

Resource Consent Decision

RC235028



APPLICANT:	GW Wilfield Ltd
PROPOSAL:	235028: To undertake a 43 lot residential subdivision
LOCATION:	39 Branthwaite Drive, Rolleston
LEGAL DESCRIPTION:	Lot 15 DP 509805 being 2.3347ha in area more or less, as contained in Record of Title 778868. Lot 450 DP 566745 being 3999m ² in area more or less, as contained in Record of Title 1019420.
ZONING:	Operative Selwyn District Plan (2016) The property is zoned Living Z and is within Outline Development Area 11 under the provisions of the Operative District Plan (Townships) Volume Proposed Selwyn District Plan (notified 05 October 2020) The property is zoned General Residential and is within the Medium Density Residential Zone under the provisions of the Proposed District Plan
STATUS:	Operative Selwyn District Plan (2016) 235028: This application has been assessed as a subdivision consent for a Non-Complying Activity under the Operative District Plan. NES: The proposal is also a Restricted Discretionary Activity under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)
This application was formally received by the Selwyn District Council on 26 January 2023. Assessment and approval took place on 5 April 2023 under a delegation given by the Council.	

Decision

- A. Resource consent 235028 be processed on a **non-notified** basis in accordance with sections 95A-F of the Resource Management Act 1991; and
- B. Resource consent 235028 be **granted** pursuant to sections 104, 104B and 104D of the Resource Management Act 1991 subject to the following conditions imposed under sections 108 and 220 of the Act:

General

1. That the following conditions of consent shall be met prior to the issue of the Section 224(c) Completion Certificate, at the expense of the Consent Holder.
2. That the subdivision shall proceed in general accordance with the attached approved subdivision plan (now marked SDC 235028) and the details included with the application, including the creation of any additional utility lots except where varied by the following conditions of consent.
3. That all required easements shall be duly created and granted or reserved.
4. That should any utility lot be created, a consent notice shall be registered on the Record of Title stating that this lot shall be used as a utility lot only and may not be used for the purpose of any future subdivision or boundary adjustment calculation.
5. That the subdivision may be carried out in stages in no particular order in accordance with the attached approved subdivision plan.

Contamination

6. Prior to the subdivision development works commencing soil and material that contains concentrations of contaminants in excess of soil contaminants standards or guidelines for residential land use (under the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health) within the burn pile area shall be remediated in accordance with the 'Soil Contamination Risk Detailed Site Investigation and Remediation Action Plan' completed by Momentum Environmental Ltd (dated March 2023) that was provided with the application.
7. That a Site Validation Report be produced in accordance with the Ministry for the Environment Contaminated Land Guidelines and lodged with Selwyn District Council at the end of the remediation process confirming that the site has been remediated so that soil contamination does not exceed the applicable standard or guidelines for residential land use. The validation soil sampling shall also analyse for polycyclic aromatic hydrocarbons (PAH). This report shall be to the approval of the Selwyn District Council.
8. That all soil removed from within the burn pile area shall be disposed of at a facility authorised to receive such material.
9. All samples required under this consent shall be collected and analysed in accordance with Ministry for the Environment requirements.
10. Soil removed from the burn pile area shall be loaded directly onto trucks and shall not be stockpiled on site, other than within the excavated area.
11. That any replacement soils are to be certified clean fill by the supplier and/or tested to confirm that it complies with the residential guidelines.
12. That where evidence of a contaminated site not identified in the application is found at any stage of the subdivision development works, then site works shall immediately cease within 10 metres of the contamination until the risk has been assessed by an Appropriately Qualified Environmental Practitioner in accordance with current Ministry for the Environment Guidelines and, if required, a resource consent obtained under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (or most recent subsequent amendment). Once the risk has been assessed and any required resource consent obtained, the consent holder shall undertake all necessary work to

rehabilitate the site in accordance with either the standards for permitted activities or the conditions of the resource consent (as appropriate). All works shall be undertaken at the consent holders expense.

Water, sewer and stormwater- General

13. Each lot within the subdivision shall be separately serviced with water, sewer and stormwater systems. This condition does not apply to stormwater where ground soakage is available.
14. Where sewer and water mains and stormwater systems in private property are to be vested, a written request shall be submitted for Council approval. Easements in gross in favour of Council shall be provided.

Water

15. The net area of each lot shall be provided with an individual potable high pressure connection to the Rolleston water supply in accordance with the approved Engineering Plans.
16. Water meters shall be installed in the road reserve only (please note that multi meter boxes may be utilised).
17. Connection into Council's reticulated water supply must either be carried out or supervised by Council's contractor CORDE at the cost of the consent holder.

Sewer

18. That each lot shall be provided with a sewer lateral laid to the boundary of the net area of that lot in accordance with the Engineering Code of Practice.
19. All laterals shall be installed ensuring grade and capacity are provided for and in accordance with Council engineering standards, giving regard to maximum upstream development density.
20. All sewer reticulation to be vested shall meet Council CCTV standards.
21. Connection to the Council sewer shall be arranged by the consent holder and the work shall be done by a registered drainlayer.
22. The existing on-site effluent treatment and disposal system shall be decommissioned and removed from the site or backfilled. A building consent will be required for this work.

Stormwater

23. The consent holder shall install stormwater reticulation treatment and disposal systems to service the subdivision in accordance with the approved engineering plans and the requirements of Canterbury Regional Council.
24. The consent holder shall prepare and submit a Stormwater Design Report and Management Plan in accordance with the requirements of Selwyn District Council and Canterbury Regional Council. This plan shall be provided for Selwyn District Council's approval and sign-off at the consent holder's cost. It shall include, but not be limited to:
 - i. 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.
 - ii. Existing and proposed drainage plan with sub catchments and flow arrows to show how the drainage will be affected.

- iii. Calculations to demonstrate compliance with the Engineering Code of Practice and any relevant Environment Canterbury consent conditions.
 - iv. Ongoing operation and maintenance requirements.
25. Where stormwater discharges are to be undertaken as a permitted activity, confirmation in writing of permitted status shall be provided from Canterbury Regional Council in the form of a certificate of compliance.
26. The proposed development shall not discharge run off onto adjacent properties unless via a controlled outlet approved as part of the Engineering Design Approval.
27. In the event that an adjacent neighbour's historical stormwater drainage was onto the site, the proposed development must maintain or mitigate the historical discharge.
28. Where a specific discharge consent is issued by Canterbury Regional Council (Environment Canterbury), any consent or associated conditions will be subject to Selwyn District Council acceptance, where these obligations will be transferred to Selwyn District Council. The consent holder will hold, operate and maintain the stormwater consent for a minimum of two years after the section 224(c) Completion Certificate has been issued. Council must be satisfied at the end of this period that all aspects of the system, including but not limited to compliance with consent conditions, operations and maintenance costs are acceptable to Council.
29. The consent holder shall provide a Stormwater Operations and Maintenance Manual prior to the approval of the section 224(c) Completion Certificate.
30. Where stormwater mains in private property are to be vested in Selwyn District Council, a written request shall be submitted to the Development Engineering Manager. Easements in gross in favour of Council shall be provided.

Utilities

31. The consent holder shall provide electricity and telecommunications to the net area of each lot of the subdivision with direct frontage to a road by way of underground reticulation in accordance with the standards of the relevant network utility operator.
32. The consent holder shall provide infrastructure to the net area of each rear lot of the subdivision to enable electricity and telecommunications connections by way of underground reticulation in accordance with the standards of the relevant network utility operator.
33. The consent holder shall provide evidence in writing from the relevant authorities that electrical and telephone service connections have been installed to each lot.

Site stability and site works

34. That all site works are to be undertaken in accordance with the conditions of resource consent RC235029.
35. All construction noise on the site shall be planned and undertaken to ensure that construction noise emitted from the site does not exceed the noise limits outlined in Table 2 of NZS6803:1999 Acoustics – Construction Noise. Sound levels associated with construction activities shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise.
36. That the Consent Holder shall ensure on a continuing basis (until Record of Titles are available for each lot) that dust is not generated from: consolidated material; the disturbance or transportation of material; or earthworks activities by keeping the surface of the material damp or by using another appropriate method of dust suppression. This applies to exposed areas of earth, stockpiles and unsealed roads.

37. The consent holder shall implement best practicable option measures to avoid or mitigate the discharge of sediment laden runoff beyond the boundary of the property.
38. A site ground investigation shall be carried out by a suitably qualified person and a report provided to Council.
39. Any filling on the site is to take into account the current land stormwater and drainage pattern and is not to divert stormwater onto adjoining properties.
40. The Consent Holder shall confirm whether any earth fill has been placed on site. All earthworks completed on site are to be carried out in accordance with New Zealand Standard (NZS) 4431:2022 – Engineered fill construction for lightweight structures.
41. At the completion of all earthworks Certificates satisfying the conditions of New Zealand Standard (NZS) 4431:2022 – Engineered fill construction for lightweight structures, are to be provided to the Selwyn District Council. These certificates will detail the extent and nature of all earthworks undertaken.
42. On the completion of works:
 - a) All disturbed areas shall be returned to its original state as near as is practicable and stabilised and/or revegetated; and
 - b) All spoil and other waste material from the works shall be removed.

Landscaping and irrigation

43. The consent holder shall landscape the street frontages. The minimum standard (unless otherwise agreed through Engineering Design Approval) will include grass berms and street trees. A landscaping proposal shall be submitted to the Council for approval at the time of submission of the engineering plans and specifications, and the landscaping shall be undertaken in accordance with the approved plans.
44. Entrance structures shall not be placed on Council road reserve.

Reserves

45. Pursuant to the relevant legislation the consent holder shall vest Lot 54 in the Council as Recreation Reserve.
46. The consent holder shall supply to Council copies of all Certificates of Title for land, other than roads, that is vested in the Council.

Roading and access

47. All roads shall be constructed in accordance with the approved engineering plans. All roads shall be vested in the Selwyn District Council as road.
48. The corner of Lots 1, 2, 7, 16, 21, 39, 40, 43 shall be splayed with a rounded minimum radius of 3 metres.
49. Street lighting shall be provided on all new roads and existing roads in accordance with the Engineering Approval.
50. Vehicle crossings to service Lots 11-12, Lots 18-19, Lots 24-25 and Lots 32-33 shall be formed in accordance with Appendix 13 of the District Plan (Townships Volume). The vehicle crossing shall be sealed/metalled to match the existing road surface for the full width of the crossing between the site boundary and sealed carriageway.

51. The vehicle accessway serving Lots 11-12, Lots 18-19, Lots 24-25 and Lots 32-33 shall be formed in accordance with Appendix 13 of the District Plan (Townships Volume).

Amalgamation conditions

52. That the following amalgamation conditions shall be met (LINZ Reference 1846575):

- a) Lot 50 (Access Lot) hereon be held as to 2 undivided one half shares by the owners of Lots 11 and 12.
- b) Lot 51 (Access Lot) hereon be held as to 2 undivided one half shares by the owners of Lots 18 and 19.
- c) Lot 52 (Access Lot) hereon be held as to 2 undivided one half shares by the owners of Lots 24 and 25.
- d) Lot 53 (Access Lot) hereon be held as to 2 undivided one half shares by the owners of Lots 32 and 33.

Consent Notices

53. That pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for each lot recording the following restrictions:

Unless a resource consent has been granted otherwise, any fence or freestanding wall shall comply with the requirements of the District Plan at the time the fence or freestanding wall is constructed. For further information please refer to the relevant rule in the District Plan or contact the duty planner at the Selwyn District Council.

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

54. That pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Record of Title for Lots 1, 40 – 43, and 27 - 39 recording the following restrictions:

This lot is only permitted to contain one single residential dwelling. Multiple dwellings are not permitted.

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

Cancellation of consent notices

55. Existing consent notice CN 10762378.6 and CN 10762378.8 registered on Record of Title 778868 (Lot 15 DP 509805) shall be cancelled.

56. Existing consent notice CN 12316889.18 and CN 12316889.20 registered on Record of Title 1019420 (Lot 450 DP 566745) shall be cancelled.

Natural Hazards

57. That a report be provided by a suitably qualified and experienced person confirming that either:

- a) The engineering design of the subdivision is sufficient to mitigate flooding on every site, based on a 200-year Annual Exceedance Probability flood event; or
- b) Where the engineering design is insufficient to satisfy Condition 57(a) above, the required minimum building finished floor height above ground level for dwellings or other principal buildings, in order to achieve a 300mm freeboard above a 200-year Annual Exceedance Probability flood event.

On-going compliance with condition 57(b) above shall be ensured through the registration of a consent notice to this effect on every affected site.

Engineering- General

58. The engineering design plans and specifications for all works shall be submitted to the Development Engineering Manager for approval including, but not limited to:

- Water supply
- Sewerage
- Stormwater
- Roading, including streetlighting and entrance structures
- Upgrade of existing road frontages
- Shared accessways
- Landscaping and irrigation.

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

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

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

61. The consent holder shall include with the engineering plans and specifications submitted for Engineering Approval, copies of any other consents required and granted in respect of this subdivision, including any certificate of compliance or consent required by Canterbury Regional Council.

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

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

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

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)

65. The Consent Holder shall enter into a bond and be responsible for the maintenance of all subdivision and associated works vested in the Council in relation to the Consent at the issuance of the section 224(c) certificate and continue until the Council tests and accepts the quality of the bonded infrastructure and the agreed or stipulated maintenance period taking into account any needed repairs, replacement or rectification required for a period of:

- a. 12 months for roading, water, sewer and stormwater reticulation; and
- b. 24 months for landscaping, reserve assets, stormwater treatment and discharge systems and sewer pump stations.

Attachments

1. Approved Plan

Development Contributions (Subdivision Consents)

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.

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.

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	43.00	0.00	43.00	2,192.00	94,256.00	14,138.40	108,394.40
Wastewater	43.00	0.00	43.00	5,138.00	220,934.00	33,140.10	254,074.10
Stormwater	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Reserves	43.00	1.00	42.00	10,352.00	434,784.00	65,217.60	500,001.60
Roading	43.00	1.00	42.00	1,310.00	55,020.00	8,253.00	63,273.00
Lowes Road ODP	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Contribution					804,994.00	120,749.10	925,743.10

Notes to the Consent Holder

Lapse Period (Subdivision Consents)

- a) Under section 125 of the RMA, this subdivision consent lapses five years after the date it is granted unless:
- (i) A survey plan is submitted to Council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or
 - (ii) An application under section 125 of the RMA is made to the council before the consent lapses (five years) to extend the period after which the consent lapses and the council grants an extension.

Monitoring

- b) In accordance with section 36 of the Resource Management Act 1991, the Council's specialised monitoring fee has been charged.
- c) 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.
- d) Where the conditions of this consent require any reports or information to be submitted to the Council, please forward to the Council's Compliance and Monitoring Team, compliance@selwyn.govt.nz
- e) Any resource consent that requires additional monitoring due to non-compliance with the conditions of the resource consent will be charged additional monitoring fees on a time and cost basis.

Vehicle Crossings

- f) Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Assets Department prior to installation. For any questions regarding this process please contact transportation@selwyn.govt.nz. You can use the following link for a vehicle crossing information pack and to apply online: <https://www.selwyn.govt.nz/services/roads-And-transport/application-to-form-a-vehicle-crossing-entranceway>

Regional Consents

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

Impact on Council Assets

- h) Any damage to fixtures or features within the Council road reserve that is caused as a result of construction or demolition on the site shall be repaired or reinstated and the expense of the consent holder.

Vehicle Parking During the Construction Phase

- i) Selwyn District Council is working to keep our footpaths safe and accessible for pedestrians. During the construction phase (and at all other times):
 - Please park on the road or fully within your property.
 - It is illegal to park on or obstruct a footpath.
 - Arrange large deliveries when school children are not around
 - Blocking the footpath can cause a school child to have to move out onto the road or cross the road at a location they are not familiar with.
 - Parking on the footpath also damages the utility services like internet fibre underneath

General

- j) Engineering Approval – All applications for Engineering Approval shall be uploaded electronically to the Selwyn District Council Website at the following address:
www.selwyn.govt.nz/services/subdivisions/engineering-approval/

The application shall include:

1. Design specifications
2. Design drawings
3. Design calculations
4. Relevant Resource Consents or Certificates of Compliance.

All correspondence regarding engineering approvals is to be directed to:
Development.Engineer@selwyn.govt.nz

- k) *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)*

Maintenance bonds shall be valued at 5% of the total value of works (plus GST).

1. The resource consent holder shall 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.
 2. 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.
- l) *Street names, numbering and signage:* Road and street names and individual property address numbers shall be adopted only upon Council approval. The applicant shall supply to Council for consideration a minimum of 3 names, listed in preference, for those roads or streets that are to be vested in Council. This may be done at Engineering Approval.

Council will arrange for the installation of the street name signs and poles at each intersection to the Council's standard, at the consent holder's cost.

- m) *Property numbering:* All new residential lots adjoining legal roads and/or private roads/rights of way created by this subdivision will be issued property numbers by Council in accordance with Council Policy. The consent holder shall supply Council with a finalised Deposited Plan to enable numbers to be generated for issue and adoption.
- n) *Vesting of roads and reserves subject to land covenants:* The Council accepts new roads or reserves subject to land covenants in limited circumstances as outlined in the Policy for the Vesting of Road and Reserves Subject to Land Covenants which is attached to this decision.
- o) *Vehicle Crossings:* Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Assets Department prior to installation. For any questions regarding this process please

contact transportation@selwyn.govt.nz. You can use the following link for a vehicle crossing information pack and to apply online: <https://www.selwyn.govt.nz/services/roads-And-transport/application-to-form-a-vehicle-crossing-entranceway>

- p) *Road Frontage Upgrades*: Where existing road frontages or roading connections are to be upgraded, this work is required to be approved and undertaken through the Engineering Approval.

Water Supply

- q) For supervision purposes a minimum of 2 working days' notice is required. Please note a connection fee being the actual cost quoted by CORDE will apply.

Sewer

- r) The developer retains responsibility for checking system capacity and confirming when a new sewer Pump Station will be required to service the development.

Stormwater

- s) The Stormwater Operations and Maintenance Manual shall 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 shall 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 ie notification procedure at least two months prior to requesting handover.
- t) 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, shall be determined by a suitably qualified person/engineer and evidence of results is to be provided at engineering approval.
- u) Council has the right to have designs peer reviewed at the consent holder's cost.
- v) All stormwater reticulation to be vested shall meet council CCTV standards
- w) 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.

Utilities

- x) 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.

Landscaping

- y) 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.

Roading

- z) The development is to include the formation of Kestrel Street including the tie in points to Kestrel Street to the south and to formation of the new intersection at Brathwaite Drive. The applicant is also responsible for extending Merlin Terrace and Talin Drive so they connect through to Kestrel Street with all associated remedial works related to the removal of the current turnaround areas.

Yours faithfully,

Selwyn District Council



Charlotte Scotchbrook