

# Sections 95, 95A-E, 104, 104B and D, 106, 108, 108AA, 220, and 221



## Resource Management Act 1991

### Decision/Report

**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>RC235637 and RC235639</b>
<b>APPLICANT:</b>	GW Wilfield
<b>BRIEF DESCRIPTION OF APPLICATION:</b>	<p>This is a joint application for subdivision, consent notice cancellation and 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 RC235637 is sought to undertake a subdivision to create 234 residential lots, including the cancellation of consent notices.</p> <p>Land use consent RC235639 is sought to undertake earthworks associated with RC235637, and for non-complying roading, accessway, and vehicle crossings:</p> <ul style="list-style-type: none"><li>- Lots 722 to 725, Lot 429 and Lots 717-719 – Vehicle crossing intersection setback;</li><li>- Lots 759 to 762 and Lots 722 to 725 – vehicle crossing sightlines;</li><li>- Lots 759-762, 722 to 725, 429, and 717 to 719 – vehicle crossings and arterial roads</li></ul> <p>Consent is also required under the NES-CS.</p>
<b>SITE DESCRIPTION:</b>	<p>Address: Ridgeland Way, West Melton</p> <p>Legal Description:</p> <ul style="list-style-type: none"><li>- Lot 300 DP 588622</li><li>- Rural Section 10802</li><li>- Lot 2 DP 578461</li></ul> <p>Title References:</p> <ul style="list-style-type: none"><li>- 1124479</li><li>- CB10A/296</li><li>- 1081479</li></ul> <p>Area:</p> <ul style="list-style-type: none"><li>- 17.2850ha in area more or less</li><li>- 10.5218ha in area more or less</li></ul>



	- 3.5536ha in are more or less
<b>ZONING / OVERLAYS</b>	<p><b>Operative Selwyn District Plan (2016), Township Volume</b></p> <p>Living West Melton (South) Zone</p> <p>ODP Living West Melton (South) Zone</p> <p><b>Partially Operative Selwyn District Plan (Appeals Version – released 27 November 2023)</b></p> <p>General Residential Zone and Large Lot Residential Zone</p> <p>Overlays:</p> <p>Development Area: DEV -WM1</p> <p>Plains Flood Management Overlay</p> <p>Liquefaction Damage Unlikely Overlay</p> <p>Observatory Lighting Control Overlay</p>
<b>OVERALL ACTIVITY STATUS:</b>	<b>Non- Complying</b>

## The Application

1. This application was formally received by the Selwyn District Council on 31 October 2023. Further information was received on 29 November 2023, and this information now forms part of the application.
2. The application proposes to subdivide three lots into 234 residential lots in twelve stages and across two residential zones, being the General Residential Zone and Large Lot Residential Zone. The application will replace RC225425, RC225426 and RC235400.
3. Land use consent is sought for earthworks in excess of the maximum permitted volume, non-compliant road formation, non-compliant vehicle accessway and crossings, and consent under the NES for Assessing and Managing Contaminants in Soil
4. The subdivision and land use aspects have been bundled in one application and will be processed as such, given that there is an overlap between the two such that consideration of one may affect the outcome of the other and it would not be appropriate to separate them. This enables an integrated and holistic assessment of the proposal as a whole.
5. The main aspects of the activity are as follows:
  - Earthworks of approximately 18,500m<sup>3</sup>
  - The creation of lots ranging between 500m<sup>2</sup> and 1451m<sup>2</sup> in the General Residential Zone
  - The creation of lots ranging between 3012m<sup>2</sup> and 3092m<sup>2</sup> in the Large Lot Residential Zone
6. The subdivision scheme plan is as follows:



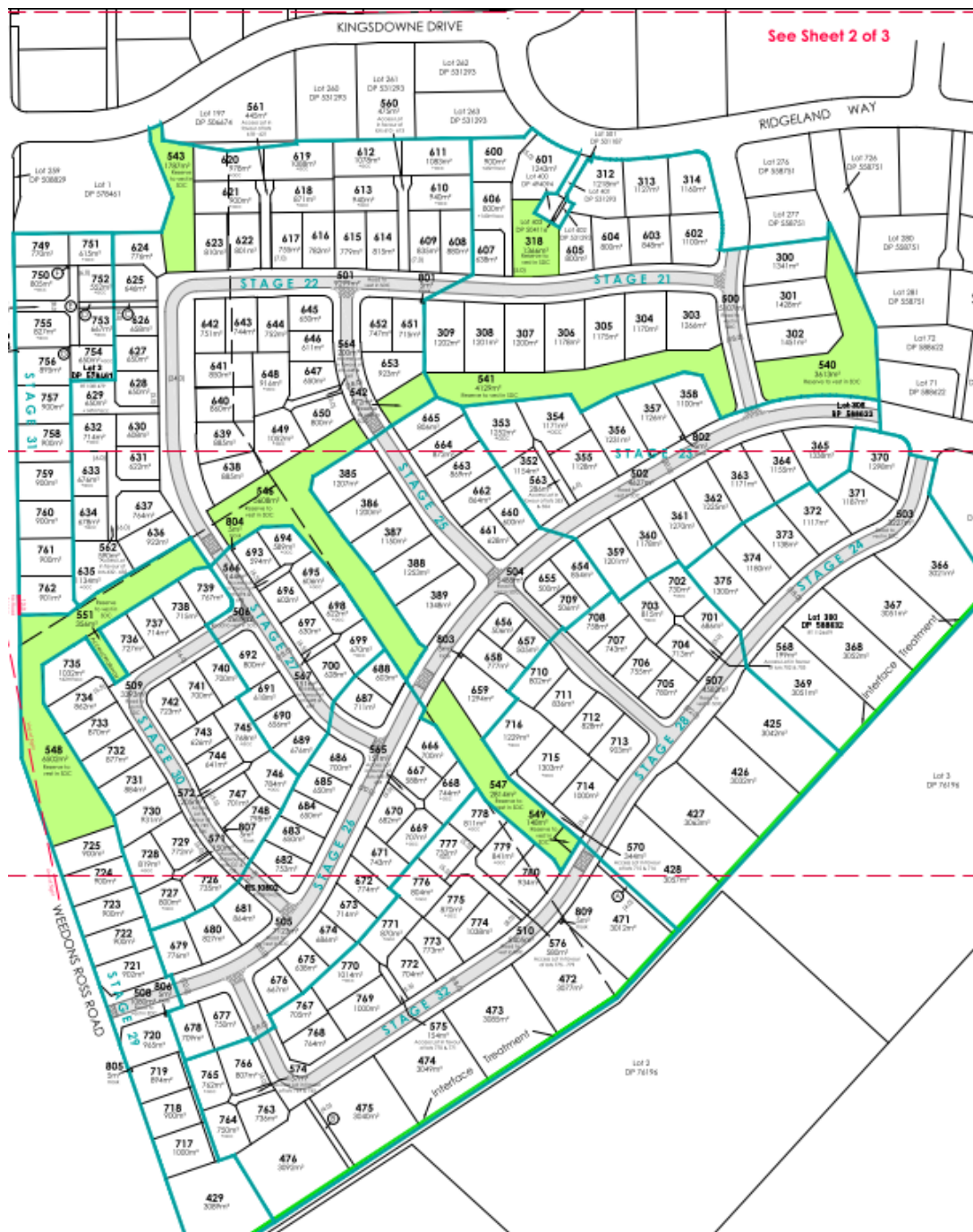


Figure 1: Amended scheme plan provided by Davie Lovell-Smith, dated January 2024

## Background

8. Resource Consents for the subdivision of three titles to create 179 residential lots in ten stages, with associated roads and reserves (RC225425) and for associated earthworks under the NES-CS (RC225426) was granted on 24 November 2022 on a non-notified basis.
9. A change of conditions to RC225425 was granted in September 2023 (RC235400). The application made changes to the servicing arrangement of the previously granted subdivision, including the vesting of Lot 318 as a utility allotment.
10. This resource consent application, being RC235637, now seeks for further intensification of residential density within the General Residential Zone areas of the application site. RC235637 and RC235639 will replace RC225425, RC225426, and RC235400, if granted.



11. With regards to the NES for contaminated land, a HAIL site has previously been identified on RS 10802 for which a Detailed Site Investigation ('DSI') had not yet, at the time of previous subdivision, been completed. Resource consent for that HAIL site was deferred to a later point in time and is addressed now as part of these new resource consent applications (RC235637 and RC235639).

## The Existing Environment

12. The application site is located on the most southern extent of the West Melton residential zone, with rural land to the west, east and south and residential land to the north.
13. The site has frontage onto Weedons Ross Road which is defined as an arterial road, and Kingsdowne Drive and Ridgeland Way, which are both defined as local roads under the Operative District Plan and Partially Operative District Plan.
14. The site comprises of RS 10802, Lot 300 588622 and Lot 2 DP 578461 and is approximately 31.3640ha in area. The application details confirm that site works have begun within Stages 21, 23 and 24, under the current resource consents.
15. I visited the site on 8 December 2023.

## Statutory Considerations

16. Section 221 of the Resource Management Act states:

### **221 Territorial authority to issue a consent notice**

- (1) *Where a subdivision consent is granted subject to a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of a survey plan (not being a condition in respect of which a bond is required to be entered into by the subdividing owner, or a completion certificate is capable of being or has been issued), the territorial authority shall, for the purposes of [section 224](#), issue a consent notice specifying any such condition.*
- (2) *Every consent notice must be signed by a person authorised by the territorial authority to sign consent notices.*
- (3) *At any time after the deposit of the survey plan,—*  
(a) *the owner may apply to a territorial authority to vary or cancel any condition specified in a consent notice;*  
(b) *the territorial authority may review any condition specified in a consent notice and vary or cancel the condition.*
- (3A) *[Sections 88 to 121](#) and [127\(4\) to 132](#) apply, with all necessary modifications, in relation to an application made or review conducted under subsection (3).*
- (4) *Every consent notice shall be deemed—*  
(a) *to be an instrument creating an interest in the land within the meaning of [section 51](#) of the Land Transfer Act 2017, and may be registered accordingly; and*  
(b) *to be a covenant running with the land when registered under the [Land Transfer Act 2017](#), and shall, notwithstanding anything to the contrary in [section 103](#) of the Land Transfer Act 2017, bind all subsequent owners of the land.*
- (5) *Where a consent notice has been registered under the [Land Transfer Act 2017](#) and any condition in that notice has been varied or cancelled after an application or review under subsection (3) or has expired, the Registrar-General of Land shall, if he or she is satisfied that any condition in that notice has been so varied or cancelled or has expired, make an entry in the register and on any relevant instrument of title noting that the consent notice has been varied or cancelled or has expired, and the condition in the consent notice shall take effect as so varied or cease to have any effect, as the case may be.*

## Activity Status

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

17. The application site is zoned Living WM South. The site is also subject to the West Melton Observatory Overlay.
18. 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.



19. The rules that still apply following appeals and that this proposal does not meet are as follows.

### Subdivision

20. Subdivision is a Restricted Discretionary Activity in the Living WM South Zone if it complies with the standards and terms set out in Rule 12.1.3. Subdivision involving the creation of access, reserves, and utility lots is also a Controlled Activity under Rule 12.3. The proposed subdivision does not meet the following rules under Rule 12.1.3:

RULE	TOPIC	COMPLIANCE	STATUS
12.1.3.7	Size and Shape	The lots located within the Living WM South Medium Density zoned area of the subdivision will not all achieve a minimum lot area of 1100m <sup>2</sup> and maximum lot area of 3000m <sup>2</sup> (Appendix 20)	Non-Complying (Rule 12.1.7.1)
12.1.3.55	Outline Development Plan requirements	The non-complying lot sizes will not be accordance with the layout and contents of the ODP	Non-Complying (Rule 12.1.7.1)
12.3	Subdivision – Access, reserve and utility lots	The subdivision will involve the creation of roads, reserves and utility lots	Controlled Activity (12.3.1)

21. Therefore, the subdivision proposal is a **Non-Complying** activity under the Operative Plan.

### Land Use

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

RULE	TOPIC	COMPLIANCE	STATUS
5.1	Road and engineering standards	The roads will not be formed in accordance with Appendix 13m Table E13.8. <ul style="list-style-type: none"><li>- Legal and carriageway width non compliances (Rule 5.1.2)</li><li>- Road intersection setbacks non-compliances (Rule 5.1.2)</li></ul>	Discretionary (Rule 2.1.8.2)
5.2	Vehicle accessways	ROW greater than 50m in length and servicing 4-6 lots requires a passing bay	Discretionary (Rule 5.2.3)

23. Therefore, the land use proposal is a **Discretionary** activity under the Operative Plan.

### Status – Operative Plan

24. Overall, the bundled proposal is a **Non-Complying** activity under the Operative Plan.

### Partially Operative Selwyn District Plan (Appeals Version – released 27 November 2023) (“the Partially Operative Plan”)

25. The application site is zoned General Residential Zone and Large Lot Residential Zone. The site is also subject to:
- Development Area: DEV -WM1
  - Plains Flood Management Overlay
  - Liquefaction Damage Unlikely Overlay
  - Observatory Lighting Control Overlay .



26. 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.
27. The rules of the Partially Operative Plan that this proposal does not meet are as follows.

### Subdivision

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

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

RULE	TOPIC	COMPLIANCE	STATUS
SUB-R17	Subdivisions and natural hazards	Site is located within Flood Management Overlay	Restricted Discretionary (SUB-R17.4)

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

RULE	TOPIC	COMPLIANCE	STATUS
SUB R1	Subdivision in Residential Zones (MRZ)		
SUB REQ 1	Site Area	REQ 1: The lots within the LLRZ do not comply (min. average is 3053m <sup>2</sup> , not 5000m <sup>2</sup> )	Non-Complying (SUB REQ1.3)
SUB REQ3	Development Area	LLRZ lot sizes do not comply with development area requirements	Discretionary Activity (SUB-REQ3.2)
SUB REQ4	Road frontage width	Lots 734 and 624 will not meet the minimum 15m required width for the GRZ	Restricted Discretionary (SUB REQ 4.2)
SUB REQ 7	Walkable blocks	The maximum length of any one side of a block shall not be more than 250m.  A number of the blocks have a length of greater than 250m	Restricted Discretionary (SUB REQ 7.2)
SUB R13	Subdivision to create access, reserve or infrastructure sites in all zones	The subdivision includes the creation of roads, reserves and installation of infrastructure	Controlled Activity (SUB R-13)

29. Therefore, the subdivision proposal is a **Non-Complying** activity under the Partially Operative Plan.

### Appeals

30. One Notice of Appeal has been lodged in relation to **SUB-R1**. The Appellants are appealing the decision in relation to SUB- REQ13 (Conditions Precedent). Their appeal of SUB – REQ13 also results in the appeal of SUB- REQ 3 (Outline Development Plan). The appellants seek the following relief:
- (a) that the Subdivision Rule Requirement SUB-REQ13 Condition Precedent in relation to DEV – DA8 be deleted in its entirety, or as alternative relief be amended to read:



*Subdivision to create any site in the General Industrial Zone within DEV-DA8 shall not take place until the intersection of Creyke Road and State Highway 73 has been upgraded in consultation with the road controlling authority for State Highway 73.*

- (b) That the ODP legend be updated so that the orange shaded area is correctly recorded as General Residential Zone.
- (c) Such further, other, or consequential relief as necessary to address the matters raised in the appeal.

31. **SUB R13** is also under appeal as one of the rule requirements under this Rule is SUB – REQ13 (Conditions Precedent) which as noted above is appealed. The relief sought is the same as that noted above.
32. Overall, the relief sought is not relevant to the zoning and overlays of the application site.

## Land Use

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

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

RULE	TOPIC	COMPLIANCE	STATUS
EW-R5A	Earthworks for subdivision	The rule permits 1000m³ earthworks. Approximately 12,500m³ is proposed	Restricted Discretionary (EW R5A.2)
TRAN R4	Vehicle crossings		
TRAN REQ 2	Vehicle crossing access restrictions	Vehicle crossing not permitted where posted speed limit exceeds 60km/hr  Lots 759-762, 722 to 725, 429, 717 to 719 do not comply with TRAN-REQ2	Restricted Discretionary (TRAN R2.2)
TRAN REQ 4	Siting of vehicle crossings	TRAN- REQ1a: 200m intersection setback required  TRAN- REQ1c: Sightlines  Lots 722-725, Lot 429 and Lots 717-719 will not achieve the 200m minimum separation distance between a vehicle crossing and an intersection where the speed limit is 100km/hr  And;  Lots 759-762 and Lots 722 -725 will not meet the required sightline of 282m for an arterial road with a speed limit of 100km/hr	Restricted Discretionary (TRAN-R4.2)

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

RULE	TOPIC	COMPLIANCE	STATUS
TRAN R2	Creation of new land transport corridor	Local roads required to achieve:  LLRZ <ul style="list-style-type: none"> <li>• 18-20m legal width</li> <li>• 6- 6.5m carriageway width</li> </ul> GRZ <ul style="list-style-type: none"> <li>• 13m – 20m legal width</li> <li>• 7.5m – 8m carriageway width</li> </ul>	Discretionary (TRAN-REQ 18.2)



Some of the local roads within LLRZ and GRZ exceed a legal width of 20m			
All other rule requirements met			
TRAN R5, REQ 7.1a	Vehicle accessways	Lots 560 and 561 (access lots) will not meet the accessway design and formation requirements of TRAN -SCHED1, TRAN - TABLE 3	Restricted Discretionary (TRAN REQ 7.2)
The legal widths will be complied with but the applicant has confirmed passing bays will not be provided as part of the creation of Lots 560 and 561.			

34. Therefore, the land use proposal is a **Discretionary** activity under the Partially Operative Plan.

### **Appeals**

35. TRAN -R2, NH – REQ5 is under appeal. Relief is sought in relation to NH-REQ5.1 so that the provisions do not apply to telecommunications poles, antennas, cabinets and lines within hazard overlays covered by Rule NH-REQ5.1.
36. An appeal has been received in relation to TRAN R5. The appeal relates to GRUZ rural zoned properties and a requirement for residential units to be setback 5m from the boundary of an accessway to assist with addressing wildfire. The appellant is seeking relief under NH-REQ7 or TRAN R5.
37. Overall, the relief sought is not relevant to the zoning and overlays of the application site.

### **Status – Partially Operative Plan**

38. Overall, the bundled proposal is a **Non Complying** 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)**

39. The NES-CS manages activities which involve the disturbance of land which may be contaminated. This is determined by whether activities listed in the Hazardous Activities and Industries List (HAIL) have or are likely to have occurred on the site.
40. The application site consists of three titles and each of the titles have previously been investigated in accordance with the requirements of the NES-CS, where required.
41. The following conclusions were reached in the Council planners report for RC225425 and based on the details provided with the application I consider the 2022 assessment accurately categories the site. The conclusions reached were as follows:

#### Lot 2 DP 578461 (formally part of Lot 163 DP 508829)

*The site is identified on ECan's Listed Land Use Register as a HAIL activity relating to an historic homestead on the site.*

*A Detailed Site Investigation (DSI) was undertaken in 2014 and the site was remediated to its current state. A land use consent under the NESCS, RC145471, was approved, in association with subdivision consent RC145470. A subsequent Site Validation Report (SVR) was completed in November 2016.*

*Environment Canterbury (ECan) reviewed the SVR as part of this subdivision and considers that the site is suitable for residential development. It is noted that the site is categorised as "Below Guideline Values – Rural residential land use" which ECan confirm will also meet the residential criteria.*

*Although the SVR was completed in 2016, the applicant stated as during the processing of RC225425 that the site is in its remediated state and a PLG1 confirming that no further contamination has taken place over the past six years was provided. A land use consent under the NES was approved under RC225380 in relation to*



subdivision consent 225379 to subdivide 91 Kingsdowne Drive into two lots, and therefore it is considered that this has been adequately addressed.

Lot 300 DP 588622 (formally Lot 723 DP 558751 – Weedons Ross Road)

This site has previously been remediated and the PLG1 form submitted with 225425 stated that no further HAIL activities have taken place on site since the remediation was completed.

The NESCS does not apply to this site.

RS 10802 – 586 Weedons Ross Road

A Preliminary Site Investigation (PSI) was undertaken in November 2020 that determined that there was a potential risk of soil contamination surrounding two poultry sheds and a potential risk of asbestos contamination around the existing dwelling.

The investigation identified the following activities under the HAIL as being:

- HAIL A10 – persistent pesticide use: Poultry sheds, and
- HAIL E1 – asbestos products.

A DSI, dated July 2022, was completed by Momentum Environmental Ltd as part of the processing for RC225425. Soil sampling showed no exceedance of the residential 10% produce soil guideline values, five sample locations where concentrations of cadmium and/or zinc were above expected background values, but below the applicable standard, and no asbestos was detected in the soils around the residential dwelling. It was considered that the soil did not pose a risk to human health in a residential use and therefore remediation or on-site management was not required.

A consent was therefore required under the NESCS as a controlled activity, as the soil contamination did not exceed the applicable standard.

42. The applicant seeks consent again for a Controlled Activity under the NES-CS as this new application will replace the existing consents for the site, including the NES-CS land use (RC225426).

## Overall Activity Status

43. The activity status is determined as the most restrictive status that applies to the proposal.
44. As per the discussion above, the proposal is a Non-complying activity under the Operative Plan, and a Non-complying activity under the Partially Operative Plan. The proposal is also a Controlled activity under the NES-CS.
45. Therefore, overall, this application is being considered as a **Non-complying** activity, being the most restrictive status applicable.
46. At the time of lodgement, the application was assessed/treated as being for a **Non-complying** activity.
47. As per the Activity Status section above, at the time of writing this report the proposal is still for a **Non-complying** activity (i.e. the most restrictive status applicable).
48. Therefore, the proposal is being considered as a **Non-complying** activity overall.

## Written Approvals (Sections 95D(e), 95E(3)(a) and 104(3)(a)(ii))

49. The provision of written approvals is relevant to the notification and substantive assessments of the effects of a proposal under sections 95D, 95E(3)(a) and 104(3)(a)(ii). Where written approval has been provided, the consent authority must not have regard to any effect on that person. In addition, that person is not to be considered an affected person for the purposes of limited notification.
50. No written approvals have been provided.



## Notification Assessment

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

#### *Operative Plan*

51. The application site is zoned Living WM South under the Operative District Plan (ODP) with Appendix 20 of the ODP requiring all lots within the Medium Density area identified in Appendix 20 to achieve a minimum lot area of 1100m<sup>2</sup> and maximum lot area of 3000m<sup>2</sup> (Appendix 20). The majority of the lots proposed within the Medium Density area will be undersized as the lots range between 500m<sup>2</sup> and 1451m<sup>2</sup>. The lots within the Low Density area, being Lots 366-369, 425-428, 471 – 476, and Lot 429, which will range between 3012m<sup>2</sup> and 3092m<sup>2</sup>, will comply with the size requirements of Appendix 20. The subdivision zoning and rules still have legal effect as the new zoning and relevant subdivision rules of the PODP are under appeal.
52. Land use non-compliances are proposed in relation to one vehicle accessway and the roading formation requirements that still have legal effect under the ODP.

#### *Partially Operative Plan*

53. Under the PODP, the Medium Density area of the application site identified under the ODP are zoned General Residential Zone (GRZ) and in contrast to the ODP the lot sizes within this zone will comply with the PODP and the West Melton 1 Development Area. However, whilst Lots 366-369, 425-428, 471 – 476, and Lot 429, which will range between 3012m<sup>2</sup> and 3092m<sup>2</sup>, comply with the ODP, under the PODP they will not comply. Under the PODP these lots are zoned Large Lot Residential Zone (LLRZ) which requires a minimum average net size area of 5000m<sup>2</sup> and minimum site area of 3000m<sup>2</sup> to be achieved. Lots 366-369, 425-428, 471 – 476, and Lot 429, which will range between 3012m<sup>2</sup> and 3092m<sup>2</sup>, will only achieve a minimum average net site area of 3053m<sup>2</sup>, instead of 5000m<sup>2</sup>.
54. Various land use non-compliances in relation to roading, an accessway, earthworks, and vehicle crossings are also proposed.

#### *Comparison*

55. Overall, the key differences are the lot size requirements under both Plans. Under the PODP the majority of the lots, which are located within the GRZ zone, will comply with the size requirements of the zone. Only 15 lots, being those within the LLRZ, will not comply as the minimum average lot size requirement will not be achieved.
56. The lots within the LLRZ zone area of the site comply with the size requirements for this area under the ODP but the lots within the Medium Density Area (Appendix 20) do not comply.

#### **Assessment**

57. The status of the activity is Non-complying. As such, the Council's discretion is unrestricted and all adverse effects must be considered. The objectives, policies, reasons for rules and assessment matters in the Plans provide useful guidance when considering the adverse effects of the proposal, and these are discussed where relevant below.
58. The receiving environment for this proposal includes the existing environment and the future environment as it could be, i.e. as modified by non-fanciful permitted activities and unimplemented resource consents. In this case, the receiving environment is largely defined by the resource consents that have already been granted for adjoining and adjacent sites.
59. It is important to note that RC225425 was granted on 21 November 2022 to subdivide the application site into 179 lots, with associated roading and reserves.

#### **Size and shape**

60. The location and layout of the subdivision will be relatively consistent with the scheme plan approved by RC225425 however further intensification of the subdivisions residential density is proposed.
61. Each lot will be of a sufficient size and shape for its intended use and each lot will contain a building square that complies with requirements of both the ODP and PODP, with all GRZ lots under the PODP having a building



square of at least 10m x 15m and all LLUR lots having a building square of at least 15m x 15m. This provides a sufficient area to therefore allow for a residential unit to be erected as a permitted activity on each of the lots.

62. Lots 734 and 624 will not meet the minimum 15m required road frontage width for the GRZ zone in accordance with the SUB- REQ4. The matter requiring consideration as directed by the PODP is the potential adverse effects on amenity values. Taking this into consideration, I note that these lots are corner sites, one of which will overlook a reserve (Lot 624), and as such the reduced road boundary width will, in my view, have negligible effects on the amenity of the streetscape. Each lot will also meet the building square requirements of the District Plan and will support the ability to erect a dwelling as a permitted activity whilst providing any future owners/occupiers with the necessary onsite amenities.
63. The development plans for the site under both the ODP and PODP require low density allotments to be provided along the south/southeastern rural urban interface of the development area. This to ensure a buffer is provided between the residential land use and rural land uses that directly adjoin parts of this development area. The purpose of this buffer is to assist with minimising the potential for reverse sensitivity effects to arise and to assist with visually softening this interface and minimising adverse rural character and amenity effects. **Figure 2a and 2b** below show the location of these lower density lots around the periphery of the development area under both Plans. Under the ODP these lots are zoned Low Density and under the PODP they are zoned Large Lot Residential Zone, with the smaller Medium Density /General Residential lots located to the north.
- 64.

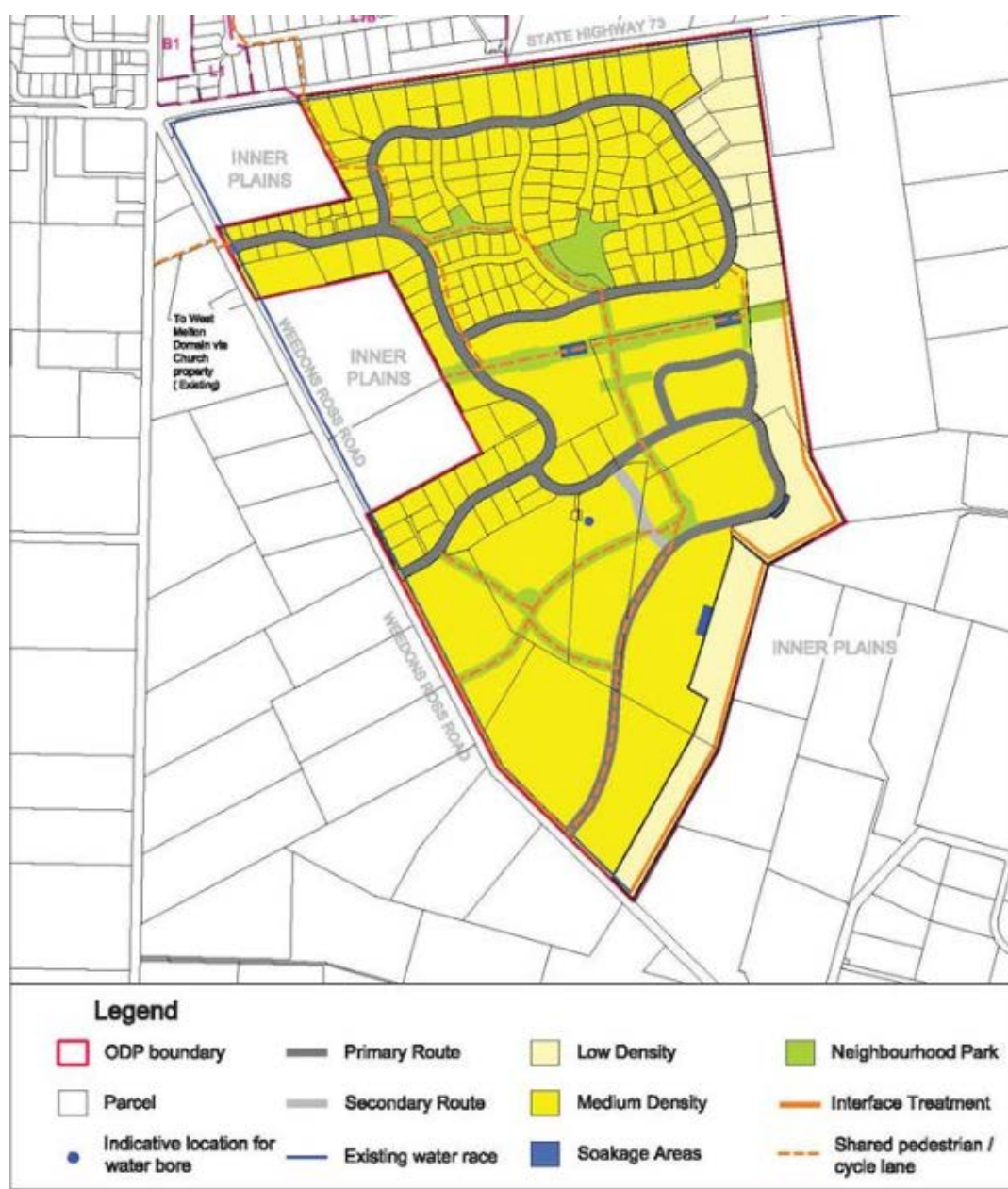
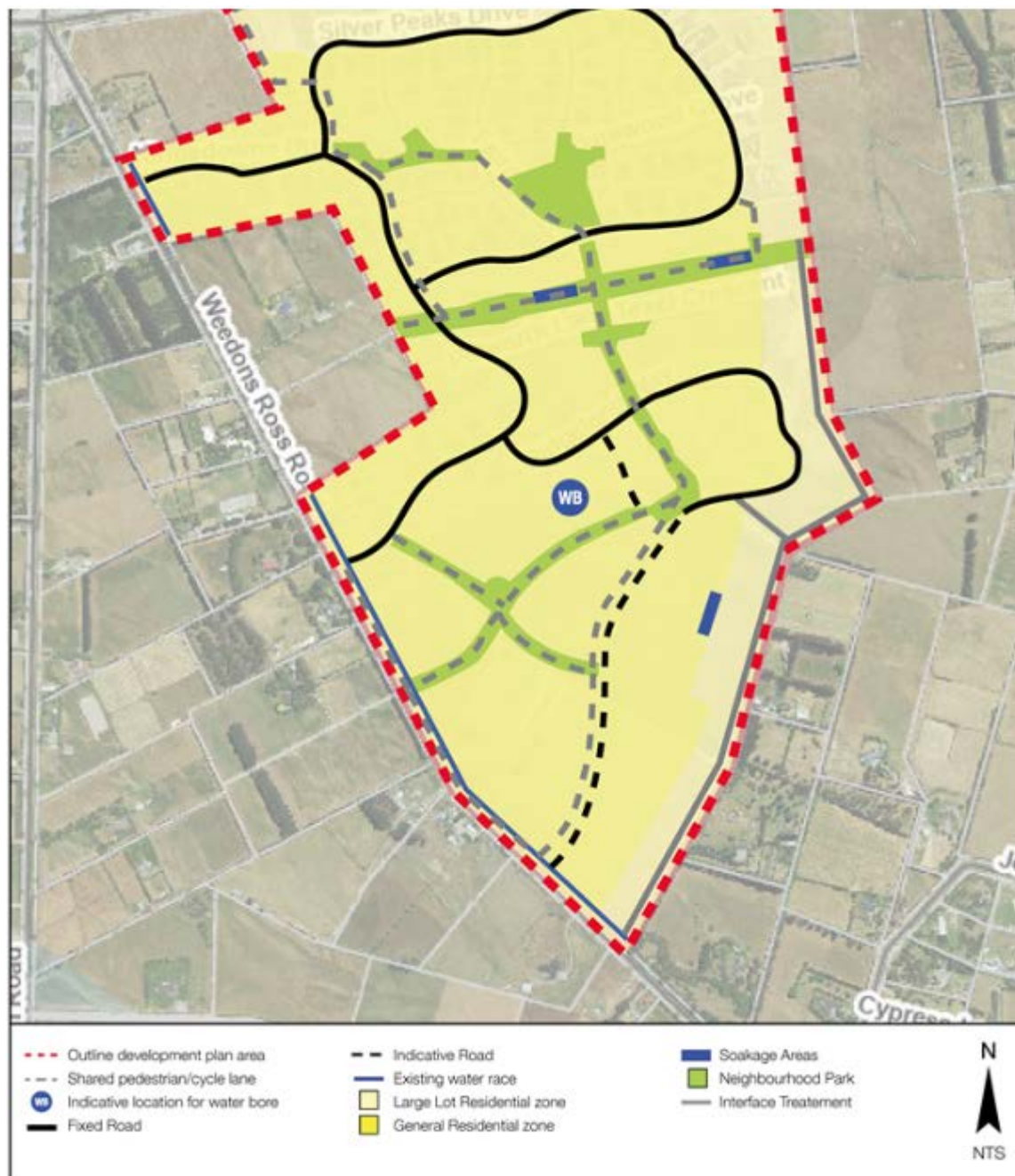


Figure 2a – ODP West Melton – Operative District Plan





**Figure 2b - DEV -WM1- West Melton Development Area – Partially Operative District Plan.**

65. Lots 366-369, 425-428, 471 – 476, and Lot 429, which will range between 3012m<sup>2</sup> and 3092m<sup>2</sup>, will act as a buffer between the rural land uses to the south/southeast of the application site. Whilst the sizes of these lots will comply with the Low Density lot size requirements of the Operative District, being a minimum lot area of 3000m<sup>2</sup> and maximum lot area of 5000m<sup>2</sup>, these lots will not comply with the lot size requirements of the PODP. Under the PODP whilst the minimum lot size is 3000m<sup>2</sup> the minimum average lot size of all of these lots must not be less than 5000m<sup>2</sup>. In this case, the average lot size within LLRZ will be 3053m<sup>2</sup>. Taking into consideration the potential adverse effects associated with the proposed smaller average lot size it is important to note that the LLRZ lot sizes do not differ from that already approved by RC225425. Along the periphery of the subdivision, I therefore do not consider that this new application, to replace RC225425, will generate any adverse effects at the rural urban interface beyond what has already been granted. To minimise potential adverse character, amenity, and reverse sensitivity effects along this interface both District Plans require an interface treatment to be provided along the southeastern boundary of these lots in the form of a single row of trees, planted with centres no more than 3m apart, and for the trees to be maintained to a height of no less than 2m, once mature. To ensure this



occurs, the applicant agrees to the registering of Consent Notices on the Record of Title for each lot adjoining the south/southeastern boundary advising of the requirement for these trees to be maintained. This is also consistent with Condition 17 of RC225425. For the reasons discussed, I consider that the non-complying lot size average of the lots along the southern boundary of the application site will have less than minor adverse character and amenity effects.

66. Although those lots within the GRZ zone under the PODP will comply with the minimum average net area of not less than 650m<sup>2</sup> and minimum individual lot size of 500m<sup>2</sup>, the lot sizes proposed will not meet the requirements of the zoning applicable under the ODP. The medium density zone, applicable to this area/zone under the ODP requires a minimum lot area of 1100m<sup>2</sup> and maximum lot area of 3000m<sup>2</sup> to be achieved. In this instance, when considering the potential adverse effects of the lot sizes and which Plan should be given greater weight it is important to note that although the subdivision chapter (SUB R1) of the PODP is under appeal, the appeals and relief sought are not in relation to the lot size requirements for the GRZ zone in this location and therefore it is highly unlikely that the proposed lot sizes will change from that currently proposed by the PODP. The GRZ zoned lots will be consistent with the character and amenity sought by the PODP and although many of the lots around the periphery of the application site will reduce in size from what was approved by RC225425, they generally will not be more than 200m<sup>2</sup>-300m<sup>2</sup> less in size and will still exceed 1000m<sup>2</sup>, which will assist with maintaining a degree of spaciousness for adjoining sites and/or along the general road frontage. The GRZ lots will achieve an average of 861.85m<sup>2</sup>.
67. The subdivision will create 45 rear lots, which makes up 19.1% of the lots within the subdivision. Given that this application is for an increase in density from that approved by RC225425 and as the site works have already begun in relation to the location of the roading, which is in general accordance with the development plans for the site, then I consider the inclusion of the rear lots provide a practical solution for the consent holder.
68. Council's Urban Design Lead, Ms Gabi Wolfer, has reviewed the application and is accepting of the layout proposed.
69. For the reasons discussed, I consider that the lot size non-compliances will have less than minor adverse character and amenity effects, including reverse sensitivity effects.

#### **Context**

70. The subdivision will integrate well with the wider subdivision and will complete the required roading and reserve connections and will complement the adjoining urban area to the north.
71. There are no development constraints that will prevent residential units from being erected on any of the lots as a permitted activity.

#### **Infrastructure**

72. New roading, which will be vested in Council as legal road, will be constructed as part of the subdivision works and will generally be consistent with what was approved by RC225425 and the relevant development plans for the site under both the ODP and PODP. Since lodgement, the applicant has amended the scheme plan to reduce the number of right of ways and has provided an additional roading connection between Stages 25 and 28 as requested by Mr Andrew Mazey, Strategic Transport Lead.
73. Roading and reserves will be vested in Council and a Servicing Report has been provided with the application which covers the availability of existing infrastructure elements and the probable extension of the infrastructure to allow for residential development. This has been reviewed by the Councils Development Engineers and no concerns have been raised. Conditions of consent will ensure that the infrastructure is provided to the required standard and will ensure that is appropriately vested in Council, if required.
74. Each lot will be provided with legal road access. The access lots (right of ways) will be held as to undivided shares by the owners of the relevant lots. Land Information New Zealand (LINZ) have confirmed the proposed amalgamation conditions for the access lots are practicable, and these will form conditions of consent. The LINZ reference is 1888751.

#### **Telecommunications and Electricity**

75. Power and telephone are to be supplied to the net area of each newly proposed residential allotment by way of underground reticulation in accordance with the standards of the relevant network utility operator. It is considered appropriate to impose a condition requiring that accurate "as built" plans be provided upon the completion of the work.

#### **Wastewater supply and disposal**

76. All lots will be provided with an individual potable high pressure connection to the townships reticulated water supply and sewer disposal system in accordance with the approved engineering plans.



77. The provision of water for firefighting purposes will be addressed through the engineering approval process. A condition of consent, if granted, will require that the subdivision be provided with water reticulation in accordance with the New Zealand Fire Service Code of Practice, SNZPAS 4509:2003 and subsequent amendments and Policy W211. (only for townships with fire hydrants).

#### **Stormwater Disposal**

78. Stormwater runoff from roofs is proposed to be disposed of to ground via soak pits, which will be installed as part of the building consent for each residential unit.
79. A servicing report has been provided with the application (Appendix 3). The report notes that stormwater will be disposed of to ground and that the roading and reserve layout is able to take into account the need to convey secondary flow paths. Stormwater from roads will discharge into swales formed adjacent to the road. Soakpits will be constructed in the level of the base of the swales.
80. A discharge consent for the disposal of stormwater to ground has been obtained from Environment Canterbury (CRC230750).

#### **Solid Waste Disposal**

81. The Council's refuse collection service operates in Lincoln and this service will be provided to the proposed subdivision.

#### **Movement Networks/Traffic safety and efficiency effects**

82. The location of the proposed roading layout will generally be consistent with what was approved by RC225425 and the development plans for the site under both the ODP and PODP. Whilst the subdivision will exceed the maximum legal roading width requirement of the PODP for the LLRZ (18m- 20m required, 18m-24m proposed) and maximum width requirement for the GRZ (13m - 20m required, 16m - 24m proposed), no concerns have been raised by the Council's Development Engineers. It is noted that some of the roading also exceeds the maximum permitted legal widths under the ODP.
83. Lots 759-762, 722 to 725, 429, and 717 to 719 will have vehicle crossings to an arterial road with a posted speed limit exceeding 60km/hr which does not comply with TRAN-REQ2 of the PODP. Vehicle crossings onto arterial roads where the speed limit exceeds 60km/hr require resource consent so that any potential adverse visibility and safety and efficiency effects can be considered along with the appropriateness of its design for the number and type of vehicles it will be catering for. Approval for twelve vehicle crossings to Weedons Ross Road (where the speed limit exceeds 60km/hr) was granted under RC225425, and whilst this resource consent application seeks for one additional vehicle crossing to gain access from Weedons Ross Road no traffic safety and efficiency concerns have been raised by the Council's Development Engineers.
84. Lots 722-725, Lot 429 and Lots 717-719 will also not achieve the 200m minimum separation distance between a vehicle crossing and an intersection where the speed limit is 100km/hr as required by TRAN-REQ4. As with TRAN-REQ2, the majority (all but one) of the proposed allotments under this application have been approved within 200m of an intersection under RC225425. One additional crossing is not anticipated to give rise to any new or additional adverse effects on vehicle and road safety beyond what has previously been approved.
85. Lots 759-762 and Lots 722 -725 will not meet the required sightline of 282m for an arterial road with a speed limit of 100km/hr. A traffic assessment was completed by Stantec on behalf of the applicant to support RC225425 and subject to the implementation of a number of conditions of consent vehicle access onto Weedons Ross Road was considered to have less than minor adverse effects on traffic safety and efficiency. This included conditions requiring the sightlines for what will be Lots 759-762 and Lots 722 -725 to be unobstructed by ensuring only low level plantings are undertaken within the proposed reserve on Weedons Ross Road (proposed Lot 548), upgrading of Weedons Ross Road to an urban road formation, the addition of flush transitions of the shared path and vehicle crossing positioning (in relation to what will now be Lot 762, formally Lot 460). The applicant agrees to the implementation of similar condition of which I consider to be appropriate.
86. For the reasons discussed, I consider that the proposal will have less than minor adverse traffic safety and efficiency effects and will achieve the desired level of connectivity with the wider roading network.



### **Walkable blocks**

87. The PODP supports the provision of walkable blocks by limiting any one side of a block to no more than 250m with the purpose of this being to support a high level of walkability. Whilst the development has a number of blocks that will exceed this 250m requirement, I note that the roading layout is generally consistent with what was approved by RC225425. Connectivity is also improved with the removal of a cul-de-sac (Lot 509 of RC225425) and the addition of a new road between Stages 25 and 28 (Lot 504).
88. Any adverse effects will therefore be relatively comparable to the existing (consented) environment. The Council's Urban Design Lead, Ms Gabi Wolfer, has reviewed the subdivision plan and is satisfied that the connectivity provided will be sufficient.

### **Reserves**

89. A number of lots will be vested as reserves with Selwyn District Council. These lots will provide for recreational areas and pedestrian/cycle access in accordance with the development plan requirements for the site. Proposed Lot 318 will be a utility lot.
90. A shared pedestrian/cycle lane along Weedons Ross Road will also be provided and this will form a condition of consent.

### **Easements**

91. Any required easements will need to be created and granted or reserved.

### **Development Areas**

92. The application site is zoned Living West Melton (South) Zone under the ODP and subdivision is required to be in general accordance with Appendix 20. As the lots proposed within the medium density area (refer to **Figure 2a**) are now proposed to have lot sizes consistent with those anticipated with Development Area, DEV -WM1 of the PODP, the application is not consistent with the layout and contents of the ODP. The application is also not consistent with the layout and content of the PODP as the lot sizes proposed with the LLRZ reflect that anticipated by the ODP.
93. Having considered the proposal against both District Plans, it is important to highlight again that the lots located within the LLUR have previously been consented by RC225425 and will remain unchanged. For the lots proposed within the GRZ of the application under the PODP they comply with the size requirements and any adverse character and amenity effects are anticipated. Additionally, although the SUB – R1 rules of the PODP are appealed, no appeals have been received in relation to the allotment sizes proposed for the GRZ and this development area. The application will therefore be in keeping with the residential amenity anticipated for the majority of the application site.

### **Development constraints**

#### *Interface treatment*

94. The ODP requires interface treatment along the southeastern boundary of the application site, which adjoins rural land.
95. The interface treatment must comprise of a single row of trees planted on the boundary adjoining the rural properties, with centres no further apart than 3m, and maintained at a height of not less than 2m. Suitable species recommended for this boundary includes fast growing species such as Cupressus leylandii 'ferndown' or similar. The interface treatment is intended to achieve a substantial screen without creating adverse shading conditions for future residents.
96. As part of the processing of RC225425, the applicant was asked by the Council processing planner to provide details of what would be planted along the southeastern boundary for the interface treatment. The applicant sought for this to be provided by way of a consent notice registered on the Record of Title for each lot along this boundary, to allow each landowner to choose what they would plant along the boundary. To ensure that the interface treatment is planted in accordance with the requirements of both the ODP and PODP and to avoid compliance issues, it was considered appropriate that the applicant provide the interface treatment as a condition of consent, and then register a tree retention and maintenance consent notice on each of the relevant titles. I consider that this continues to be an acceptable approach and therefore recommend that these requirements form conditions of consent.
97. The development constraints will apply to Lots 366-369, 425-428, 471 – 476, and Lot 429 within the LLRZ/low density zone.



## Sustainability Measures

98. Rule 12.1.3.57B of the District Plan and SUB-R1, SUB REQ13 are applicable to the application site (DEV – WM1 – West Melton Development Area) legal instruments to be binding on all future allotments that specifies solar power generation, rain harvesting requirements, achieving a Homestar 6c standard, and a minimum requirement of native vegetation planting. The Plans also prevents s224 completion certificates being issued for lots within this development area if certain upgrades to the State Highway 73/Weedons Ross Road intersection have not been made, which include the addition of traffic lights and pedestrian/cycle path along Weedons Ross Road. Whilst traffic lights have been added I am of the understanding that the pedestrian/cycle path along the full length of Weedons Ross Road has not been completed
99. These sustainability initiatives were volunteered by the applicant as part of the plan change process to reduce domestic greenhouse gas emissions. These were incorporated into the District Plan following its approval. The applicant advised in their application that they were developing a land covenant to fulfil these requirements, to be imposed as a condition of consent. The applicant was advised that a covenant was not a suitable legal mechanism to enforce these requirements, as these are subjected to a rule in the District Plan, and need to be enforceable by Council to ensure that they are complied with, and not otherwise removed without Council approval.
100. The applicant initially disagreed with this, however following discussions with the policy team, devised a suitable way forward for this to be addressed by way of a consent notice. Each residential site will be subject to four sustainability requirements. The third of these, requires each residential unit to achieve Homestar 6 as a minimum standard or a proven equivalent, which is a holistic tool to rate a home's performance and environmental impact. This would be achieved by complying with all of the requirements specified on a Sustainable Home Checklist. An appropriately qualified person has confirmed that the checklist would provide an equivalent to Homestar 6. The checklist would accompany a building consent application with a memo from the appropriately qualified person confirming that the residential unit will achieve the Homestar 6 requirement and would help simplify the approval process on Council's end.
101. The applicant has provided a copy of the Sustainable Home Checklist and this would form part of the approved documents and would be referenced in the consent notice.
102. It is considered that the proposed consent notice and reference to the Sustainable Home Checklist is appropriate and will be imposed by way of consent condition.

### *Other*

103. No other constraints will apply, and no point strips will be created as part of the development.

### **Geotechnical considerations**

104. The site is located within an area of low geotechnical risk, however as the proposal is for more than 15 lots, a geotechnical report is required.
105. The geotechnical report was completed by Miyamoto International NZ Ltd to support plan change 67, dated 20 November 2020. This report was accepted for the processing of RC225425, and I still consider the investigations to be valid.
106. The report was peer reviewed by Ian McCahon from Geotech Consulting Ltd. He agreed that there is minimal to no liquefaction potential at the site but he sought confirmation from the geotechnical engineer that the density of the testing is adequate for the subdivision consent and that the 2020 report for the proposed plan change is applicable for the proposed subdivision. Further information was provided at the time.
107. Mr McCahon concluded that:
108. *Given the degree of judgement allowed in the guidance, the consistent and geotechnically benign subsurface conditions with minimal risk of unexpected issues, and that the geotechnical engineer has confirmed the investigation and report is suitable for subdivision consent application use, we accept that the report is adequate to support the subdivision application.*
109. Based on this, it is therefore considered that the site is suitable for residential development.

### **Hazards (Plains Flood Management Overlay)**

110. With regards to the potential for flooding, the application site is not located within one of the flood area overlays of the Operative District Plan however the application site is located within the Plains Flood Management Overlay of the Partially Operative District Plan.
111. The flood modelling which has resulted in the site being within the Plains Flood Management Overlay has identified that during a one-in-200-year flood event that a number of the lots may be subject to water inundation of up to 1m. No High Hazard areas are identified. This is illustrated in **Figure 3** below.





**Figure 3: Plains Flood Management Overlay and potential flood water levels on application site**

112. I note that the subdivision works, including the installation of infrastructure and the excavation and importing of fill onto the site will likely affect the data gathered and the data is unlikely to provide a true representation of how water will be dispersed across the site. The infrastructure provided for as part of the subdivision development works will assist with appropriately managing stormwater.
113. When considering the suitability of the site for subdivision the Partially Operative District Plan directs Council to consider the following:
- The extent of any adverse effects of natural hazards on people and property.
  - The potential for the location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure to increase or exacerbate natural hazard risk.
  - The clearance or retention of vegetation or other natural features to mitigate natural hazard risk.
  - The timing, location, scale and nature of any earthworks in relation to natural hazard risk.
  - The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site.
  - Any adverse effects on the environment of any proposed mitigation measures.
  - The effectiveness of any proposed mitigation measures.
114. Taking the above matters into consideration, I note that a condition of consent, if approved, will require a report to be provided at Engineering Approval stage, by a suitably qualified and experienced person confirming that the engineering design of the subdivision is sufficient to mitigate flooding on every site, based on a one in 200-year Annual Exceedance Probability rainfall event.
115. Rule NH-R2.3 requires that any new residential building be provided with a Flood Assessment Certificate (FAC). Any residential building to be constructed on any of the lots will require a FAC to be submitted with the building consent application to ensure that the finished floor height will be sufficient to mitigate flooding during a one in 200-year Annual Exceedance Probability rainfall event.
116. For the reasons discussed, including the recommended condition of consent, I consider that the potential flooding risk can be appropriately manage and mitigated through the engineering approval process.



## **Earthworks**

117. The subdivision will require approximately 12,500m<sup>3</sup> of earthworks associated with the formation and shaping of the residential allotments, the formation of the roading, and installation of other infrastructure, including the retaining wall/walls.
118. As the earthworks will exceed the volumes permitted by the Operative District Plan and Partially Operative District Plan, the earthworks have the potential to generate adverse dust, noise, and visual amenity effects for adjoining/adjacent property owners and occupiers.
119. With regards to the visual effects of the earthworks, I consider that nearby residents or owners/occupiers of adjoining land should be aware of the site's future development potential and any earthworks should be viewed and understood as forming part of the sites development. Given this the earthworks are likely to be accepted as being temporary in nature.
120. I consider that the proposed earthworks will be acceptable if they are undertaken and managed in such a way to mitigate adverse effects on the owners and occupiers of adjoining and adjacent lots. This includes the potential adverse effects of dust, noise and visual amenity. To ensure that this will be the case, I consider the Council's standard earthworks conditions for subdivision to be appropriate.
121. All earthworks would be carried out in accordance with Council's Engineering Code of Practice and NZS 4431.
122. Overall, I consider the potential adverse effects of the earthworks to be less than minor.

## **Cancellation of Consent Notices**

123. This resource consent application will replace RC225425, RC225426 and RC235400. Similar cancellations are proposed as part of the new subdivision application.
124. The applicant has confirmed that some cancellations have already occurred with the only remaining consent notices requiring cancellation as per the conditions of RC225425 being CN 10596830.11 and CN 10718118.5.
125. The applicant has however also identified additional consent notices that should be cancelled as they are, or will, no longer be relevant. These are CN 12705414.28, 12579174.4 and 12579174.5.
126. Having discussed the consent notices with the applicant, I consider it appropriate for these consent notices to be removed. The removal of these consent notices will remove potentially confusing consent notices for purchasers of the underlying lots of which the consent notices would have carried over to.

## **Contamination/NES-CS - RS10802 – 586 Weedons Ross Road**

127. A DSI dated July 2022, was completed by Momentum Environmental Ltd. Soil sampling showed no exceedance of the residential 10% produce soil guideline values, five sample locations where concentrations of cadmium and/or zinc were above expected background values, but below the applicable standard, and no asbestos was detected in the soils around the residential dwelling. It was considered that the soil does not pose a risk to human health in a residential use and therefore remediation or on-site management was not recommended. A consent is therefore required under the NESCS as a controlled activity, as the soil contamination does not exceed the applicable standard.
128. ECan reviewed the DSI as part of the processing of the existing approved subdivision consent RC225425 and confirmed, at the time, that the contaminants of concern were appropriately investigated, that the land was suitable for residential land use and that no further investigation or remediation was required. I consider the conclusions and investigation undertaken previously to still be acceptable and I therefore adopt the same conclusions and conditions of consent with regards to the NESCS. No HAIL activities have been undertaken on the site, other than general subdivision site development works, since the completion of the DSI.

## **Cultural Effects**

129. Mahaanui Kurataiao Ltd requested to review the application documentation. Mahaanui Kurataiao Ltd have undertaken an assessment of the application against the Mahaanui Iwi Management Plan and have discussed the application with the relevant Kaitiaki representatives. As a result, a Cultural Advice Report has been provided which outlines the relevant policies in the Mahaanui Iwi Management Plan considered to be relevant to the application.
130. Sections 5.0 and 6.0 of the Cultural Advice Report confirms that the Kaitiaki representatives of Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga have reviewed the application and the Cultural Advice Report recommends a number of conditions of consent and advice notes in Section 6.0 of the Report to reflect the provisions of the Mahaanui Iwi Management Plan. If the recommended conditions of consent and advice notes



are adopted, the Rūnanga do not consider themselves to be adversely affected parties. The recommended conditions are follows:

1. There must be a stringent erosion and sediment control plan in place during any earthworks required for the development until such time that any exposed soils have been covered or revegetated. This plan must ensure:
  - a. All practical measures are taken to prevent the migration of sediment from entering water bodies or networks.
  - b. That any exposed soils/ stockpiles are managed appropriately to protect environments
  - c. A dust suppression plan is developed and implemented
2. 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).
3. The applicant must plant and maintain locally sourced native plantings across the site as a mitigation measure for subdivision and earthworks.
4. Any excavated contaminated land must not be reused on site and should be disposed of in an appropriate facility.
5. An accidental contamination discovery protocol as volunteered by the applicant must be developed and implemented when earthworks are occurring.

131. The applicant has reviewed the above recommendations and has agreed to include the above conditions and advice notes, with the exception of Condition 3 and 4.

132. With regards to Condition 4, the excavation and disturbance of potentially contaminated soil has already been undertaken under RC225426 (earthworks and consent under the NES associated with RC225425). Therefore, this condition cannot be complied with and therefore I agree with the applicants view that it is inappropriate as a condition of consent.

133. In relation to the planting and maintenance of locally sourced plants across the site the applicant will be required to submit a landscape plan as part of the engineering approval process, which will likely have biodiversity input for within the reserve areas of the subdivision, including the road reserve, where appropriate. The proposed plantings will be considered through the engineering approval process, of which locally source native plants are often the preference. However, the applicant has advised and I have confirmed this with our development engineers, that native trees within the road reserve (particularly as stand-alone trees) do not do well as individual street trees.

134. I have had discussions with Kelly Sunnex from Mahaanui Kurataiao Ltd with regards to Conditions 3 and 4 and after further consideration they have agreed on behalf of the Rūnanga that Conditions 3 and 4 can be deleted and replaced with advice notes stating the following:

- *'Contaminated material should not be retained on the site and should be disposed of at a licensed facility'*
- *Indigenous planting is encouraged to enhance the cultural landscape, increase indigenous habitat and sequester carbon.*

135. I consider the above approach, to include the advice notes, as appropriate in addition to the other recommended conditions in the Cultural Advice Report. For the above reasons, and comments received from Mahaanui Kurataiao Ltd, I consider the proposal will have less than minor adverse cultural effects.

#### **Positive Effects**

136. 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**

137. Overall, I consider that any potential on affected persons and any other adjacent persons will be less than minor. Further, I consider that any adverse effects on the wider environment will be less than minor.

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

138. 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"/>	✓
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"/>	✓
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"/>	✓

*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"/>	✓
Is the application for one or more of the following, but no other types of activities: <ul style="list-style-type: none"> <li>• A controlled activity?</li> <li>• A boundary activity only (as per the definition of "boundary activity" in s 87AAB of the Act)?</li> </ul>	<input type="checkbox"/>	✓
	<input 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"/>	✓
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	<input 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"/>	✓

*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.*

## Limited Notification (Section 95B)

139. 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"/>	✓
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"/>	✓
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"/>	✓

*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 public notification?	<input type="checkbox"/>	✓



Is the application for a controlled activity only and not a subdivision of land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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If the answer is yes, continue to **Step 4**.

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

Step 3: certain other affected persons must be notified (sections 95B(7)-(9))	Y	N
In the case of a "boundary activity", is an owner of an allotment with an infringed boundary an affected person?	<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**.

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

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

## Notification Recommendation

141. I recommend that the application (RC235637 and RC235639) is processed on a **non-notified** basis in accordance with sections 95A-E of the Resource Management Act 1991.

<b>Report by:</b> Charlotte Scotchbrook, Senior Resource Management Planner	Date: 18 January 2024
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## Notification Decision

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

 Rosie Flynn, Team Leader Resource Consents	Date: 16 February 2024
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## Section 104 Assessment

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

144. 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.

...

- 145. 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.
- 146. Section 104B applies to discretionary and non-complying activities. It allows that the consent authority may grant or refuse the application, and, if granted, it may impose conditions under s 108.
- 147. Section 104D applies an additional, particular restriction to non-complying activities. A consent authority may grant consent for a non-complying activity **only if** it is satisfied that either the adverse effects on the environment will be minor or the activity will not be contrary to the objectives and policies of the plan and proposed plan.

## Section 104 – Effects on the Environment

- 148. An assessment of the adverse environmental effects of the proposal was completed above as part of the notification section of this report. That assessment is equally applicable to section 104 and is applied as such. Again, it is noted that the permitted baseline is relevant (section 104(2)), and regard must not be had to any person who has given written approval (section 104(3)(ii)).
- 149. It is also appropriate to consider the positive effects of the proposal at this section 104 stage. consider that the adverse effects on the environment resulting from the proposal will be less than minor. In relation to positive effects, the proposed subdivision will contribute towards the housing stock and providing a greater range of property sizes within West Melton and will support the completion of the Wilfield development.
- 150. As concluded in my notification assessment, I consider that the adverse effects on the environment resulting from the proposal will be less than minor. Taking the positive effects into account, on balance and overall, I conclude that the adverse effects of the proposal will be less than minor.

## Section 106 – Natural Hazards and Access

- 151. 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.

- 152. As discussed in the Assessment of Environmental Effects section of this report, the application site is located within the Flood Plains Management Overlay. However, given the reasons discussed in the Assessment of Environmental Effects section of this Report, including the proposed condition of consent requiring a 1 in 200 year flood event being considered at the engineering approval stage, it is anticipated any future residential unit erected on the lots could be constructed with standard height foundations whilst complying with the requirements of NH-R2 (New Buildings and Structures in Natural Hazard Overlay).
- 153. A condition of consent, if approved, will require a report to be provided at Engineering Approval stage, by a suitably qualified and experienced person confirming that the engineering design of the subdivision is sufficient to mitigate flooding on every site, based on a one in 200-year Annual Exceedance Probability rainfall event.
- 154. The geotechnical report completed by Aurecon and dated 17 March 2022 and peer reviewed by Ian McCahon from Geotech Consulting Ltd on behalf of Council concludes that the site is essentially free of geotechnical hazards relevant to RMA section 106. The proposed residential lots are considered to be the equivalent of TC1 land.
- 155. The geotechnical report was completed for the application site by Miyamoto International NZ Ltd to support plan change 67, dated 20 November 2020. This report was accepted for the processing of RC225425, and I still consider the investigations to be valid. The report was peer reviewed by Ian McCahon from Geotech Consulting Ltd. He agreed that there is minimal to no liquefaction potential at the site and that the site is suitable for residential development.
- 156. Sufficient provision for legal and physical access to each of the lots has been considered and deemed appropriate,
- 157. Overall, there are no s106 matters in my view, that indicate that Council should refuse the subdivision consent.

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

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

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

- 158. The Operative Selwyn District Plan objectives and policies that I consider relevant relate to ensuring adequate servicing/utilities are provided for each lot (B2.2.1 Utilities and B2.1 Transport Networks) and maintaining the quality of the environment (B3.4 Quality of the Environment) and subdivision and residential development (B4.3).
- 159. The servicing provisions require each lot to be provided with the appropriate systems for water supply and waste water disposal at the boundary of each residential lot within the West Melton Township, and appropriate stormwater management/disposal infrastructure. The proposed subdivision will be provided with the required services to the standards required which in turn will be consistent with the outcomes sought by the District Plan to avoid adverse effects on the quality of groundwater or surface waterbodies.
- 160. The transport provisions direct Council to ensure that all new road development integrates with existing and future transport networks and land uses to provide good outcomes with regards to connectivity. The provisions also seek to ensure all sites, allotments or properties have legal access formed to the necessary standard to meet the needs to the activity it will be supporting. I consider that the subdivision provides the connectivity sought for this development area and will integrate appropriately with the earlier stages of the subdivision. Each lot will be provided with legal access and any future vehicle crossing constructed on any of the lots will need to meet the requirements of the relevant District Plan, where non-complying vehicle crossings are not approved through this application (RC235639). I consider the proposal to be consistent with the transport provisions.
- 161. The District Plan has provisions relating to the quality of the environment and of particular relevance are the objectives and policies relating to residential density and potential adverse amenity effects associated with subdivision construction (earthworks and noise). Policy B3.4.3 seeks to ensure that living zones are a pleasant place to live in and that they also provide for a variety of living environments. The proposal will result in the creation of undersized lots within the medium density area of the site and therefore I consider this will not maintain the spaciousness anticipated by the District Plan, which requires the medium density lots to be a minimum lot area of 1100m<sup>2</sup> and maximum lot area of 3000m<sup>2</sup> (Appendix 20), although the inclusion of larger lots greater around the periphery of the subdivision will assist with minimising adverse residential character and amenity effects. Conditions of consent will also minimise adverse amenity effects from earthworks and noise. Despite this, overall,



I consider the subdivision is contrary with the quality of the environment objectives and policies given the allotment sizes proposed/general intensification beyond what the ODP supports.

162. The District Plan includes objectives and policies relating to residential density. The objectives and policies place emphasis on encouraging a range of allotment sizes, so long as they maintain the overall 'spacious' character of the living zone (Objective B4.1.1 and Policy B4.1.10). Given the proposed lot sizes within the medium density area of the application site, I consider that the increase in density will reduce the open spacious character of the application site and that anticipated for the zone under the ODP. Whilst open space will be provided in the form of large reserve areas formed in accordance with the development plan for the site and larger lots will generally be placed around the periphery of the subdivision, including compliant low density lots along the southeastern boundary of the site, the number of allotments and future residential units that will be able to be erected will not be in keeping with the existing spaciousness of the zone.
163. The subdivision of land objectives and policies focus on the effects of subdivision on town form, transportation and amenity. Objective B4.2.3 and the related policies focus on ensuring subdivision maintains and enhances the amenity of the existing natural and built form through subdivision design and layout. As the proposed lots within the subdivision will enable a dwelling to be erected with the appropriate amenities, despite the site size non-compliances on balance, I do not consider the proposal to be contrary to the subdivision of land objectives and policies.
164. Most relevant to the proposal, in my view, is the residential and business development objectives and policies of the District Plan (B4.3). Objective B4.3.1 seeks to ensure that growth in townships does not adversely affect the amenity values of the area. As has been discussed, I consider that the proposed increase in density will reduce the open spacious character of the subject site. The proposal provides for consolidated growth of residential activities as if for subdivision within existing zoned land, and is therefore consistent with Policy B4.3.3, B4.3.4, and B4.3.98.
165. In terms of maintaining the "lower residential density of the existing village" as provided for in Policy B4.3.101(West Melton), the subdivision overall will result in significantly higher residential density than that anticipated by the District Plan and many of the other lot sizes within West Melton in general. Therefore, I consider the proposal to be contrary to this Policy.
166. Outline Development Plans (ODP) are the key method for achieving the development of urban growth areas. Policy B4.3.10 recognises that there is the potential for alternative developments that better achieve the outcomes sought in ODP's than the broad land use pattern shown on the ODP. I do not consider that the proposed change in density will affect the achievement of the ODP outcomes. The application site is the last piece of residential zoned land in this locality on the southeastern edge of West Melton and will provide the required reserves and roading.
167. Overall, I consider the proposal to be contrary to the objectives and policies of the Operative District Plan.

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

168. The Partially Operative District Plan includes objectives and policies that direct Council to ensure that subdivisions provide lots with appropriate services, that the size and shape of any vacant lot created supports the erection of a residential unit, and that the residential density and amenity effects support the direction of the District Plan, particularly with regards to lots sizes and any outcomes sought by any development plan for the site/area.
169. All lots will be provided with the characteristics, infrastructure and facilities appropriate for their intended use and will be of a size and shape that allows for a residential unit to be erected whilst achieving adequate sunlight and an outdoor living space. Each lot within the subdivision will also support safe and sufficient access for motorists, pedestrians, and cyclists, and overall, I consider that the subdivision will respond to and follow the natural and physical features of the application site, which are limited. I consider the proposal to therefore be consistent with the outcomes sought by policies SUB-P2, SUB- P3, and SUB P6.
170. With regards to policies SUB- P1 and SUB- P4, these place emphasis on ensuring that compliant lot sizes are created that allow for a residential unit to be erected as a Permitted Activity and that a variety of allotment sizes should be supported so long as they achieve the average net size requirement for the zone. As the majority of the application site will be subdivided into residential lots sizes, ranging between 500m<sup>2</sup> and 1451m<sup>2</sup>, with the lots complying with the minimum allotment size requirements of the PODP (unlike under the Operative District Plan) for those lots located within the General Residential Zone these lots are consistent with this policy. Only 15 lots within the subdivision in will not comply with the size requirements of the PODP, which seeks a minimum average allotment size of 5000m<sup>2</sup> to be achieved compared to the 3053m<sup>2</sup> proposed in the LLRZ. These lots within the LLRZ are therefore somewhat inconsistent with SUB P4 although overall the majority of the lots are consistent with this policy.



171. Taking into consideration SUB- P10, which seeks to ensure that the temporary adverse visual and nuisance effects associated with the preparation of land for subdivision are managed, I consider that given the size of the subdivision and conditions that will be imposed to manage nuisance effects associated with earthworks I consider that the proposal will be consistent with SUB- P10.
172. In relation to the Transport objectives and policies of the PODP, as discussed in the Assessment of Environmental Effects section of the report. the roading, pedestrian and cycle links will provide connectivity with existing residential development to the north, west, and south as required by the ODP which is consistent with the outcomes sought by TRAN-P1 and TRAN P2.
173. Overall, on balance, I consider the proposal to generally be consistent with the objectives and policies of the Partially Operative District Plan.

### Plan Weighting

174. 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.
175. 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.
176. In this case, I consider the application to be contrary to the policy framework of the Operative District Plan (ODP) but consider the application, on balance, to generally be consistent with the key provisions of the Partially Operative District Plan (PODP).
177. I have reviewed the appeals on the PDP and the provisions, particularly the rules relating to this development area, and the proposed minimum allotment sizes. Only one Notice of Appeal has been lodged in relation to **SUB-R1**. The Appellants are appealing the decision in relation to SUB- REQ13 (Conditions Precedent). Their appeal of SUB – REQ13 also results in the appeal of SUB- REQ 3 (Outline Development Plan). The appellants seek the following relief:
- (b) that the Subdivision Rule Requirement SUB-REQ13 Condition Precedent in relation to DEV – DA8 be deleted in its entirety, or as alternative relief be amended to read:
- C Subdivision to create any site in the General Industrial Zone within DEV-DA8 shall not take place until the intersection of Creyke Road and State Highway 73 has been upgraded in consultation with the road controlling authority for State Highway 73.*
- (b) *That the ODP legend be updated so that the orange shaded area is correctly recorded as General Residential Zone.*
- (c) *Such further, other, or consequential relief as necessary to address the matters raised in this appeal.*
178. **SUB R13** is also under appeal as one of the rule requirements under this rule is SUB – REQ13 (Conditions Precedent) which as noted above is appealed. The relief sought is the same as that noted above.
179. Overall, the relief sought does not relate to the proposed lot size and shape requirements for the application site and the GRZ and LLRZ zones. Therefore, they should remain unchanged at the end of the appeal process. For this reason, I consider the PODP should be given greater weight when considering the appropriateness of the lot sizes and potential adverse effects on the character and amenity of the area and the West Melton township. The GRZ and LLRZ allotment size requirements of the PDOP have been through a rigorous District Plan review process.



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

### Canterbury Regional Policy Statement (CRPS)

180. 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)

181. The NES-CS was discussed earlier in this report, with my conclusion being that the application site is suitable for residential development. Consent under the NES- CS is being sought for a Controlled Activity.

## Section 104(1)(c) – Other Matters

182. Given the Non-Complying Activity status of this application, it is appropriate to have regard to the issue of precedent, as well as the effect of granting consent upon the integrity of the District Plan and public confidence in its consistent administration. Case law has established however, through the High Court in *Rodney District Council v Gould* that concerns relating to plan integrity and precedent effect are not mandatory considerations. The Court held that they are matters that decision makers *may have* regard to, depending on the facts of a particular case, including:
1. Whether a proposal is contrary to the objectives and policies of the plan, and if so;
  2. Whether in the circumstances of a particular case, a proposal can be seen as having some unusual quality
183. In this case, as discussed above, I consider that greater weight should be given to the PODP with regards to the proposal of which I consider the application to generally be consistent. Whilst not an unusual quality per se, I consider it important to acknowledge that those lots within the LLRZ of the subdivision (PODP zoning) remain unchanged from those granted by RC225425 and therefore the lots are in keeping with the existing (consented) environment.
184. For the above reasons, mainly the greater weighting that should be given to the PODP and its objectives and policies, I do not consider that the proposal create any precedent effects and impact upon the integrity of the relevant District Plans and Councils administration.

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

185. 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.

## Section 104D ‘Threshold Test’ – Non-complying activities

186. Section 104D states that a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that *either* the adverse effects on the environment will be minor *or* the application is for an activity that will not be contrary to the objectives and policies of *both* the operative and proposed district plans.
187. I have concluded that the adverse effects of the proposal on the environment will be less than minor. In relation to the objectives and policies of both Plans, I am of the view that the proposal will be contrary to the objectives and policies of the Operative Plan (Township Volume) but will be generally consistent with the objectives and policies of the Partially Operative Plan.
188. Overall, whilst I consider the proposal to be contrary to the objectives and policies of the ODP, the conclusion I have reached with regards to the potential adverse effects is that these will be less than minor. Therefore, the proposal passes one limb of the threshold test under s104D and can be granted.

## Part 2 – Purpose and principles

189. The consideration under section 104 is subject to Part 2 of the Act – Purpose and principles.
190. 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.

191. 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.
192. 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.
193. In addition to section 5, I note that the following clauses of Part 2 would be particularly relevant:
- 7(b) the efficient use and development of natural and physical resources*
  - 7(c) the maintenance and enhancement of amenity values*
  - 7(f) the maintenance and enhancement of the quality of the environment.*
194. 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 support the efficient use and development of the site which is zoned for residential purposes. The quality of the environment and amenity anticipated for the site will also be maintained and enhanced to the extent to what is sought by the zoning under the PODP. Any adverse effects on amenity will, in my view, be minimal.

## Conclusions

195. This is a joint application for subdivision and land use. The subdivision application proposes to undertake a staged subdivision on the site for 234 lots.
196. Land use consent RC235639 is sought to undertake earthworks associated with RC235637, and non-complying roading, accessway, and vehicle crossings. Consent is also required under the NES-CS.
197. Overall, the proposal is a Non-complying activity under the Operative District Plan and Partially Operative Selwyn Plan.
198. No adjoining owners/occupiers are considered to be adversely affected by the subdivision/land use proposal.
199. Adverse effects from the subdivision proposal on the wider environment are considered to be less than minor
200. There are no known constraints associated with the proposal that could prevent the granting of this consent under.
201. The proposal is consistent with the relevant provisions of the Partially Operative Selwyn District and although considered contrary to the objectives and policies of the Operative District Plan, I consider that greater weight should be given to the Partially Operative District Plan. This is due to the current status of the Partially Operative District Plan and limited appeals that will impact upon the rules of the Plan.
202. I consider that the proposal is consistent with the intent of the Mahaanui Iwi Management Plan (2013)
203. Having considered all relevant matters, on balance and overall, I conclude that the application may be granted, subject to conditions of consent.

## Recommendation

204. I recommend that subdivision consent RC235637 and land use consent RC235639 are **granted**, pursuant to sections 104, 104B and 104D and 221 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

### RC235637 – Subdivision Consent Conditions

#### General

1. 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.
2. That the subdivision shall proceed in general accordance with the attached approved subdivision plan (now marked SDC 235637) 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.
6. All required easements shall be created and granted or reserved.
7. The S224 Completion Certificate shall not be issued until the following has been completed:
  - a. A shared pedestrian/cycle path is constructed along Weedons Ross Road between the northern boundary of LOT 255 DP 530229 and the southern boundary of Lot 429. The shared pedestrian/cycle path shall be subject to Council engineering approval.
8. A shared pedestrian/cycle path shall be provided along the primary Outline Development Plan road and throughout the proposed reserves.
9. That the area on Lot 548 (Reserve to vest in Council), between the 'sightline restriction' line and Weedons Ross Road, shall be restricted to grass or low level planting.
10. Interface treatment shall be planted along the full length of the south-eastern boundary of the site shown on the subdivision plan as *Interface Treatment*. The treatment is to achieve a substantial screen without creating adverse shading conditions for future residents. The interface treatment shall comprise of a single row of Griselinia trees, or a similar species, planted with the centres no further apart than 1.0 metre.
11. The interface treatment required by Condition 10 shall be planted prior to the s224 (c) completion certificate being issued for Stages 24, 28, 29, and 32.

#### Consent Notices

12. That consent notices 10596830.11, 10718118.5, 12579174.5, 12579174.4 on Record of Title 1081479 be cancelled.
13. That consent notice 12705414.28 on Record of Title 1124479 be cancelled.



### *Utility lots*

14. That a consent notice shall be registered against the Record of Title for each utility lot created, to the effect that it shall be used as a utility lot only. Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for a utility lot. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.

### *Sustainability*

15. That pursuant to S221 of the RMA, a consent notice shall be registered against the Record of Title for each residential lot stating the following:
- Solar power shall be installed and used for each residential site for the purposes of reducing the properties reliance on electricity.*
  - Rainwater shall be collected and used for irrigation purposes with a minimum tank size of 500l for each residential site.*
  - Each residential site shall achieve Homestar 6 or equivalent as approved by an appropriately qualified person. [Achieving all the requirements specified on the Sustainable Home Checklist attached to RC225425 is considered to achieve an equivalent to Homestar 6]*
  - For all allotments with a net area greater than 3,000m<sup>2</sup>, no less than 15% of the site shall be planted in native vegetation, which shall include hedgerows on fence lines.*

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

### *Vehicle crossing – Lot 762*

16. That pursuant to S221 of the RMA, a consent notice shall be registered on Record of Title of Lot 762 and complied with on an ongoing basis. The consent notice shall read as follows:

*No vehicle crossing shall be established over that part of the road frontage marked in red on the approved subdivision plan, being a length of 13m from the southern boundary.*

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

### *Landscaping*

17. That pursuant to S221 of the RMA, a consent notice shall be registered on Record of Title for Lots 366-369, 425-428, 471 – 476, and Lot 429, and complied with on an ongoing basis. The consent notice shall read as follows:

*The interface treatment comprising of a single row of trees along the south-eastern boundary of the site shall be maintained to a minimum height of 2m, on an ongoing basis, and any dead, diseased or damaged specimens shall be removed and replaced within the next available planting season.*

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

### Amalgamation

18. That the following access lots shall be held by way of amalgamation, pursuant to section 220(1)(b)(iv) of the RMA as follows:
- Lot 560 (access lot) hereon be held as to 4 undivided one quarter shares by the owners of Lots 610, 611, 612, and 613.
  - Lot 561 (access lot) hereon be held as to 4 undivided one quarter shares by the owners of Lots 618, 619, 620, and 621.
  - Lot 562 (access lot) hereon be held as to 4 undivided one quarter shares by the owners of Lots 632, 633, 634 and 635.
  - Lot 563 (access lot) hereon be held as to 2 undivided one half shares by the owners of Lots 353 & 354.
  - Lot 564 (access lot) hereon be held as to 2 undivided one half shares by the owners of Lots 648 and 649.
  - Lot 565 (access lot) hereon be held as to 2 undivided one half shares by the owners of Lots 668 and 669.
  - Lot 566 (access lot) hereon be held as to 2 undivided one half shares by the owners of Lots 694 and 695.



- h. Lot 567 (access lot) hereon be held as to 2 undivided one half shares by the owners of Lots 698 and 699.
- i. Lot 568 (access lot) hereon be held as to 2 undivided one half shares by the owners of Lots 702 and 703.
- g. Lot 570 (access lot) hereon be held as to 2 undivided one half shares by the owners of Lots 715 and 716.
- j. Lot 571 (access lot) hereon be held as to 2 undivided one half shares by the owners of Lots 727 and 728.
- k. Lot 572 (access lot) hereon be held as to 2 undivided one half shares by the owners of Lots 745 and 746.
- l. Lot 573 (access lot) hereon be held as to 6 undivided one sixth shares by the owners of Lots 750, 751, 752, 753, 754, and 755.
- m. Lot 574 (access lot) hereon be held as to 2 undivided one half shares by the owners of Lots 764 and 765.
- n. Lot 575 (access lot) hereon be held as to 2 undivided one half shares by the owners of Lots 770 and 771.
- o. Lot 576 (access lot) hereon be held as to 5 undivided one fifth shares by the owners of Lots 775, 776, 777, 778, and 779.

These will be held as tenants in common in the said shares and individual Records of Title shall be issued. The LINZ reference is 1888751.

#### Engineering approval

19. 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.

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

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

*Suitably qualified designer:*

22. A design certificate from a suitably qualified designer shall be submitted to Council as part of Engineering Approval.

*Asbuilt Plans:*

23. Prior to the issuing of s224(c) certificate the consent holder shall 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 shall be borne by the consent holder.

*Electronic Schedule of vested assets*

24. Prior to the issuing of s224(c) certificate the consent holder shall 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.

*Producer Statement Civil Contractor*

25. Producer statements from the principal civil contractor shall be supplied to Council confirming that all vested assets have been installed in accordance with the approved engineering plans and specifications prior to the issuing of S224(c) certificate.



*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)*

26. 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.

### Roading

#### *New roads*

27. All roads shall be constructed in accordance with the approved engineering plans.
28. All roads shall be vested in the Selwyn District Council as road.
29. All vested roads shall meet Councils testing standards as prescribed by the Engineering Code of Practice. Supporting documentation shall be supplied to Council prior to the issuing of s224(c) certificate.

#### *Corner Splays*

30. The corner of Lots 303, 370, 389, 602, 540, 541, 645, 652, 655, 656, 661, 676, 677, 686, 687, 681, 682, 692, 705, 713, 720, 721 and 739 shall be splayed with a rounded minimum radius of 3 metres.

#### *Street lighting*

31. Street lighting shall be provided on all new roads and existing roads in accordance with the Engineering Approval.
32. The consent holder shall install street name signs displaying the Council approved street name and poles at each intersection in accordance with Policy R430.

#### *Street names*

33. Road name options, including a minimum of three options for each road, and street numbering plans shall be submitted to Council in accordance with Council Policies N101 and N102 at Engineering Approval.

#### *Road Frontage Upgrades*

34. The road frontage of Weedons Ross Road shall be upgraded to an urban standard (including kerb and channel, shared footpath, and piping of the water race), this work is required to be approved and undertaken through the Engineering Approval.

### Vehicle Crossings and Accessways

#### *Urban vehicle crossings*

35. The vehicle crossing installed to service Lots 560 – 568 and Lots 570 – 576 shall be formed in accordance with TRAN-REQ5 Vehicle crossing design and construction and TRAN-REQ6 Vehicle crossing surface of the Partially Operative Selwyn District Plan.
36. All proposed vehicle crossings shall be located in accordance with Council's Tree's and Vegetation Policy.

#### *Urban shared accessways*

37. The vehicle accessway identified as Lots 560 – 568 and Lots 570 – 576 shall be formed in accordance with TRAN-REQ7 - Minimum requirements for accessways of the Partially Operative Selwyn District Plan and surfaced in accordance with the requirements of Engineering Approval. Except that Lots 560 and 561 shall not be required to provide passing bays.

#### *General*

38. Private Road name options, a minimum of three options for each road, and street numbering plans shall be submitted to Council in accordance with Council Policies N101 and N102 at Engineering Approval.



39. The consent holder shall install private road/ROW name signs displaying the Council approved street name and poles at each ROW in accordance with Policy R430.
40. All vehicle crossings and formed accessways shall meet Councils testing standards as prescribed by the Engineering Code of Practice. Supporting documentation shall be supplied to Council prior to the issuing of s224(c) certificate.

#### Water Supply, Sewer, and Stormwater - General

41. 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.

#### Water supply

42. The net area of each lot shall be provided with an individual potable connection to the West Melton water supply in accordance with the approved Engineering Plans.
43. Water meters shall be installed in the road reserve only (please note that multi meter boxes may be utilised).
44. Water restrictors shall be installed in the road reserve only.
45. Lots 366 – 369, Lots 425 – 429, and Lots 471 – 476 shall be restricted to 3,000 litres of water per day. Individual water tanks will be required at the time of building for each lot with a minimum tank size of 3 days' supply.  
Pursuant to section 221 Resource Management Act 1991 a consent notice shall be registered on the Certificate of Title for each lot to ensure ongoing compliance with this condition.
46. All Council vested water infrastructure shall be designed in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008 and subsequent variations). Designs and calculations confirming that this requirement has been met shall be supplied at Engineering Approval for review and acceptance.
47. Connection into Council's reticulated water supply shall 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 Council's Five Waters maintenance contractor shall be met directly by the consent holder.
48. All vested water reticulation shall meet Councils testing and hygiene standards as prescribed by the Engineering Code of Practice. Supporting documentation shall be supplied to Council prior to the issuing of s224(c) certificate.
49. Connection into Council's reticulated water supply shall either be carried out or supervised by Council's contractor CORDE at the cost of the consent holder.

#### *Staging:*

50. Construction phase one (stages 21 – 25 and 28) shall not receive S224 until the Potable Water Outlet water line from the Rossington Drive Water Treatment Plant is upgraded. Proposed upgrades are to be included in the Engineering Approval for phase one.
51. That construction of stages 26, 27, and 29 – 31 shall not commence until the water model has been updated with the requirements of proposed development and a developer's agreement is entered into for any necessary works.

#### Sewer

52. 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 approved Engineering Plans.
53. Connection to the Council sewer shall be arranged by the consent holder at the consent holder's expense. The work shall be done by a registered drainlayer.

#### *Pumpstation*

54. That a wastewater pump station must be provided in accordance with the approved engineering plans which shall be located within a utility lot proposed as part of this subdivision.
55. Council will assume full operation of the wastewater pumpstation once all required works are completed to the satisfaction of the Development Engineer and all Quality Assurance documentation as prescribed by the Engineering Code of Practice has been received, reviewed, and approved.

Acceptance of the pumpstation will be issued in writing by the Development Engineer. The consent holder will be responsible for the operation of the wastewater pumpstation until such time that it is accepted by Council.



### *Rising Main*

56. An appropriately sized (to be determined at Engineering Approval) rising main to service the pump station shall be installed in the road reserve of Weedons Ross Road and connect to the rising main located on West Melton Road.

### *Gravity Wastewater Laterals:*

57. All gravity wastewater 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. Designs demonstrating compliance with this requirement shall be provided at Engineering Approval.

### *Low Pressure Sewer*

58. Lots 312 – 314, Lot 429, Lots 600 – 601, and Lots 717 – 719 shall be serviced by Low Pressure Sewer. At the building consent stage, individual sewage pumping units shall be installed within private property. Any maintenance or costs associated with the individual pumping units (including the initial installation) shall be the responsibility of the landowner.

Pursuant to section 221 of the Resource Management Act 1991 a consent notice shall be registered on the Record of Title for each lot to ensure ongoing compliance with this condition.

59. Low Pressure Sewer Boundary boxes shall be installed in the road reserve only.

### *Standard testing*

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

### Stormwater

61. 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.
62. 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:
- 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.
  - Proposed cut/fill plan and supporting volume calculations that confirm the displacement/diversion of flood waters resulting from earthworks will result in a net zero change of the existing drainage flow patterns.
63. 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.
64. The proposed development shall not discharge run off onto adjacent properties unless via a controlled outlet approved as part of the Engineering Design Approval.
65. 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.
66. Where a specific discharge consent is issued by Canterbury Regional Council (Environment Canterbury), any consent or associate conditions imposed by them will be subject to 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 S224(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.

67. The consent holder shall provide a Stormwater Operations and Maintenance Manual prior to the approval of the Section 224(c) Completion Certificate.
68. The existing overland flow path shall be maintained by the consent holder, or the historical overland flow path shall be appropriately mitigated. Any alterations to the overland flow path shall be approved by the Development Engineering Manager in writing prior to construction.
69. All vested stormwater reticulation shall meet Councils pressure testing and CCTV inspection standards as prescribed by the Engineering Code of Practice. Supporting documentation shall be supplied to Council prior to the issuing of s224(c) certificate.

### Power and Telecommunication Services

#### *Front lots*

70. 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.

#### *Rear lots*

71. 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.
72. The consent holder shall provide evidence in writing from the relevant authorities that electrical and telecommunication service connections have been installed to each lot.

### Reserves

73. Pursuant to the relevant legislation the consent holder shall vest Lots 541, 542, 543, 546 - 547 and 551 in the Council as Local Purpose (Access) Reserve, Lot 548 in the Council as Local Purpose (Landscape) Reserve, Lot 540 in the Council as Recreation Reserve & Lots 318 and 549 in the Council as Local Purpose (Utility) Reserve.

The consent holder shall supply to Council copies of all Certificates of Title for land, other than roads, that is vested in the Council.

### Natural Hazards

74. That a report be provided at Engineering Approval stage, by a suitably qualified and experienced person confirming that the engineering design of the subdivision is sufficient to mitigate flooding on every site, based on a 200-year Annual Exceedance Probability rainfall event.

### Landscaping

75. 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.
76. Entrance structures placed in the road reserve shall be installed in accordance with the Engineering Approval.

### Fencing Covenant

77. The consent holder shall ensure that Council is indemnified from liability to contribute to the cost of erection or maintenance of boundary fences between reserves and adjoining lots.



- a) This shall be ensured by way of a fencing covenant registered against the 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 shall procure a written undertaking from the consent holder's solicitor that the executed fencing covenant will be registered on deposit of the subdivision plan.

#### Site Stability and Site Works

- 78. That all earthworks shall be undertaken in accordance with the conditions of resource consent RC235XXX
- 79. The consent holder shall supply a copy of the Erosion and Sediment Control Plan at Engineering Approval.
- 80. 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.
- 81. All earthworks completed on site are to be carried out in accordance with New Zealand Standard (NZS) 4431:2022 Engineered Fill Construction for Light Weight Structures.
- 82. At the completion of all earthworks, Certificates satisfying the conditions of NZS4431: 2022 Engineered Fill Construction for Light Weight Structures are to be provided to the Development Engineering Manager prior to section 224(c) approval. These certificates will be accompanied by a detailed report highlighting the extent and nature of all earthworks undertaken.
- 83. That the consent holder shall ensure that all contractors carrying out work on the site comply with NZS 6803:1999 "Acoustics – Construction Noise".
- 84. That where evidence of a contaminated site not identified in the application is found at any stage of the subdivision development works, then work shall cease at that site until the risk has been assessed by a Suitably Qualified and Experienced Practitioner (SQEP) 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.
- 85. 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, unless required for a later stage of the subdivision.

#### **RC235639 - Land Use Consent Conditions**

- A. Resource consent 235639 be processed on a **non-notified** basis in accordance with sections 95A-F of the Resource Management Act 1991; and
- B. Resource consent 235639 be **granted** pursuant to sections 104 and 104B of the Resource Management Act 1991 subject to the following conditions imposed under sections 108 of the Act:
  - 1. That the proposed activity shall proceed in accordance with the information submitted with the application.
  - 2. That before earthworks commence for subdivision RC235637, the Consent Holder shall provide Council's Resource Monitoring Officer with the contact details (including cell phone number) of the person overseeing the earthworks.



### Vehicle Crossings

3. That any vehicle crossing providing access to Lots 722 to 725, Lot 429 and Lots 717-719 shall be formed in accordance with TRAN-REQ5 Vehicle crossing design and construction and TRAN-REQ6 Vehicle crossing surface of the Partially Operative Selwyn District Plan, with the exception of these lots needing to comply with TRAN -REQ4, TRAN- TABLE 4 (Intersection setbacks).
4. That any vehicle crossing providing access to Lots 759 to 762 and Lots 722 to 725 shall be formed in accordance with TRAN-REQ5 Vehicle crossing design and construction and TRAN-REQ6 Vehicle crossing surface of the Partially Operative Selwyn District Plan, with the exception of these lots needing to comply with TRAN -REQ4 (Sightlines).
5. That a vehicle crossing for Lots 759-762, 722 to 725, 429, and 717 to 719 can be constructed along Weedons Ross Road (arterial road).

### Construction Standards

6. That all earthworks shall be conducted in accordance with the approved engineering plans for subdivision consent RC235028 and the Selwyn District Council Engineering Code of Practice.
7. 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.
8. 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.
9. 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

### Residential Amenity

10. Hours of operation (other than dust mitigation or emergency sediment and erosion control) shall be limited to the hours of 7am to 7pm. Work will generally be restricted to Monday to Saturday although occasional work may be permitted on Sundays and Public Holidays subject to prior notice being given to Council's Monitoring Officer no later than noon of the last working day before the scheduled work.
11. No construction machinery shall be warmed up within 50 metres of any occupied property in a Living zone.
12. That all contractor site facilities be located at least 50 metres from any occupied property in a Living zone.

### Sediment Control

13. That material stockpiles be shaped, wetted or stabilized to reduce dust generation.
14. That the consent holder shall ensure on a continuing basis that dust created by the disturbance or transportation of materials is confined to within the boundaries of the application site.
15. That dust generating activities shall cease during times of high winds where dust suppression methods are insufficient to stop fugitive dust leaving the site.



16. 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.
17. That sediment control shall be undertaken in accordance with Environment Canterbury Erosion and Sediment Control Guidelines.
18. 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.

#### Potential contamination


19. 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.

## **Te Taumutu and Ngāi Tūāhuriri Rūnanga Conditions**

20. There must be a stringent erosion and sediment control plan in place during any earthworks required for the development until such time that any exposed soils have been covered or revegetated. This plan must ensure:
  - a. All practical measures are taken to prevent the migration of sediment from entering water bodies or networks.
  - b. That any exposed soils/ stockpiles are managed appropriately to protect environments.
  - c. A dust suppression plan is developed and implemented.
21. 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).
22. An accidental contamination discovery protocol as volunteered by the applicant must be developed and implemented when earthworks are occurring.

### **Attachments**

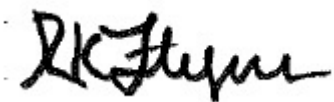
1. RC235637 and RC235639 Subdivision and Land Use Approved Plans

<b>Report by:</b>  Charlotte Scotchbrook, Senior Resource Management Planner	Date: 13 February 2024
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## Decision

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

  Rosie Flynn, Team Leader Resource Consents	Date: 16 February 2024
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## 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).

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	234.00	0.00	234.00	5,007.00	1,171,638.00	175,745.70	1,347,383.70
Wastewater	234.00	0.00	234.00	5,772.00	1,350,648.00	202,597.20	1,553,245.20
Stormwater	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Reserves	234.00	0.50	233.50	11,628.00	2,715,138.00	407,270.70	3,122,408.70
Roading	234.00	1.00	233.00	1,472.00	342,976.00	51,446.40	394,422.40
Roading ODP	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contribution</b>					<b>5,580,400.00</b>	<b>837,060.00</b>	<b>6,417,460.00</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 specialised monitoring fee has been charged.
- 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 and Monitoring 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 on a time and cost basis.

### **Vehicle Crossings, Rooding, Property Numbering**

- k) 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](mailto: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>
- l) A private road/right of way that serves a minimum of 5 (five) properties can be named if requested. The applicant shall supply a minimum of 3 names listed in preference for Council consideration. Council will consider those names that are deemed appropriate and approve a name that does not already exist or is not similar to any other name in Selwyn District.
- 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) *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.

### Impact on Council Assets

- p) 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

- q) 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 Engineering

- r) 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/](http://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](mailto:Development.Engineer@selwyn.govt.nz)

- s) *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.
- t) *Peer Reviews*: Council reserves right to have designs that show vested assets peer reviewed at the consent holder's cost. Applicants will be informed whether this is required upon review of designs submitted for Engineering Approval.



- u) *Producer Statements – multiple contractors*: If multiple civil 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.
- v) Onsite wastewater and stormwater treatment and disposal system(s) must comply with the requirements the Canterbury Regional Council. Where compliance via a Certificate of Compliance cannot be provided, then a resource consent must be obtained.

#### Water Supply

- w) *Working on Council Infrastructure*: 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.
- x) *Connections to Council water reticulation*: Refer to WSP 005 for Council's water chlorination, hygiene, and water installer qualification requirements for water reticulation connection requirements.
- y) *Applications for new water connections*: 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).

#### Sewer

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

#### Stormwater

- aa) 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.
- bb) 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.
- cc) Early consultation with council's stormwater engineer is recommended to ensure the latest stormwater standards including design rainfall are incorporated into the detailed design.
- dd) 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

- ee) 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*

- ff) 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*

- gg) 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.

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

- a) The stormwater system should be designed to protect the land/soil used as a receiving environment, surface water, and groundwater/aquifer.
- b) The stormwater systems should be regularly maintained through routines inspections, and removal of debris and sediment to ensure optimal treatment efficacy.
- c) Operational phase storm water should be treated appropriately for heavy metals before discharge.
- d) It is encouraged that the applicant the applicant implements the Ngāi Tahu Subdivision and Development Guidelines to the greatest practical extent.