

# Resource Consent Decision

RC225189



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| <b>APPLICANT:</b>   | Fulton Hogan Land Developments Ltd  |
| <b>PROPOSAL:</b>  | To change conditions 2, 48, 55 and 56 of resource consent RC185574, and to delete condition 4.  |
| <b>LOCATION:</b>  | Edward Street, Lincoln  |
| <b>LEGAL DESCRIPTION:</b>   | Lot 709 DP 562674 being 36.4709ha in area more or less, as contained in Record of Title 1002486.  |
| <b>ZONING:</b>  | <b>Operative Selwyn District Plan (2016)</b><br>The property is zoned Living Z under the provisions of the Operative District Plan (Townships Volume).  |
| <b>STATUS:</b>  | This application has been assessed as a change of conditions pursuant to section 127 of the Resource Management Act 1991 in respect of subdivision resource consent RC185574 granted on 19 December 2018 to undertake a subdivision to create 527 residential lots.<br><br>As such the relevant provisions of the District Plan (Townships) Volume and the Resource Management Act 1991 have been taken into account. |
| This application was formally received by the Selwyn District Council on 16 March 2022. Assessment and approval took place on 1 April 2022 under a delegation given by the Council. |   |

## Decision

- A. Resource consent 225189 be processed on a **non-notified** basis in accordance with sections 95A-F of the Resource Management Act 1991; and
- B. That the application to change conditions 2, 48, 55 and 56 and to delete condition 4 of resource consent RC185574, granted on 19 December 2018, be **granted** pursuant to section 127 of the Resource Management Act 1991.

Condition 2 shall now read:

That the subdivision shall proceed in substantial accordance with the attached approved subdivision plan (now marked SDC 225189) including any additional balance lots and utility lots required, except where varied by the following conditions of consent.

Condition 4 is cancelled

Condition 48 shall now read:

That a Consent Notice pursuant to section 221 of the Resource Management Act 1991 be registered allotments adjoining 514, 515, 482, 483, 593, 594, 607-610, 639, 640, 726, 750-764, 747, 805-826, 873, 874, 832, 827-830, 955-956, 1029 and any other lot adjoining an existing or future reserve stating the following:

That only one fence shall be erected within 5.0 metres of a reserve and shall be parallel or generally parallel to that boundary. This fence shall not exceed 1.2 metres in height except that where a fence or other screening structure is over 1.2 metres in height, then the whole of that structure shall be at least 50% visually transparent. No fence or screening structure shall exceed a height of 1.8 metres. Note that for the purposes of this condition a fence or other screening structure is not the exterior wall of a building or accessory building.

Condition 55 shall now read:

That Lots 1017, 1019, 1033, 1034 and 1035 shall vest in Council as Local Reserve (Recreation Reserve).

Condition 56 shall now read:

That Lots 1020, 1022, 1016, 1018, 1021, 1025, 1027, 1028, 1029 and 1032 shall vest in Council as Local Purpose (Drainage Reserve).

## **Attachments**

1. Approved subdivision plan

## **Notes to the Consent Holder**

All other conditions of Resource Consent RC185574 remain unchanged and in effect.

### RC185574 (AS AMENDED BY RC225189)

1. That the following conditions of consent shall be met prior to the issue of the Section 224(c) Completion Certificate, at the expense of the Consent Holder.
2. That the subdivision shall proceed in substantial accordance with the attached approved subdivision plan (now marked SDC 225189) including any additional balance lots and utility lots required, except where varied by the following conditions of consent.
3. The application shall be staged as shown on the approved plan.
4. Deleted under RC225189

### General Engineering Conditions

5. That all required easements shall be duly created and granted or reserved.
6. All work shall adhere to the conditions set in the engineering approval letter as agreed between the applicant and Selwyn District Council at the time of approval and be constructed to the approved engineering plans.

Note: The conditions of the engineering approval cannot go beyond those set out in this consent, the requirements of the Selwyn District Plan or the Engineering Code of Practice.

7. All work shall comply with the Engineering Code of Practice, except as agreed with Council

8. That the plans and specifications of all works, including water, irrigation, sewer, roading, stormwater and landscaping, shall be submitted to the Council for approval. Engineering approval of complying documents shall be given in writing and work shall not commence until this has been received from the Council. Any subsequent amendments to the plans and specifications shall be submitted to Council for approval.
9. The consent holder shall forward with the engineering plans and specifications, copies of any other consents required and granted in respect of this subdivision, including any certificate of compliance or consent required by Canterbury Regional Council.
10. Unless specific provision is made otherwise the services to all lots shall extend from the road boundary to a point one metre inside the net area of the lot. Please note that the net area is the area excluding any right of way or accessway.
11. That accurate 'as built' plans of all services be provided to the satisfaction of the Asset Manager. All assets being vested in Council shall be provided in an appropriate electronic format for integration into Council's systems. Actual costs involved in provision and transfer of this data to Councils systems shall be borne by the consent holder.
12. That where the subdivision results in any assets being vested in Council, then a comprehensive electronic schedule of these shall be provided to Council's Asset Manager. The schedule will include but not be limited to installed material unit costs, type, diameter, class, quantity etc and include summary details.

Site stability and site works

13. That all site works shall be undertaken in accordance with the conditions of resource consent 185575.
14. That the Consent Holder ensure on a continuing basis (until Certificates of Title are available for each allotment) that dust is not generated from: consolidated material; the disturbance or transportation of material; or earthworks activities by keeping the surface of the material damp or by using another appropriate method of dust suppression. This applies to exposed areas of earth, stockpiles and unsealed roads.
15. 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.
16. That dust generating activities shall cease during times of high winds where dust suppression methods are insufficient to stop fugitive dust leaving the site.
17. 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.
18. The consent holder shall confirm whether any earth fill has been placed on site. All filling is to be carried out in accordance with New Zealand Standard (NZS) 4431:1989 Code of Practice for Earth Fill for Residential Development.
19. At the completion of all earthworks Certificates satisfying the conditions of NZS4431: 1989 Code of Practice for Earth Fill for Residential Development, are to be provided to the Selwyn District Council. These certificates will detail the extent and nature of all earthworks undertaken.
20. 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 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.

21. At the completion this subdivision, a report from a geotechnical engineer shall be provided to the Selwyn District Council (completion report). The report shall address the following matters:
- a) The suitability of all subdivided lots, including roads and reserves, for their intended purposes;
  - b) Where the report identified that an allotment or allotments has a limitation on its intended purpose the report shall record the limitation and the nature of the works or treatments likely to be occurred to overcome the limitation.
  - c) If the completion report identifies any development limitation for any allotment, the Selwyn District Council may require that a consent notice be registered on the relevant title/s giving notice of the limitations and the type of specific development requirements to address those limitations.

#### Roading and access

22. That all roads, cycleways and footpaths shall be constructed in accordance with the approved engineering plans.
23. That any vehicle crossing servicing more than one lot shall be formed in accordance with Appendix 13 of the District Plan (Townships Volume). The vehicle crossing shall be sealed/metalled to match the existing road surface for the full width of the crossing between the site boundary and sealed carriageway.
24. That any vehicle accessway serving more than one lot be formed in accordance with Appendix 13 of the District Plan (Townships Volume)
25. That street lighting shall be provided to service all parts of the subdivision, in accordance with the approved engineering plans and specifications.

#### Water, sewer and stormwater

26. Each residential allotment within the subdivision shall be separately serviced with water, sewer and stormwater systems.

#### Water

27. That the net area of each lot shall be provided with an individual potable high pressure connection to the Lincoln water supply in accordance with the approved Engineering Plans.
28. Water meters shall be installed in the road reserve only (please note that multi meter boxes may be utilised)
29. 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)
30. Connection into Council's reticulated water supply must either be carried out or supervised by Council's contractor SICON Ferguson Ltd.

#### Sewer

31. 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.
32. All laterals shall be installed ensuring grade and capacity are provided for and in accordance with Council engineering standards, giving regard to maximum upstream development density.
33. All sewer reticulation to be vested shall meet Council CCTV standards.
34. That connection to the Council sewer be arranged by applicant, with the work to be done by a registered drainlayer.

#### Stormwater

35. 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.
36. The consent holder shall install stormwater reticulation, treatment and disposal systems to service the subdivision in accordance with the approved engineering plans and in compliance with Environment Canterbury Consent 122567 (or subsequent variations). Prior to 224 the consent holder shall provide a Producer Statement demonstrating that the stormwater system has been designed and constructed in accordance with global consent conditions held by Selwyn District Council. Notwithstanding the above, the applicant shall apply for their own stormwater discharge and earthworks consents from Environment Canterbury to cover construction and the first two years of operation.
37. 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.
38. The proposed development shall not discharge run off onto adjacent properties unless via a controlled outlet with Council's approval. Also, if an adjacent neighbour's historical Stormwater drainage was onto the proposed development, the proposed development must maintain or mitigate the historical discharge.
39. 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 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.
40. This property may be located within an area covered by an Environment Canterbury stormwater consent. It is the responsibility of the property owner to contact Environment Canterbury customer services to ensure that any activity undertaken on site complies with the relevant consent conditions. No discharges shall occur under a Selwyn district council Global consent without approval from Selwyn District Council.
41. That a Stormwater Operations and Maintenance Manual shall be provided at S224.
42. Where stormwater mains in private property are to be vested, a written request shall be submitted for council approval. Easements in gross in favour of council shall be provided.

#### Landscaping and irrigation

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

#### Utilities

45. That electricity supply and telecommunications be supplied to the net area of each residential lot of the subdivision by way of underground reticulation in accordance with the standards of the relevant network utility operator.
46. The consent holder shall provide evidence in writing from the relevant authorities that electrical and telephone service connections have been installed to each lot.

Consent notices and covenants

47. 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.

48. That a Consent Notice pursuant to section 221 of the Resource Management Act 1991 be registered allotments adjoining 514, 515, 482, 483, 593, 594, 607-610, 639, 640, 726, 750-764, 747, 805-826, 873, 874, 832, 827-830, 955-956, 1029 and any other lot adjoining an existing or future reserve stating the following:

That only one fence shall be erected within 5.0 metres of a reserve and shall be parallel or generally parallel to that boundary. This fence shall not exceed 1.2 metres in height except that where a fence or other screening structure is over 1.2 metres in height, then the whole of that structure shall be at least 50% visually transparent. No fence or screening structure shall exceed a height of 1.8 metres. Note that for the purposes of this condition a fence or other screening structure is not the exterior wall of a building or accessory building.

49. That any utility lot created shall be used as a utility lot only and may not be used for calculating future boundary adjustments or subdivisions.

Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the certificate of title to issue for each utility lot created.

50. That a consent notice be registered against all residential lots stating the following:
  - That unless a resource consent has been granted otherwise, the maximum height of any fence between the front building façade of any residential development and the street, or a private Right of Way or shared access over which the allotment has legal access, shall be 1m. For allotments with frontage to more than one road or a private Right of Way or shared access, any fencing on the secondary road boundary is to be no higher than 1.8m.
  - Any other fence shall be a maximum height of 1 metre if it is located within 3 metres of the street boundary or private right of way or shared access over which allotment has legal access.

On-going compliance with this condition shall be ensured by way of a consent notice to this effect registered on the certificate of title for all residential lots.

51. That a consent notice shall be registered on all lots with Figure 11 of the geotechnical report prepared by Aurecon and Figure 8 of the 2015 Aurecon Report (attached to this decision) stating the following:

*This lot is considered to be TC2 equivalent. Specific foundation design may be required at building consent stage.*

52. That, unless a resource consent has been granted otherwise or the District Plan rules have been amended: All development and other activities on medium density lots shall proceed in accordance with the rules for permitted activities in the Living Z zone, Small Lot Medium Density Area. Any activity which does not comply with the rules for permitted activities will require resource consent, with the application assessed against the provisions of the Living Z zone, Small Lot Medium Density Area.

Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the computer freehold register to issue for each of Lots 499-502, 472, 473, 475, 458-461, 548, 547, 553, 554, 557 and 558.

53. That, unless a resource consent has been granted otherwise or the District Plan rules have been amended: All development and other activities on low density lots shall proceed in accordance with the rules for permitted activities in the Living Z zone, Low Density Area. Any activity which does not comply with the rules for permitted activities will require resource consent, with the application assessed against the provisions of the Living Z zone, Low Density Area.

Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the computer freehold register to issue for residential lots not listed in condition 52 above.

Land to vest

54. The consent holder shall supply to the Council copies of all Certificates of Title for land, other than roads, that is vested in the Council.
55. That Lots 1017, 1019, 1033, 1034 and 1035 shall vest in Council as Local Reserve (Recreation Reserve).
56. That Lots 1020, 1022, 1016, 1018, 1021, 1025, 1027, 1028, 1029, and 1032 shall vest in Council as Local Purpose (Drainage Reserve).
57. That all roads shall be vested in Council as Road.

Yours faithfully

**Selwyn District Council**



Natalie Hall-Barlow

**Senior Resource Management Planner**

AS APPROVED BY  
**SELWYN DISTRICT COUNCIL**  
 Planning Department

**RESOURCE CONSENT**  
 225189

1/04/2022 halln

| AMENDMENT | DATE       | DESCRIPTION   |
|-----------|------------|---|
| R10       | 25/09/2020 | STAGES 15, 16 & 17 BOUNDARIES UPDATED TO TSS, ROAD NAME ADDED |
| R11       | 3/12/2020  | STAGE 15 UPDATED TO UNDER CONSTRUCTION                        |
| R12       | 02/03/2021 | STAGES 15, 18, 19 & 20 BOUNDARIES UPDATED TO TSS              |
| R13       | 21/04/2021 | LOTS 788 & 7013 AMENDED                                       |
| R14       | 1/06/2021  | COMPLETED STAGES UPDATED                                      |
| R15       | 1/07/2021  | LOTS 819 - 821 & LOTS 617 - 620 AMENDED                       |
| R16       | 17/12/2021 | LOTS 819 & 1028 AMENDED                                       |
| R17       | 16/02/2022 | LOTS 617-620 AMENDED, LOTS 7020 & 8000 ADDED                  |

- NOTES:
- 1) Areas and dimensions are approximate only and are subject to final survey and deposit of plans.
  - 2) Service easements to be created as required.
  - 3) This plan has been prepared for subdivision consent purposes only. No liability is accepted if the plan is used for any other purposes.



- COMPLETED AS AT FEBRUARY 2022
- PROPOSED
  - COMPLETED
  - UNDER CONSTRUCTION
  - DRAINAGE RESERVES
  - RECREATION RESERVES
  - COMMERCIAL SITES (6230m<sup>2</sup>)

| Stage            | Residential Lots | Drainage Reserves  | Recreation Reserves |
|------------------|------------------|--------------------|---------------------|
| 17               | 55               | -                  | -                   |
| 21               | 48               | 1394m <sup>2</sup> | -                   |
| 22               | 49               | -                  | 0.2059              |
| Completed Stages | 683              | 3.9524ha           | 4.0037ha            |
| Proposed Stages  | 152              | 0.1394ha           | 0.2059              |
| TOTALS           | 835              | 4.0921ha           | 4.2096ha            |



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JOB TITLE:  
**Rosemerryn**

SHEET TITLE:  
**Proposed Subdivision  
 Stages 17, 21 & 22**

DRAWING STATUS:  
**For Consent**

SCALE: 1:2500@A1 DATE: March 2022  
 1:5000@A3

CAD FILE: J:\19458\Subcon\19458\_Stage 17+BALANCE\_LOT\_R17.dwg REVISION:

DRAWING No: **19458** SHEET No: 1 OF 1 **R17**