW in accordance with Policy R430.

### *S224 document requirement*

51. Prior to the issuing of s224(c) certificate the consent holder must provide accurate 'as built' plans of the vehicle crossings installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and the Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.
52. Prior to the issuing of s224(c) certificate the consent holder must provide a comprehensive electronic schedule of any vehicle crossings to be vested in the Council that meets the requirements set out in the Engineering Code of Practice and the Engineering Approval letter.

### Advice Note

- p) The vested assets schedule must cover all vested asset types and include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.

*The following LIM note is required for all proposed Lots:*

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

## **Water Supply**

### *Design Review and Acceptance – Water Reticulation*

53. Engineering plans and details for all works associated with the following proposed works that will vest to Council:

- Extensions of the existing water supply;
- Provision of Council maintained points of supply;

to service each new lot must be submitted to Council via the [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 10 working prior to the commencement of related work and once accepted will thereafter form part of the Approved Consent Document.

NOTE: The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.

54. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition 53.

### Advice Note

#### *Water Supply Bylaw Requirement*

- r) Council Policy only permits one water connection per valuation number/property.

#### *Private irrigation*

- s) No irrigation is permitted from the Council Water Supply.

#### *Council maintained Water Supply Points*

55. The net area of each lot must be provided with an individual potable connection to the Council's water reticulation network in accordance with Engineering Code of Practice and the Engineering Acceptance letter.

#### *Council maintained Water Supply Points – metered*

56. All Water connections must be metered. Meters must be installed in the road reserve in accordance with Engineering Code of Practice and the accepted engineering plans. (Note that multi meter boxes may be utilised).

#### *Design requirement – Firefighting urban*

57. All Council vested water infrastructure must be designed in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008 and subsequent variations).
58. Urban hydrant coverage must be provided to ensure that all residential lots can be serviced by two hydrants, the first within 135m and then second within 270m. Hydrant water supply must be capable of providing 750 litres per minute of water flow.
59. Firefighting water supply may only be provided by means other than the above if the New Zealand Fire Service has endorsed the alternative method, and written evidence provided in support of Engineering Approval application.

#### *Relocation of existing neighbours water meters*

60. The existing water meters for Lots 300 and 301 must be relocated to the road reserve at the consent holders' expense.

#### *Private irrigation*

61. Irrigation exceeding domestic equivalent flows and quantities is not permitted from the Council's Water Supply in accordance with Council Policy.

#### *Connection to Councils infrastructure*

62. Connection into Council's reticulated water supply must either be carried out by Council's Five Waters maintenance contractor, or a suitably qualified water installer under the supervision of Council's five waters contractor. Costs incurred through supervision by CORDE must be met directly by the consent holder.

#### Advice Note

- t) For supervision purposes a minimum of 5 working days' notice is required. Please note a connection fee being the actual cost quoted by Council's Five Waters maintenance contractor will apply.
- u) Applications for new water connections can be made online via SDC's website (Selwyn District Council - New Water Connection approval form). Applications should be made at least 8 working days prior to commencement of work (allow a minimum of 10 working days for watermain shutdowns).

#### *Testing standards*

63. All vested water reticulation must meet Council's testing and hygiene standards as prescribed by the Engineering Code of Practice. Supporting documentation confirming compliance must be supplied to Council prior to the issuing of s224(c) certificate.

#### Advice Note

- v) Refer to WSP 005 for Council's water chlorination, hygiene, and water installer qualification requirements for water reticulation connection requirements.

#### *S224 document requirement*

64. Prior to the issuing of s224(c) certificate the consent holder must provide accurate 'as built' plans of the water reticulation installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.
65. Prior to the issuing of s224(c) certificate the consent holder must provide accurate AMIS schedules of the water reticulation installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.

#### Advice Note

- w) The vested assets schedule must cover all vested asset types and include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.

### *Developers Agreements*

66. A Developers Agreement must be entered into with Council for the construction of Falcon's East Subdivision. The Developers agreement must be agreed to by Council in writing and Engineering Acceptance will be issued prior to construction commencing on site.

### **Wastewater Supply**

#### *Design Review and Acceptance – Wastewater Reticulation*

67. Engineering plans and details for all works associated with the following proposed works that will vest to Council:

- Extensions of the existing wastewater supply;
- Provision of Council maintained points of supply;
- Provision of a wastewater pumpstation to service the proposed development;

to service each new lot must be submitted to Council via the [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 10 working prior to the commencement of related work and once accepted will thereafter form part of the Approved Consent Document.

NOTE: The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.

68. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition 64.

#### *Council maintained Wastewater supply*

69. Each lot must be provided with an individual wastewater connection to Council's wastewater reticulation infrastructure that is laid to the boundary and can service the net area of that lot in accordance with the Engineering Code of Practice and the accepted engineering plans.

#### *Gravity Wastewater laterals*

70. All gravity wastewater laterals must be installed ensuring grade and capacity are provided for and in accordance with Council's Engineering Code of Practice, giving regard to maximum upstream development density.

#### *Standard testing*

71. All vested wastewater reticulation must meet Council's pressure testing and CCTV inspection standards as prescribed by the Engineering Code of Practice. Supporting documentation must be supplied to Council prior to the issuing of s224(c) certificate.

#### *Connecting to Council infrastructure*

72. Connection to the Council sewer must be arranged by the consent holder at the consent holder's expense. The work must be done by a registered drainlayer.

#### *Decommissioning of septic tank*

73. The existing on-site effluent treatment and disposal system on Lots 300 and 301 must be decommissioned and the site be completely reinstated with the appropriate quality assurance documents including as built details and a fill certificate confirming compliance with NZS4431:2022 and submitted Council via [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) prior to issuing of S224c certificate. If this information is not supplied, then the location of the decommissioned septic tank must be identified on the survey plan as a no build area.

### Advice Note

- x) The connection of Lots 300 and 301 to the vested wastewater reticulation following decommissioning of onsite wastewater treatment system requires a Building Consent. Notification of the decommissioning of the onsite wastewater treatment should be made to the Regional Council.



### *Pumpstation*

74. A wastewater pumpstation must be installed by the consent holder to provide this development with an acceptable wastewater outfall.
75. All works associated with the design and installation of the pumpstation will be at the consent holders' expense unless otherwise agreed in writing with Council.
76. The Design details are to be submitted to [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) at least 10 working days prior to the commencement of construction. The Design details are to be accepted by the Development Engineering Manager or their nominee as meeting the requirements of Selwyn District Council's Engineering Code of Practice and once accepted, will thereafter form part of the Approved Consent Document.

NOTE: The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documents within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the document then they will provide a letter outlining why acceptance is refused based on the parameters contained in this condition.

77. Should the Development Engineering Manager (or their nominee) refuse to accept the documents, the consent holder must submit a revision to the Development Engineering Manager for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition 76.

### *Pumpstation operation*

78. Council will assume full operation of the wastewater pumpstation once all required works are completed and accepted by Council in accordance with condition (above - Pumpstation Installation).
79. The consent holder will be responsible for the operation of the wastewater pumpstation until such time that it is accepted by Council.

### *S224 document requirement*

80. Prior to the issuing of s224(c) certificate the consent holder must provide accurate 'as built' plans of the wastewater reticulation installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.
81. Prior to the issuing of s224(c) certificate the consent holder must provide accurate AMIS schedule of the wastewater reticulation installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.
82. Prior to the issuing of s224(c) certificate the consent holder must provide a comprehensive electronic schedule of all wastewater reticulation assets to be vested in the Council that meets the requirements set out in the Engineering Code of Practice and Engineering Acceptance letter.

### Advice Note

- y) The vested assets schedule must cover all vested asset types and include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.

### *Developers Agreements*

83. A Developers Agreement must be entered into with Council for the construction of Falcon's East Subdivision. The Developers agreement must be agreed to by Council in writing and Engineering Acceptance will be issued prior to construction commencing on site.

### **Stormwater**

#### *Design Review and Acceptance – Stormwater reticulation and management areas*

84. Engineering plans and supporting design information for all works associated with the installation of stormwater infrastructure to service the development site must be submitted to Council via the

development.engineer@selwyn.govt.nz for acceptance at least 10 working prior to the commencement of related work and once accepted will thereafter form part of the Approved Consent Document.

NOTE: The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.

85. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in conditions 84.

#### Advice Note

- z) Where designs require the installation of stormwater management areas landscaping plans will also be required prior to Engineering Acceptance being granted for that asset to allow Council to review the function of the asset holistically.

#### *Vested infrastructure*

86. The consent holder must install stormwater reticulation treatment and disposal systems to service the subdivision in accordance with the accepted engineering plans and the requirements of the associated discharge consent.

#### *Provision of individual points of supply – reticulated stormwater only*

87. All lots must be provided with an individual stormwater lateral connection from Council reticulation to the designated point of supply.

#### *Design Requirement – Discharge to ground*

88. Where the collection and disposal of roof/surface water is to ground, the suitability of the natural ground to receive and dispose of the water without causing damage or nuisance to neighbouring properties, must be determined by a suitably qualified person/engineer and evidence of results must be provided at engineering acceptance.

#### *Design Requirement – Hydraulic Neutrality*

89. Post development stormwater discharges will not exceed pre-development stormwater discharges for all critical duration design storm events up to and including the 1% AEP storm. Designs and supporting information will be submitted to Council via development.engineer@selwyn.govt.nz for review and acceptance.

#### *Design Requirement – Stormwater Treatment*

90. All vested stormwater infrastructure is required to have low maintenance stormwater treatment installed to meet the stormwater treatment outcomes prescribed by the Land Water Regional Plan.

#### *Discharge Consent Requirement – outside a Network Discharge Consent area and CRC consent required (more than 5 lots)*

91. 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 these obligations will be transferred to Selwyn District Council.
92. Draft CRC consent conditions must be submitted to Council for acceptance via development.engineer@selwyn.govt.nz prior to Engineering Acceptance being granted, once accepted, will thereafter form part of the Approved Consent Document.

NOTE: The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.

93. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in conditions 87 and 88.

#### *Developer requirements*

94. The consent holder will hold, operate, and maintain the Canterbury Regional Council operational discharge consent held in their name for a minimum of two years after the section 224(c) Completion Certificate for the final stage of this consent has been issued.
95. 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 prior to the transfer of the CRC consent to Council.

#### *Vested infrastructure – s224 requirement*

96. The consent holder must demonstrate that the operational discharge stormwater is compliant with the Canterbury Regional Council consent that is held in the consent holder's name.
97. A fully compliant Compliance Monitoring Report issued by the Canterbury Regional Council must be submitted to Council certifying compliance with the relevant CRC consent via [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) prior to the granting of section 224(c).

#### *Construction works stormwater infrastructure*

98. Any works undertaken on stormwater infrastructure located within the development site must be completed in accordance with the Engineering Code of Practice and accepted engineering plans.

#### *Stormwater Management Plan*

99. The consent holder shall prepare and submit a Stormwater Design Report and Management Plan in accordance with the requirements of Selwyn District Council and Environment Canterbury Regional Council. This plan shall be provided for Selwyn District Council's for approval and sign-off prior to granting section 224(c) at the consent holder's cost.

#### Advice Note

aa) The Stormwater Management Plan shall include, but not be limited to:

- A plan showing existing ground levels on neighbouring properties along with proposed levels on the subdivision sites. Interference with pre-existing stormwater flows needs to be considered so as not to cause ponding or nuisance on neighbouring or developed land.
  - Existing and proposed drainage plan with sub catchments and flow arrows to show how the drainage will be affected.
  - Calculations to demonstrate compliance with the Engineering Code of Practice and any relevant Environment Canterbury consent conditions.
- Ongoing operation and maintenance requirements.

#### *Inspection standards*

100. All vested stormwater reticulation must meet Council's pressure testing and CCTV inspection standards as prescribed by the Engineering Code of Practice. Supporting documentation must be supplied to Council prior to the issuing of s224(c) certificate.

#### *Stormwater Operations and Maintenance Manual*

101. The consent holder must provide a Stormwater Operations and Maintenance Manual prior to the approval of the section 224(c) certificate.

#### Advice Note

bb) The Stormwater Operations and Maintenance Manual must include but not be limited to:

- As built documents/images of system for baseline records. This would include the extent of the stormwater catchments, surveyed long-sections and x-sections of pipelines and stormwater management devices e.g. basins wetlands and swales, and where available, any baseline data i.e. water quality, quantity or soil monitoring results.
- Contact details for maintenance personnel engaged by the developer over the maintenance period

- As built documents/images of system for baseline records. This would include the extent of the stormwater catchments and any baseline data i.e. heavy metal level in receiving environment.
- Maintenance procedures and how compliance with the consent conditions must be achieved and recorded. This will also cover stormwater system maintenance during the maintenance period(s).
- What actions will be undertaken when non-compliance is detected and recorded.
- Where all cleanings from sumps are proposed to be disposed of – in accordance with Regional and local landfill requirements.
- Summary of costs to maintain the system including details of the number of inspections and cleaning of sumps/disposal of sump material.
- What actions will be undertaken before handover to Selwyn District Council is proposed i.e. notification procedure at least two months prior to requesting handover.

#### *Producer statement*

102. Prior to the approval of a section 224(c) completion certificate the consent holder must provide a Producer Statement demonstrating that the stormwater system has been designed and constructed in accordance with CRC132527. The producer statement is to be submitted to [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz).

#### *S224 document requirement*

103. Prior to the issuing of s224(c) certificate the consent holder must provide accurate 'as built' plans of all stormwater infrastructure installed as part of this consent that meet the requirements set out in the Engineering Code of Practice. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.

#### Advice Note

- cc) The asbuilts submitted for stormwater management areas will also include any specific planting constructed as part of works required for the completion of this consent.
104. Prior to the issuing of s224(c) certificate the consent holder must provide accurate AMIS schedule of all stormwater infrastructure installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and the Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.

#### Advice Note

- dd) The AMIS schedule submitted for works occurring within a vested stormwater management area will also include any specific planting constructed as part of works required for the completion of this consent.
105. Prior to the issuing of s224(c) certificate the consent holder must provide a comprehensive electronic schedule of any stormwater infrastructure assets to be vested in the Council that meets the requirements set out in the Engineering Code of Practice and the Engineering Acceptance letter.

#### Advice Note

- ee) The vested assets schedule must cover all vested asset types and include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.

#### *Developers Agreements*

106. A Developers Agreement must be entered into with Council for the construction of Falcon's East Subdivision. The Developers agreement must be agreed to by Council in writing and Engineering Acceptance will be issued prior to construction commencing on site.

#### Advice Note

#### *Discharge within global consent areas*

- ff) The discharge of roof stormwater must not arise from unpainted galvanised sheet materials or copper building materials. The use of these materials is prohibited in accordance with the conditions of Selwyn District Council's global stormwater consent.

### *Discharge Consents – developer’s responsibility*

- gg) The consent holder must obtain Resource Consent from Canterbury Regional Council for earthworks, construction activities and operational stormwater discharges.

### **Earthworks and Overland Flow**

#### *Design Review and Acceptance – overland flow paths*

107. Engineering plans and supporting design information for all works associated with all necessary earthworks and the creation of overland flow paths by the works proposed as part of this consent must be submitted to Council via the [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 10 working days prior to the commencement of related work and once accepted will thereafter form part of the Approved Consent Document.
108. The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.
109. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition 107.

#### *Advice Notes*

- hh) Where designs require the installation of overland flow paths landscaping plans will also be required prior to Engineering Acceptance being granted for that asset to allow Council to review the function of the asset holistically.
- ii) All engineered fill designs must comply with New Zealand Standard (NZS) 4431:2022 Code of Practice for Earth Fill for Residential Development.

#### *Design Requirement – Plains Flood Management Overlay*

110. The development site is located within the Plains Flood Management Overlay area as defined by the Partially Operative District Plan. All designs and supporting information submitted to Council for review and Engineering Acceptance must demonstrate that the secondary flow paths created by this consent are able to convey the 0.5% AEP storm event.

#### Advice Note

- jj) To allow for climate change the design storm event used for the creation of any secondary flow paths located with the Plains Flood Management Overlay area will be the HIRD’s RCP 8.5 (2081 – 2100) rainfall event for the critical storm duration.
- kk) The designs will be expected to demonstrate that all flows generated by the design storm event will not exceed the capacity of the overland flow path.

#### *Design Requirement – Existing land drainage patterns*

111. Plans and support information must be submitted Council via the [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 10 working prior to the commencement of related work and confirm:
- Any change in ground levels will not cause ponding or drainage nuisance to neighbouring properties.
  - All filled land is shaped to fall to the road boundary.
  - Existing drainage paths from neighbouring properties are maintained.
112. The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 10 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.

113. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition 107.

114. Once accepted the plans and documentation will thereafter form part of the Approved Consent Document.

#### *Construction requirement*

115. All earthworks completed on site are to be carried out in accordance with the Engineering Code of Practice and the accepted engineering plans.

#### *Consent Condition – Fill certificate*

116. Certificates satisfying the conditions of NZS4431: 2022 Code of Practice for Earth Fill for Residential Development are to be provided to the Council prior to section 224(c) approval. These certificates will be provided by a chartered engineering professional with suitable experience and accompanied by a report detailing the extent and nature of all earthworks undertaken.

#### *S224 Requirement – Digital Elevation Model*

117. Prior to the issuing of s224(c) certificate the consent holder must provide an accurate digital elevation model (DEM) for all earthworks undertaken as part of this consent that meet the requirements set out in the Engineering Code of Practice and Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.

#### *S224 Requirement – asbuilts*

118. Prior to the issuing of s224(c) certificate the consent holder must provide accurate 'as built' plans for all earthworks undertaken as part of this consent that meet the requirements set out in the Engineering Code of Practice and Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.

### **Power and Telecommunications**

#### *Front lots*

119. The consent holder must 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.

#### *Rear lots*

120. The consent holder must 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.

#### Advice Note

- II) In the case of rear allotments accessed and serviced via private accessways, the condition requires that the infrastructure is in place to make a connection to services ie that a conduit is in place to enable cables to be installed in the accessway without disturbing it. The cables themselves are not required to be installed.

#### *S224 Requirement*

121. The consent holder must provide evidence in writing from the relevant authorities that electrical and telecommunications service connections have been installed to each lot.

### **Landscaping**

#### *Provision of landscaping*

122. Landscape plans for landscaping within the road reserve must be submitted to Council's Development Engineering Manager for acceptance. Landscaping plans and supporting documentation are to include;

- a. Tree species



b. Plant species

123. Plans and specifications are to be submitted to [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) at least 30 working days prior to landscaping approval being granted and at least 10 working days prior to the commencement of related work and, once accepted, will thereafter form part of the Approved Consent Document.

NOTE: The Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 30 working days of receipt. Should the Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.

124. Should the Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents to the Engineering Manager for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition 130.
125. All landscaping must be carried out in accordance with the accepted plans.
126. The Consent Holder must maintain all landscaping that is accepted through the engineering approval process for the 24 months Establishment Period (Defects Maintenance) until a final inspection and acceptance of the landscaping by the Council.
127. The Landscape Plans are to provide sufficient detail to confirm compliance with the requirements of the SDC Engineering Code of Practice (current version).
128. Entrance structures shall not be placed on Council road reserve.

*S224 document requirement*

129. Prior to the issuing of s224(c) certificate the consent holder must provide accurate 'as built' plans and AMIS schedules that meet the requirements set out in the Engineering Code of Practice. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.
130. Prior to the issuing of s224(c) certificate the consent holder must provide a comprehensive electronic schedule of any assets to be vested in the Council that meets the requirements set out in the Engineering Code of Practice.

Advice Notes

- mm) The vested assets schedule must cover all vested asset types and include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.
- nn) The Council does not encourage permanent irrigation systems in reserves to be vested in Council. The need for an irrigation system will be assessed on a case by case basis and approval given through the Engineering Approval process.
- oo) Planting in Roundabouts is not encouraged. The need for planting/vegetation within roundabouts will be assessed on a case by case basis and approval given through the Engineering Approval process.

**Fencing Covenants**

131. The consent holder must 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 must be ensured by way of a fencing covenant registered against the computer freehold register 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 must procure a written undertaking from the consent holder's solicitor that the executed fencing covenant will be registered on deposit of the subdivision plan.

**Reserves**

132. The consent holder must vest Lots 501 and 506 in the Council as Recreation Reserve, and Lots 500, 503, & 504 in the Council as Local Purpose Access reserves.

### *Landscaping Acceptance for Reserves*

133. Landscaping plans and accompanying design report for Recreation Reserve (Lots 501 and 506), and Local Purpose Reserves (Lots 500, 503 & 504) must be submitted to Council via [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 30 working days prior to landscaping approval being granted and at least 10 working days prior to the commencement of related work. The plans and design report are to provide sufficient detail to confirm compliance with the Engineering Code of Practice.
134. Plans and supporting information accompanied in the design report required for Landscaping Acceptance must include but not be limited to the following:
1. Plant selection
  2. Soft landscaping features
  3. Hard landscaping features
  4. Crime Prevention Through Environmental Design (CPTED) principals.
135. Landscaping plans must be supplied with the Engineering Acceptance application.

### *Suitably qualified design certification*

136. A design certificate must be supplied to Council([development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz)) by the designer and included in the Landscaping plans and design report submitted for engineering acceptance.

### *S224 document requirement*

137. Prior to the issuing of s224(c) certificate the consent holder must provide accurate 'as built' plans and AMIS schedules that meet the requirements set out in the Engineering Code of Practice. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.
138. Prior to the issuing of s224(c) certificate the consent holder must provide a comprehensive electronic schedule of any assets to be vested in the Council that meets the requirements set out in the Engineering Code of Practice.

### Advice Notes

- pp) The vested assets schedule must cover all vested asset types and include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.

### *Provision of pedestrian links*

- qq) Council considers all proposed pedestrian infrastructure to be part of the roading network and subject to the requirements of Engineering Acceptance.

### *Services in Recreational Reserves*

- rr) The installation of services in Recreation Reserves may impose limits on the end use of the reserve. Council's preference is that all services are located within the road reserve. The consent holder and/or their agent is informed that the installation of services in Recreation Reserves may change the final value of the Developer's Improvement Contributions.
- ss) The applicant will need to get a valuation prepared for the land value for the proposed Recreation Reserves. Any credit provision will be assessed by the Open Spaces team.

### **Contamination**

139. Remediation as per the Remediation Action Plan must be completed so that soils are below residential guidelines values, prior to the issue of 224 certification.

### **Consent Notices**

140. A Consent notice shall be registered against the Records of Title for each of Lots 1 to 4, 7, 13, 14, 24, 26, 30, 31, 33, 44 to 47, 58, 68 to 70, 94, 95, 100, 103 to 106, 111, 114, 206, 225, 242, 250, 252 and 254 which shall restrict each Lot to the establishment of not more than one residential unit or principal building on each

lot. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.

## Amalgamation

### Amalgamation

130. The following lots shall be amalgamated and one Record of Title be issued (LINZ ref #1929995):
- Lot 600 hereon ( Access Lot ) be held as to 3 undivided one-third shares by the owners of Lots 3, 5 & 6
  - Lot 601 hereon ( Access Lot ) hereon be held as to 6 undivided one-sixth shares by the owners of Lots 24, 25, 26, 27, 28 & 30.
  - Lot 602 ( Access Lot ) hereon be held as to 8 undivided one-eighth shares with two shares each to the owners of Lots 72, 74, 76 & 78
  - Lot 603 ( Access Lot ) hereon be held as to 2 undivided one-half shares by the owners of Lots 104 & 105.
  - Lot 604 ( Access Lot ) hereon be held as to 2 undivided one-half shares by the owners of Lots 108 & 109.
  - Lot 605 ( Access Lot ) hereon be held as to 2 undivided one-half shares by the owners of Lots 112 & 113.
  - Lot 606 ( Access Lot ) hereon be held as to 3 undivided one-third shares by the owners of Lots 121, 122 & 123
  - Lot 607 ( Access Lot ) hereon be held as to 2 undivided one-half shares by the owners of Lots 137 & 138.
  - Lot 608 ( Access Lot ) hereon be held as to 2 undivided one-half shares by the owners of Lots 155 & 156.
  - Lot 609 ( Access Lot ) hereon be held as to 2 undivided one-half shares by the owners of Lots 176 & 177.
  - Lot 610 ( Access Lot ) hereon be held as to 6 undivided one-sixth shares with two shares each to the owners of Lots 219, 221 & 223.
  - Lot 611 ( Access Lot ) hereon be held as to 2 undivided one-half shares by the owners of Lots 233 & 234.
  - Lot 612 ( Access Lot ) hereon be held as to 2 undivided one-half shares by the owners of Lots 237 & 238.
  - Lot 613 ( Access Lot ) hereon be held as to 4 undivided one-quarter shares by the owners of Lots 248, 249, 250, & 251.
  - Lot 614 ( Access Lot ) hereon be held as to 5 undivided one-fifth shares by the owners of Lots 259, 260, 261, 262 & 301.

## RC245402 Landuse and NES-CS Consent Conditions

1. The land use shall proceed in general accordance with the information submitted with the application **30 May 2024**, the further information provided on **17 October 2024**, and the attached stamped Approved Plan entitled Falcons East, Proposed subdivision of Lots 10, 14 & 15 DP 47839 & Lots 1 – 3 DP 427521, Drawing No C.19115 FE, Revision R3 and dated **October 2024**, except where another condition of this consent must be complied with.

## Earthworks

2. The total volume of earthworks must not exceed 127,000m<sup>3</sup>.

## Site Stability, Earthworks and Site Works

*Nuisance – sediment, dust and erosion*

3. The draft ESCP provided with the application is accepted in principle. All filling and excavation work must be carried out in accordance with an Erosion and Sediment Control Plan (ESCP). Unless approved as part of a separate Environment Canterbury (ECan) resource consent for stormwater discharge or ECan resource consent for excavation/filling, the ESCP will require formal acceptance by Selwyn District Council's Development Engineer (via email to [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz)) prior to any work starting on site.
4. The ESCP is to be designed by a suitably qualified person and a design certificate supplied with the ESCP for acceptance at least 5 working days prior to any earthworks commencing. The best practice principles, techniques, inspections and monitoring for erosion and sediment control must be based on ECan's Erosion and Sediment Control Toolbox for Canterbury <http://esc.canterbury.co.nz/>.
5. The ESCP must include (but is not limited to):
  - Site description, i.e. topography, vegetation, soils, sensitive receptors such as waterways, etc;
  - Details of proposed activities;
  - A report including the method and time of monitoring to be undertaken;
  - A locality map;
  - Drawings showing the site, type and location of sediment control measures, on-site catchment boundaries and off-site sources of run on/runoff;
  - Drawings and specifications showing the positions of all proposed mitigation areas with supporting calculations if appropriate;
  - Environmental monitoring and auditing, including frequency;
  - Corrective action, reporting on solutions and update of the ESCP;
  - Stabilised entrance/exit and any haul roads;
  - Site laydown and stockpile location(s) and controls.

*Nuisance – sediment, dust and erosion*

6. The accepted ESCP referred to in condition 3 must be implemented on site over the entire construction phase. No earthworks may commence on site until:
  - a) All measures required by the ESCP have been installed;
  - b) An Engineering Completion Certificate, signed by an appropriately qualified and experienced engineer, has been submitted to the Council. This is to certify that the erosion and sediment control measures have been properly installed in accordance with the accepted ESCP;
  - c) The Council has been notified (via email to [compliance@selwyn.govt.nz](mailto:compliance@selwyn.govt.nz)) no less than 3 working days prior to work commencing, of the earthworks start date and the name and details of the site supervisor;
  - d) The contractor has received a copy of all resource consents and relevant permitted activity rules controlling this work.

*Nuisance – vehicle movements*

7. All works on site must be subject to a Traffic Management Plan (TMP) which must be prepared by a suitably qualified person and submitted for acceptance prior to the commencement of earthworks. No works are to commence until the TMP has been accepted and installed.
8. The TMP must identify the nature and extent of temporary traffic management and how all road users will be managed by the use of temporary traffic management measures. It must also identify the provision of on-site parking for construction staff. Activities on any public road should be planned so as to cause as little disruption, peak traffic safety delay or inconvenience to road users as possible without compromising safety. The TMP must comply with the Waka Kotahi NZTA Code of Practice for Temporary Traffic Management (CoPTTM) and the relevant Road Controlling Authority's Local Operating Procedures.
9. The TMP must be submitted to the relevant Road Controlling Authority through the web portal [www.myworksites.co.nz](http://www.myworksites.co.nz)). To submit a TMP a Corridor Access Request (CAR) must also be submitted. A copy of the accepted TMP and CAR must be supplied to the Council's resource consent monitoring team (via email to [compliance@selwyn.govt.nz](mailto:compliance@selwyn.govt.nz)) at least 3 working days prior to the commencement of works under this consent.

*Nuisance – drainage*

10. Any change in ground levels must not cause a ponding or drainage nuisance to neighbouring properties. All filled land must be shaped to fall to the road boundary. Existing drainage paths from neighbouring properties must be maintained.
11. Following the completion of the filling and associated work an engineering report including a finished section level as built, with retained wall height and slope batter details, must be submitted to the Development Engineer. This report must be undertaken by a suitably qualified engineer. The information contained in this report will be placed on the property record.

#### *Land stability*

12. The earthworks and construction work must be under the control of a nominated and suitably qualified engineer.
13. The fill sites must be stripped of vegetation and any topsoil prior to filling. The content of fill must be clean fill (as defined in the Partially Operative District Plan).
14. The consent holder must submit a report and calculations detailing any filling proposed against existing boundaries and the mitigation proposed to avoid adverse effects on adjoining properties. Any retaining wall construction over 0.5m high must be included and certified as part of the Earth Fill Report in condition 11.

#### **Note:**

- a. Any retaining wall that exceeds 6m<sup>2</sup> is regarded as a building and requires a separate resource consent if not specifically addressed within the application supporting this consent.
  - b. This report may be presented as part of the Design Report for the subdivision works under condition 133.
15. All filling exceeding 300mm above excavation level must be in accordance with NZS 4431:2022 Engineered fill construction for lightweight structures. At the completion of the work an Earth Fill report including a duly completed certificate in the form of Appendix D of NZS 4431 must be submitted to the Council at [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) so that the information can be placed on the property record. This report must detail depths, materials, compaction test results and include as-built plans showing the location and finished surface level of the fill.

#### Advice Note

#### *Dust*

- tt) Dust management can be achieved through keeping the surface of the material damp or by using another appropriate method of dust suppression. Compliance with Canterbury Regional Council requirements must be maintained at all times. Dust mitigation measures such as water carts, sprinklers or polymers must be used on any exposed areas. The roads to and from the site, and the site entrance and exit, must remain tidy and free of dust and dirt at all times.

#### **Contamination**

16. No construction, development or site preparation work must occur on the site until the site has been remediated and validated in accordance with the Conditions 17 to 22.
17. The consent holder must provide a Remedial Action Plan (RAP) prepared by a suitably qualified and experienced Practitioner (SQEP) to Council for certification at least 10 (ten) days prior to the commencement of any earthworks.
18. All earthworks must be undertaken in accordance with the approved remedial action plan (RAP).
19. In the event that soils are found to have visible staining, odours and/or other conditions that indicate soil contamination, then work must cease until a Suitably Qualified and Experienced Practitioner (SQEP) engaged by the consent holder has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils. The consent holder must immediately notify the Council by way of email to [Compliance@selwyn.govt.nz](mailto:Compliance@selwyn.govt.nz). Any measures to manage the risk from potential soil contamination must also be communicated to the Council prior to work re-commencing.
20. Any clean fill material imported to the site must meet the WasteMINZ technical guideline requirements 2022 for clean fill disposal to land.

21. Following remediation, a site validation report must be prepared by a SQEP and provided to Council for certification, outlining the works undertaken. The site validation report must include the following:
- a) Plan showing the location of remediated areas.
  - b) Full chronological, illustrated description (i.e., inclusion of photographs) of the remedial works including the collection of validation samples after removal of all the materials and prior to backfilling/reinstatement.
  - c) Records of any contaminated land related incidents related to the release of soil contaminants, if any
  - d) Information on additional investigations
  - e) Records and details of any discovered contamination (if any)
  - f) Statement of the volumes of soil:
    - i. Disturbed by the works
    - ii. Disposed offsite and confirmation of disposal facility location, and
    - iii. Cleanfill materials imported to site (if any), including source of this material including any supporting analytical data where appropriate
  - g) Validation test results confirming all remaining soil meets the NESCS for residential 10% produce land use, including sampling locations and depths.
22. Contaminated soils removed from the site may not be suitable for disposal at a cleanfill facility and must be disposed of at a facility whose waste acceptance criteria can be met. Evidence of waste disposal, such as weighbridge receipt weighbridge receipts or waste manifest, must be submitted to the Selwyn District Council along with the Site Validation Report.

#### **Accidental discovery**

23. In the event of the discovery/disturbance of any archaeological material or sites, including taonga (treasured artefacts) and koiwi tangata (human remains), the consent holder must immediately:
- a) Cease earthmoving operations in the affected area of the site; and
  - b) Advise the Council of the disturbance via email to [compliance@selwyn.govt.nz](mailto:compliance@selwyn.govt.nz)
  - c) Advise appropriate agencies, including Heritage New Zealand Pouhere Taonga and the local Mana Whenua (Te Taumutu Rūnanga) of the disturbance.

#### **Cultural Matters**

141. To the extent practicable, indigenous plants from the Selwyn District Council pre-approved planting list shall be utilised for landscaping within land to be vested in Council.
142. An accidental discovery protocol (ADP) must be in place during all earthworks to deal with archaeological finds and protect the interests of mana whenua. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014).
143. An Erosion and Sediment Control Plan must be prepared, inspected, and maintained in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury until such time the site is stabilised.
144. If the erosion and sediment controls prove to be inadequate, works must cease until appropriate and effective measures are in place.
145. All contaminated land must be remediated to below residential guidelines prior to site development.
- a. Contaminated materials must not be stockpiled on site.
  - b. Contaminated soils must be disposed of at an appropriately licensed facility.

#### **Advice Note**

- uu) The future development of the lots should align with the Ngāi Tahu subdivision and development guidelines to the greatest practical extent, including sustainable urban design features with respect to stormwater and greywater management:
- a. Greywater capture and reuse.
  - b. Rainwater capture and reuse (i.e., rainwater collection tanks).



- c. Minimising impervious cover (e.g., using permeable paving and maintaining grass cover).
- d. The use of rain gardens and swales (or other land-based methods) rather than standard curb and channel.
- e. The consent holder should avoid the use of building material known to generate contaminants such as copper guttering and roofing.

## Attachments

1. RC245401 Subdivision Approved Plans - Proposed subdivision of Lots 10, 14 & 15 DP 47839 & Lots 1 – 3 DP 427521, Sheet 1 and 2, Drawing No C.19115 FE, Revision R3 and dated October 2024.
2. RC245402 Land Use Approved Plans - Proposed subdivision of Lots 10, 14 & 15 DP 47839 & Lots 1 – 3 DP 427521, Sheet 1 and 2, Drawing No C.19115 FE, Revision R3 and dated October 2024.


## Development Contributions (Subdivision Consent)

Development contributions are not conditions of this resource consent and there is no right of objection or appeal under the Resource Management Act 1991. Objections and applications for reconsideration can be made under the Local Government Act 2002. Any objection or request for reconsideration must be made in writing in accordance with the Development Contribution Policy.

The consent holder is advised that, pursuant to the Local Government Act 2002 and the Council's Development Contribution Policy, the following contributions are to be paid in respect of this subdivision before the Council will issue its certificate pursuant to section 224(c) of the Resource Management Act 1991.

Note: The amounts set out in the attached table are applicable at the time of the granting of this consent. If the time between the date the resource consent is granted and the time which the Council would normally invoice for the development contributions (usually the time an application is made for the issue of Council's section 224(c) certificate for the subdivision) is more than 24 months, the development contributions will be reassessed in accordance with the development contributions policy in force at the time the consent was submitted. To avoid delays, the consent holder should seek the reassessed amounts prior to the application for the section 224(c) Resource Management Act 1991 certificate.

Please contact our Development Contributions Assessor on 03 347 2800 or at:  
[development.contributions@selwyn.govt.nz](mailto:development.contributions@selwyn.govt.nz).

SDC Development Contributions Assessment Tool Outputs								
Consent Identifier:	RC245401						Inputs	OK
Policy Year:	2023/24						Outputs	OK
Activity	Demand Post Development (HUE)	Credits for Existing Demand (HUE)	Additional Demand (HUE)	Development Contribution per HUE (\$)	Development Contribution (\$ Excl. GST)	GST (\$)	Development Contribution (\$ Incl. GST)	
Water Supply	265.00	0.00	265.00	2,462.00	652,430.00	97,864.50	750,294.50	
Wastewater	265.00	0.00	265.00	5,772.00	1,529,580.00	229,437.00	1,759,017.00	
Stormwater	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Reserves	265.00	4.00	261.00	11,628.00	3,034,908.00	455,236.20	3,490,144.20	
Roading	265.00	4.00	261.00	1,472.00	384,192.00	57,628.80	441,820.80	
Lowes Road ODP	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
<b>Total Contribution</b>					<b>5,601,110.00</b>	<b>840,166.50</b>	<b>6,441,276.50</b>	

## Selwyn District Council Advice Notes for the Consent Holder

### Lapse Period (Subdivision Consent)

- a) Pursuant to section 125 of the Resource Management Act 1991, this subdivision consent lapses five years after the date of issue of the decision, i.e. the date of receipt of the Notice of Decision email, unless:
  - (i) A survey plan is submitted to Council for approval under section 223 of the Act before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the Act; or

- (ii) Before the consent lapses an application is made to the Council to extend the period after which the consent lapses and the Council decides to grant an extension.

### **Lapse Period (Land Use Consent)**

- b) Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this land use consent shall lapse five years after the date of issue of the decision, i.e. the date of receipt of the Notice of Decision email, unless before the consent lapses an application is made to the Council to extend the period after which the consent lapses and the Council decides to grant an extension.

### **Section 224 Certificate Issuing Requirements (Subdivision)**

- c) A Section 224 Certificate will not be issued until all Council invoices, including engineering fees and any other related costs associated with the Resource Consent have been paid in full.

### **Resource Consent Only**

- d) This consent is a Selwyn District Council resource consent under the Resource Management Act. It is not an approval under any other Act, Regulation or Bylaw. Separate applications will need to be made for any other approval, such as a water race bylaw approval or vehicle crossing approval.

### **Building Act**

- e) This consent is not an authority to build or to change the use of a building under the Building Act. Building consent will be required before construction begins or the use of the building changes.

### **Regional Consents**

- f) This activity may require resource consent(s) from Environment Canterbury (ECan). It is the consent holder's responsibility to ensure that all necessary resource consents are obtained prior to the commencement of the activity.

### **Monitoring**

- g) In accordance with section 36 of the Resource Management Act 1991, the Council's standard monitoring fee has been charged. This covers setting up a monitoring programme and no site inspection.
- h) If the conditions of this consent require any reports or information to be submitted to the Council, additional monitoring fees for the review and certification of reports or information will be charged on a time and cost basis. This may include consultant fees if the Council does not employ staff with the expertise to review the reports or information.
- i) Where the conditions of this consent require any reports or information to be submitted to the Council, please forward to the Council's Compliance Team, [compliance@selwyn.govt.nz](mailto:compliance@selwyn.govt.nz).
- j) Any resource consent that requires additional monitoring due to non-compliance with the conditions of the resource consent will be charged additional monitoring fees at a time and cost basis.

### **Vehicle Crossings**

- k) Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Infrastructure Department prior to installation. For any questions regarding this process please contact [transportation@selwyn.govt.nz](mailto:transportation@selwyn.govt.nz). Use the following link for a vehicle crossing information pack and to apply online: [Selwyn District Council - Application to Form a Vehicle Crossing \(Entranceway\)](#)

### **Accessible Carparking Spaces**

- l) The District Plan and the Building Code have different requirements for accessible carparking. Therefore, the carparking plan approved as part of this resource consent may not comply with the Building Code. Early engagement with the building consent team is recommended to ensure all requirements can be met.

### **Impact on Council Assets**

- m) Any damage to fixtures or features within the Council road reserve that results from construction or demolition on the site shall be repaired or reinstated at the expense of the consent holder.

### Vehicle Parking During the Construction Phase

- n) Selwyn District Council is working to keep our footpaths safe and accessible for pedestrians, including school children. The Council also seeks to avoid damage to underground utility services under footpaths, e.g. fibre broadband. During the construction phase (and at all other times), please:
- park only on the road or fully within your property – it is illegal to obstruct or park on a footpath; and
  - arrange large deliveries outside of peak pedestrian hours, e.g. outside school start/finish times.

### Businesses Preparing or Serving Food and/or Alcohol

- o) Any consent holder for a business preparing or serving food and/or alcohol will need to ensure that the business complies with any requirements under the Food Act 2014 and the Sale and Supply of Alcohol Act 2012 and associated regulations.
- p) Any consent holder for a business preparing food will need to ensure the business complies with any requirements of the Selwyn District Council Trade Waste Bylaw. More information is available on the Council's website <https://www.selwyn.govt.nz/services/water/wastewater/trade-waste-discharge>

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

- q) The future development of the lots should align with the Ngāi Tahu subdivision and development guidelines to the greatest practical extent, including sustainable urban design features with respect to stormwater and greywater management:
- a. Greywater capture and reuse.
  - b. Rainwater capture and reuse (i.e., rainwater collection tanks).
  - c. Minimising impervious cover (e.g., using permeable paving and maintaining grass cover).
  - d. The use of rain gardens and swales (or other land-based methods) rather than standard curb and channel.
  - e. The consent holder should avoid the use of building material known to generate contaminants such as copper guttering and roofing.

<b>Report by:</b> Kate Bonifacio, Resource Management Planner	<b>Date: 12 November 2024</b>
--	-------------------------------

### Decision

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

 <b>Commissioner Graham Taylor</b>	<b>Date: 13 November 2024</b>
--	-------------------------------







AMENDMENTS :		
AMENDMENT	DATE	DESCRIPTION
R1	24.5.24	LOTS 188 - 197 & 412 AMENDED
R2	8.10.24	LOT 502 REMOVED LOT 602 AMENDED
R3	4.10.24	LOTS 136, 137 & 505 AMENDED, STAGE 18 ADDED

Lot 15 DP 483709

Lot 13 DP 483709

Lot 12 DP 483709

**406**  
466m<sup>2</sup>  
Road to  
vest in SDO

— **407**  
930m<sup>2</sup>  
Road to  
vest in SDC

— **504**  
312m<sup>2</sup>  
Reserve to  
invest in SDC

**412**  
447m<sup>2</sup>  
Road to  
west in SDC

**700**  
747m<sup>2</sup> —  
ty Lot for —  
s / Roothing  
urposes  
O DP 47839)

SCHEDULE OF AREAS	
Description	Area
Residential Lots - ( Lots 1 - 263, 300 & 301 )	11.7020ha
Road to vest ( Lots 400 - 410, 412 - 419 )	4.9016ha
Reserves to vest ( Lots 500, 501 & 503 - 506 )	5424m <sup>2</sup>
Access Lots- ( Lots 600 - 614 )	4958m <sup>2</sup>
Utility Lot ( Lot 700 )	747m <sup>2</sup>

Total Area :	17.7169ha
--------------	-----------

Comprised in: RT's CB47C/39, 508789, 508790  
& 508791



116 Wrights Road P O Box 679 Christchurch 8140. New Zealand  
Telephone: 03 379-0793 Website: [www.dls.co.nz](http://www.dls.co.nz) E-mail: [office@dls.co.nz](mailto:office@dls.co.nz)

## Falcons East

SHEET TITLE:

**Proposed Subdivision of  
Lots 10, 14 & 15 DP 47839  
& Lots 1 - 3 DP 427521**

DRAWING STATUS

## For Subdivision Consent

SCALE: 1:1000@A1  
1:2000@A3

CAD FILE : J:\19115\Subcon\Falcons East\Subcon\C19115 FE Subcon R3 16x23.dwg		REVISION :
DRAWING No :	SHEET No :	

DRAWING No : **C 10115 FF** SHEET No: **1 of 2** **B3**

C.19115 FE 1 of 2 R3

--	--

16m X 23m Fits

16m X 23m  
Doesn't fit

## PROPOSED AMALGAMATION CONDITIONS

1/ Lot 600 hereon ( Access Lot ) be held as to 3 undivided one-third shares by the owners of Lots 3, 5 & 6.

2/ Lot 601 hereon ( Access Lot ) hereon be held as to 6 undivided one-sixth shares by the owners of Lots 24, 25, 26, 27, 28 & 30.

3/ Lot 602 ( Access Lot ) hereon be held as to 8 undivided one-eighth shares with two shares each to the owners of Lots 72, 74, 76 & 78.

4/ Lot 603 ( Access Lot ) hereon be held as to 2  
undivided one-half shares by the owners of Lots 104  
& 105.

5/ Lot 604 ( Access Lot ) hereon be held as to 2  
undivided one-half shares by the owners of Lots 108  
& 109.

---

6/ Lot 605 ( Access Lot ) hereon be held as to 2  
undivided one-half shares by the owners of Lots 112  
& 113.

7/ Lot 606 ( Access Lot ) hereon be held as to 3  
undivided one-third shares by the owners of Lots  
121, 122 & 123.

8/ Lot 607 ( Access Lot ) hereon be held as to 2  
undivided one-half shares by the owners of Lots 137  
& 138.

9/ Lot 608 ( Access Lot ) hereon be held as to 2  
undivided one-half shares by the owners of Lots 155  
& 156 .

10/ Lot 609 ( Access Lot ) hereon be held as to 2  
undivided one-half shares by the owners of Lots 176  
& 177.

---

11/ Lot 610 ( Access Lot ) hereon be held as to 6 undivided one-sixth shares with two shares each to the owners of Lots 219, 221 & 223.

12/ Lot 611 ( Access Lot ) hereon be held as to 2  
undivided one-half shares by the owners of Lots 233  
& 234.

13/ Lot 612 ( Access Lot ) hereon be held as to 2  
undivided one-half shares by the owners of Lots 237  
& 238.

14/ Lot 613 ( Access Lot ) hereon be held as to 4  
undivided one-quarter shares by the owners of Lots  
248, 249, 250, & 251.

15/ Lot 614 ( Access Lot ) hereon be held as to 5  
undivided one-fifth shares by the owners of Lots 259,  
260,261, 262 & 301.

---

## NOTES

1. Areas and dimensions are approximate only and are subject to final survey and deposit of plans.
2. Service easements to be created as required.
3. This plan has been prepared for subdivision consent purposes only. No liability is accepted if the plan is used for any other purposes.
4. Stages can be created as required and in any order leaving a balance Residual Parcel.