

## Section 127

## Resource Management Act 1991



### Decision and Planning Report

**Planning Report** pursuant to section 42A of the Resource Management Act 1991 recommending whether or not an application for resource consent should be:

- Publicly notified, limited notified or non-notified
- Granted or declined, and, if granted, the conditions of consent

**Decision** pursuant to section 113 of the Resource Management Act 1991

|                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>APPLICATION NUMBER(S)</b>                | RC255497A, RC255498A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>APPLICANT</b>                            | Earlsbrook West Residential Limited                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>BRIEF DESCRIPTION OF THE APPLICATION</b> | <p>Change and cancellation of conditions pursuant to section 127 to <b>RC255497</b> and <b>RC255498</b>.</p> <ul style="list-style-type: none"><li>• RC255497A - Change of Condition (s127) - Variation to the subdivision to provide for the addition of reserve, boundary adjustments, relocation of services, removal of condition 107, further subdivision of balance lot.</li><li>• RC255498A - Change of Condition (s127) - Variation to land use consent to Amendments to fencing plan, relocation of vehicle crossing, use of lot 5011 for excavated material from stage 2</li></ul> |
| <b>ADDRESS</b>                              | 1532 Springs Road, Lincoln                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>LEGAL DESCRIPTION</b>                    | Part Lot 1 DP 4157, Lot 5001 DP 616488, Part RS 2951, Part RS 2933, Part RS 2456, Part RS 5844                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>TITLE REFERENCE</b>                      | 1230372, 1251261, CB32K/521                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>AREA</b>                                 | 47.077 ha                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>ZONING / OVERLAYS</b>                    | <p><b>Operative Selwyn District Plan (2016), Rural Volume</b></p> <p>Outer Plains Zone</p> <p>Lincoln ODP Area 5</p> <p><b>Partially Operative Selwyn District Plan (Appeals Version)</b></p> <p>Medium Density Residential Zone</p> <p>Development Area: DEV-LI8</p> <p>Plains Flood Management Overlay</p> <p>Orion 33kV to 66 kV (runs along Springs Road)</p>                                                                                                                                                                                                                            |
| <b>OVERALL ACTIVITY STATUS</b>              | <b>Discretionary</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

### The Application

1. The Applicant is seeking to change conditions and cancel a condition across two existing resource consents, RC255497 and RC255498, which were granted on a non-notified basis on 17 October 2025. The proposal is detailed in section 4.2 of the application; however, in summary, the following changes are sought;



### **Subdivision (RC255497)**

- Addition of a new recreational reserve (Lot 3020), approximately 3,140m<sup>2</sup> in area, within the western portion of Stage 2, around which a new stage (Stage 2D) is proposed;
- Adjustment to the Stage 2A and 2C boundaries, with several lots previously assigned to Stage 2C now proposed to be delivered in Stage 2A;
- A minor change to the boundaries of Lot 1005 (road to vest) and Lot 5011 (balance lot) to support the design and delivery of the Springs Road / Collins Road roundabout;
- Relocation of electrical kiosks and associated changes to utility lots to reflect updated servicing design;
- Cancellation of Condition 107 relating to future pedestrian connectivity with Lot 6004 DP 558331, following confirmation from the adjoining landowner that public access will not be provided;
- Reconfiguration of Balance Lot 5012 to provide nine residential lots (Lots 505-513).

### **Land Use (RC255498)**

- Amendments to the approved fencing plan to incorporate revised fencing treatments along residential-reserve interfaces within Stage 2;
- Accessway non-compliance for Lots 505-507;
- Relocation of the vehicle crossing for Lot 249 to its southern boundary;
- Use of the balance Lot 5011 for the temporary stockpiling of material excavated from Stage 2.

## **Background**

2. The application originally proposed the split of Lot 3018, being the approved stormwater reserve, into a stormwater and landscape reserve, with the latter being Lot 3019. Following feedback from the open space/reserves team, this was removed, and Lot 3018 was retained as already approved.
3. The agent, via email dated 24 March 2026, provided plans for future residential units on Lots 505-513 and provided an assessment against the relevant land use (MRZ) rules for each of these future Lots. I have not undertaken a plan check, but have no reason to doubt that assessment. The accessway non-compliance is considered as part of this variation, and the residential units will be checked at the time of building consent against the nominated site boundaries, noting the underlying consent provides for building works to occur prior to the issuance of s224. Should any non-compliances with the MRZ standards be identified, then further resource consents may be required.

### **Site History**

4. The applicant, in section 3 of the AEE has set out the background to the zoning and relevant consenting history for this site, which I adopt.

### **Underlying Consent**

5. The subdivision/land-use consent was granted to:
  - 287 residential lots of varying sizes, ranging from 317m<sup>2</sup> to 606m<sup>2</sup>. A large proportion do not meet the minimum dimension, and these are restricted to a single residential unit via a consent notice.
  - 3 roads, 2 road reserve (adjacent to the Springs Road/Collins Road roundabout) and 6 reserve lots to vest to the council.
  - 3 balance lots, including Lot 5012, located where the Outline Development Plan (ODP) seeks a road connection to the north.

- Bulk earthworks will have a maximum volume of approximately 46,800m<sup>3</sup> of cut and 24,000m<sup>3</sup> of fill across an area of 20.4ha.
  - The maximum excavation depth associated with site shaping is expected to be 1.9m, primarily around the stormwater management basin. Trenches for service installation may reach depths of up to 3.3m beneath roads.
6. The proposal seeks to vary conditions 1, 2, 3, 29, 46, 47, 48, 94 and 105, insert new condition 7b and cancel condition 107 of subdivision consent RC255497. It seeks solely to vary condition 1 of land use consent RC255498.
7. Condition 7a was initially proposed, which involved the separation of the stormwater reserve into a stormwater and landscape reserve. Following feedback, this was removed and that condition is no longer proposed. For ease, I have retained the references to 7b and numbering throughout, with this new condition retained.

## Change/Cancellation to Conditions

### ***Subdivision Consent RC255497***

8. Condition 1 currently reads:
- The subdivision shall proceed in general accordance with the information formally received with the application on 23 June 2025, the further information provided on 19 August 2025 and 18 September 2025, and the attached stamped Approved Plans entitled EARLSBROOK RESIDENTIAL SUBDIVISION STAGE 2, except where another condition of this consent must be complied with.
9. It is proposed to change condition 1 as follows (changes underlined and in bold and strikethrough):
- The subdivision shall proceed in general accordance with the information formally received with the application on 23 June 2025, the further information provided on 19 August 2025 and 18 September 2025, **the s127 application dated 5 March 2026 and formally received on 12 March 2026**, and the attached stamped Approved Plans entitled EARLSBROOK RESIDENTIAL SUBDIVISION STAGE 2, except where another condition of this consent must be complied with.
10. Condition 2 currently reads:
- The subdivision may be undertaken in stages in accordance with 16012-S2-AP-101 (Rev J)
    - a. Stage 2A must occur first
    - b. Stage 2B and 2C can occur in any order.
11. It is proposed to change condition 2 as follows (changes underlined and in bold and strikethrough):
- The subdivision may be undertaken in stages in accordance with 16012-S2-AP-101 (Rev **JO**)
    - c. Stage 2A must occur first
    - d. Stage 2B, ~~and~~ 2C **and 2D** can occur in any order.
12. Condition 3 currently reads:
- Balance Lots (5010, 5011 and 5012) may be subject to any of the consent notices required to be registered on the residential lots as deemed appropriate by Council. In addition, any unserviced balance lot shall be subject to a consent notice noting any restrictions on its use and/or lack of servicing and development contribution credits.
13. It is proposed to change condition 3 as follows (changes underlined and in bold and strikethrough):

- Balance Lots (5010; and 5011 ~~and 5012~~) may be subject to any of the consent notices required to be registered on the residential lots as deemed appropriate by Council. In addition, any unserviced balance lot shall be subject to a consent notice noting any restrictions on its use and/or lack of servicing and development contribution credits.

14. Condition **29** currently reads:

- Landscaping plans and accompanying design report for, all vested Road Reserves, Lot 3010 (Local Purpose Landscape Reserve), Lot 3014 (Local Purpose Access Reserve), Lot 3015 (Local Purpose Access Reserve), Lot 3016 (Local Purpose Access Reserve), Lot 3017 (Local Purpose Access Reserve), Lot 3018 (Local Purpose Utility Stormwater Management Reserve) must be submitted to Council development.engineer@selwyn.govt.nz) for acceptance, and, once accepted, will thereafter form part of the Approved Consent Document.

The plans and design report are to provide sufficient detail to confirm compliance with the Engineering Code of Practice.

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

- a. Plant and Tree selection
- b. Tree Pit & Root barrier locations and specification
- c. Soft landscaping features
- d. Hard landscaping features
- e. Crime Prevention Through Environmental Design (CPTED) principals.
- f. Collins Road drain & swale naturalisation plans and specifications
- g. Landscape Maintenance specifications
- h. Provide design response to Ecological and Cultural reports

*Advice Note: Please note that pedestrian linkages are considered to be part of the roading infrastructure and will require engineering acceptance prior to construction. Landscaping plans must be supplied with the Engineering Acceptance application. If this requirement cannot be reasonably achieved, it is expected that the proposed landscaping plans will be supplied to Council overlaid on top of the accepted servicing plans.*

15. It is proposed to change condition 29 as follows (changes underlined and in bold and strikethrough):

- Landscaping plans and accompanying design report for, all vested Road Reserves, Lot 3010 (Local Purpose Landscape Reserve), Lot 3014 (Local Purpose Access Reserve), Lot 3015 (Local Purpose Access Reserve), Lot 3016 (Local Purpose Access Reserve), Lot 3017 (Local Purpose Access Reserve), Lot 3018 (Local Purpose Utility Stormwater Management Reserve) and Lot 3020 (Recreation Reserve) must be submitted to Council development.engineer@selwyn.govt.nz) for acceptance, and, once accepted, will thereafter form part of the Approved Consent Document.

The plans and design report are to provide sufficient detail to confirm compliance with the Engineering Code of Practice.

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

- a. Plant and Tree selection
- b. Tree Pit & Root barrier locations and specification

- c. Soft landscaping features
- d. Hard landscaping features
- e. Crime Prevention Through Environmental Design (CPTED) principals.
- f. Collins Road drain & swale naturalisation plans and specifications
- g. Landscape Maintenance specifications
- h. Provide design response to Ecological and Cultural reports

*Advice Note: Please note that pedestrian linkages are considered to be part of the roading infrastructure and will require engineering acceptance prior to construction. Landscaping plans must be supplied with the Engineering Acceptance application. If this requirement cannot be reasonably achieved, it is expected that the proposed landscaping plans will be supplied to Council overlaid on top of the accepted servicing plans.*

16. Condition **46** currently reads:

- A vehicle crossing to service Lots 222 and 223, Lots 235 and 236, Lots 357 and 358, Lots 363 and 364, Lots 410 and 411, and Lots 487 and 488 must be formed and sealed for the full width and length of the vehicle crossing between the carriageway and the site boundary and the requirements of the Engineering Code of Practice. Construction must be completed prior to issuing of the section 224(c).

17. It is proposed to change condition 46 as follows (changes underlined and in bold and strikethrough):

- A vehicle crossing to service Lots 222 and 223, **Lots 505 to 507**, Lots 235 and 236, Lots 357 and 358, Lots 363 and 364, Lots 410 and 411, and Lots 487 and 488 must be formed and sealed for the full width and length of the vehicle crossing between the carriageway and the site boundary and the requirements of the Engineering Code of Practice. Construction must be completed prior to issuing of the section 224(c).

18. Condition **47** currently reads:

- The vehicle accessway serving Lots 222 and 223, Lots 235 and 236, Lots 410 and 411, and Lots 487 and 488 must be formed and sealed in accordance with TRAN-REQ7 (including TRAN-TABLE3 – Minimum Requirements for Accessways and TRAN-TABLE6A – Accessway Separation from Other Accessways) of the Partially Operative Selwyn District Plan and the requirements of the Engineering Code of Practice. Construction must be completed prior to the issuing of section 224(c).

19. It is proposed to change condition 47 as follows (changes underlined and in bold and strikethrough):

- The vehicle accessway serving Lots 222 and 223, **Lots 505 to 507**, Lots 235 and 236, Lots 410 and 411, and Lots 487 and 488 must be formed and sealed in accordance with TRAN-REQ7 (including TRAN-TABLE3 – Minimum Requirements for Accessways and TRAN-TABLE6A – Accessway Separation from Other Accessways) of the Partially Operative Selwyn District Plan and the requirements of the Engineering Code of Practice. Construction must be completed prior to the issuing of section 224(c).

20. Condition **48** currently reads:

- A vehicle crossing to service Lot(s) 237-240, 249-251, 263-264, 274, 275, 285-288, 298, 299, 309-310, 322, 323, 341, 349-351, 369-371, 378, 379, 381, 388, 392, 393, 397, 399, 400, 417, 418, 429, 430, 434, 435, 439-442, 446, 447, 451-454, 458, 459, 464, 465, 470, 471, 476, 477, 482, 484, 490, 491, 504 shall be located in accordance with drawing *16012-S2-AP-102 revision F*. Prior to Code of Compliance Certificate being issued for any buildings on the site, the accessway shall be formed and sealed for the full width and length of the vehicle crossing between the carriageway and the site boundary and shall meet the requirements of the Engineering Code of Practice.

Pursuant to section 221 Resource Management Act 1991 a consent notice must be registered on the Record of Title for these Lot(s) to ensure ongoing compliance with this condition.

*Advice Note: If additional restrictions on future vehicle crossings are identified as being required in the Engineering Acceptance process it is anticipated that these will also be addressed via a consent notice on title.*

21. It is proposed to change condition 48 as follows (changes underlined and in bold and strikethrough):

- A vehicle crossing to service Lot(s) 237-240, 249-251, 263-264, 274, 275, 285-288, 298, 299, 309-310, 322, 323, 341, 349-351, 369-371, 378, 379, 381, 388, 392, 393, 397, 399, 400, 417, 418, 429, 430, 434, 435, 439-442, 446, 447, 451-454, 458, 459, 464, 465, 470, 471, 476, 477, 482, 484, 490, 491, 504 shall be located in accordance with drawing 16012-S2-AP-102 revision ~~FG~~. Prior to Code of Compliance Certificate being issued for any buildings on the site, the accessway shall be formed and sealed for the full width and length of the vehicle crossing between the carriageway and the site boundary and shall meet the requirements of the Engineering Code of Practice.

Pursuant to section 221 Resource Management Act 1991 a consent notice must be registered on the Record of Title for these Lot(s) to ensure ongoing compliance with this condition.

*Advice Note: If additional restrictions on future vehicle crossings are identified as being required in the Engineering Acceptance process it is anticipated that these will also be addressed via a consent notice on title.*

22. Condition **94** currently reads:

- The proposed landscaping must be established in accordance with the accepted landscaping plans and design report, provided under condition 29. The consent holder must maintain all landscaping assets on all vested Road Reserves, Lot 3014 (Local Purpose Access Reserve), Lot 3015 (Local Purpose Access Reserve), Lot 3016 (Local Purpose Access Reserve), Lot 3017 (Local Purpose Access Reserve), Lot 3018 (Local Purpose Utility Stormwater Management Reserve) to the standards specified in the Engineering Code of Practice for the **24 month** establishment period (defects liability) from the date of Council's practical completion acceptance until final inspection and acceptance of the landscaping by Council.

23. It is proposed to change condition 94 as follows (changes underlined and in bold and strikethrough):

- The proposed landscaping must be established in accordance with the accepted landscaping plans and design report, provided under condition 29. The consent holder must maintain all landscaping assets on all vested Road Reserves, Lot 3014 (Local Purpose Access Reserve), Lot 3015 (Local Purpose Access Reserve), Lot 3016 (Local Purpose Access Reserve), Lot 3017 (Local Purpose Access Reserve), Lot 3018 (Local Purpose Utility Stormwater Management Reserve) and Lot 3020 (Recreation Reserve) to the standards specified in the Engineering Code of Practice for the **24 month** establishment period (defects liability) from the date of Council's practical completion acceptance until final inspection and acceptance of the landscaping by Council.

**Advice Note: For clarity, landscaping works are only required to be completed for reserves forming part of the stage for which a s224(c) certificate is sought.**

24. Condition **105** currently reads:

- Pursuant to section 221 Resource Management Act 1991 a consent notice must be registered on the Record of Title for Lot(s) 211-216, 219-223, 230-232, 234-236, 239-249, 252-253, 255-257, 259, 260, 263-273, 276-297, 300-310, 312-313, 315-321, 324-333, 336-340, 342, 352, 356-364, 382-385, 388-399, 401-402, 405-416, 422-428, 430-433, 436-439, 442-443, 445, 450-451, 453-456, 460-464, 468, 470-471, 473-475, 478-481, 484-490, 493-495, 497-503 to ensure ongoing compliance with the following condition.
  - Development of this Lot is restricted to the establishment of a single residential unit and any accessory buildings or associated use. No further subdivision of these lots may occur.

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

25. It is proposed to change condition 105 as follows (changes underlined and in bold and strikethrough):

- Pursuant to section 221 Resource Management Act 1991 a consent notice must be registered on the Record of Title for Lot(s) 211-216, 219-223, 230-232, 234-236, 239-249, 252-253, 255-257, 259, 260, 263-273, 276-297, 300-310, 312-313, 315-321, 324-333, 336-340, 342, 352, 356-364, 382-385, 388-399, 401-402, 405-416, 422-428, 430-433, 436-439, 442-443, 445, 450-451, 453-456, 460-464, 468, 470-471, 473-475, 478-481, 484-490, 493-495, 497-503 **and 505-513** to ensure ongoing compliance with the following condition.
- Development of this Lot is restricted to the establishment of a single residential unit and any accessory buildings or associated use. No further subdivision of these lots may occur.
- The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.

26. It is proposed to insert a new condition, being **7b** as follows:

- **Proposed Lot 3020 must vest in the Council as Recreation Reserve. The consent holder must meet all costs associated with the vesting of the reserve(s).**

27. Condition **107** is sought to be cancelled in its entirety.

28. There are no changes proposed to any of the other conditions

#### **Land Use Consent RC255498**

29. Condition **1** currently reads:

- The proposal shall proceed in general accordance with the information submitted with the application on 23 June 2025, the further information provided on 19 August 2025 and 18 September 2025, and the attached stamped Approved Plans entitled EARLSBROOK RESIDENTIAL SUBDIVISION STAGE 2, except where another condition of this consent must be complied with.

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

- The proposal shall proceed in general accordance with the information submitted with the application on 23 June 2025, the further information provided on 19 August 2025 and 18 September 2025, **the s127 application dated 5 March 2026 and formally received on 12 March 2026**, and the attached stamped Approved Plans entitled EARLSBROOK RESIDENTIAL SUBDIVISION STAGE 2, except where another condition of this consent must be complied with.

## **The Existing Environment**

31. The application site is currently being developed to give effect to the existing subdivision and land use consents. The site is generally flat and otherwise open, bound by Springs Road to the east, Collins Road to the south. Along the westernmost, curving boundary is the Western Boundary Drain.
32. The surrounding sites to the north are currently or have recently been developed for either residential use, or the Arvida retirement village. To the east, on the opposite side of Springs Road, is stage 1 of this subdivision, currently well progressed. Whilst to the south and west are typical rural land uses, although noting 208 Collins Road is a smaller, lifestyle block containing a residential unit, located close to Collins Road.
33. I visited the site on 24 July 2025 as processing planner for the underlying resource consents.

## Statutory Considerations

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

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

1. *The holder of a resource consent may apply to the consent authority for a change or cancellation of a condition of a consent, subject to the following:*
  - (a) *the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*
  - (b) *no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*
2. *Repealed*
3. *Section 88 to 121 apply, with all necessary modifications, as if-*
  - (a) *the application were an application for resource consent for a discretionary activity; and*
  - (b) *the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*
4. *For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who –*
  - (a) *made a submission on the original application; and*
  - (b) *may be affected by the change or cancellation.*

35. The first consideration that is required is whether the application can be treated as one for a change of conditions or whether it will result in a fundamentally different activity or one having materially different adverse effects, such that it should be treated as a new application.

36. The original application sought to undertake a large scale residential subdivision along with associated enabling works resulting in 297 residential allotments. This application seeks to include a new reserve, minor changes to the staging, lot layouts and the further subdivision of Lot 5012 into 9 residential lots and associated changes to the fencing. The applicant has further stepped through this in detail at section 5 of the AEE, with which I concur.

37. Given this, in my opinion, this application can be considered as a change to the original resource consent as the nature of the activity will not fundamentally change, given the underlying scale, and the adverse effects will not be materially different from those associated with the original consent.

38. For these reasons, I consider that this application can be considered as a change to the original resource consent.

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

39. 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.

40. No written approvals have been provided.

## Notification Assessment

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

41. Pursuant to Section 127(3), the application must be assessed as a discretionary activity. As such, the Council's assessment is unrestricted, and all actual and potential effects of this proposal must be considered. In my opinion, the effects on the environment associated with the proposed change/cancellation of conditions relate to site layout and urban design, transport, infrastructure, servicing and earthworks.

42. The agent at section 6.2 of the AEE has also provided a comprehensive assessment with which I generally agree and adopt.

### **Adverse Site Layout and Urban Design Effects**

43. The application seeks to cancel condition 107 and provide for a further nine residential lots on what was Lot 5012. Condition 107 required consultation and coordination with Arvida, being the owner of the site to the north in relation to the required ODP connection and enabling public access through the Arvida site. Arvida have confirmed that they do not want to provide unrestricted public access through their site, noting they do not need to provide this under the conditions of their existing land use consent.
44. The condition (107) sought to provide the connection if Arvida were willing to offer unrestricted public access. Given this has now been confirmed as not being offered by Arvida, the condition has met its intent, and its removal does not result in any adverse effects. For completeness, whilst the ODP sought a link here, even if this was built, Arvida would have been able to block it on their boundary such that it would have served no public purpose, noting also the pedestrian/cycle connection from the site to Springs Road to the immediate west through Lot 3014 (access reserve).
45. As a result of the above, the applicant has sought to provide for 9 residential lots in place of lot 5012. These would all be restricted to a single residential unit by consent notice and given this, they will be consistent with the planned urban form within the site. They would also not materially increase the scale of the proposal and as such I consider any resulting adverse effects would be less than minor.
46. The changes to the staging in relation to Stages 2A and 2C do not result in any adverse effects in relation to layout/urban design matters.
47. The minor adjustment between Lot 1005 (road to vest) and Lot 5011 (balance lot) reflects detailed design refinements required to accommodate the roundabout at the Springs Road / Collins Road intersection. No adverse effects result from this.
48. The proposal also includes some slight changes to the fencing between residential lots and reserves to provide a consistent 1.2m high post and rail fence. No concerns have been raised by Mr Nik Colley, Council's Landscape Development Advisor, noting that this maintains a relationship between these sites and the reserves, I consider that any adverse effects would be less than minor.
49. Overall, I am of the view that any adverse site layout and urban design effects as a result of the changes would be less than minor on both the environment and any person.

### **Adverse Transport Effects**

50. The proposed accessway to lots 505-507 has a legal width of 4.9m where 5m is required. Noting this is the legal width and a compliant formed width will be provided, I do not consider any adverse transport effects result from the shortfall of 0.1m in legal width.
51. It is proposed to move the vehicle crossing position for Lot 249 from the north to the south of the eastern boundary of the lot. This reduces the separation distance to the Road 23/Springs Road intersection. This results from the requirement during detailed design to provide a pedestrian crossing point, with median island on Springs Road. The AEE demonstrates that the practical separation from the traffic lane of Road 23 is some 29m and given the median island, there is no other location to place this vehicle crossing. This would also be adjacent to that for Lot 250 and given this context, I consider any adverse safety and efficiency effects on the transport network, would be less than minor on any persons and the environment.

### **Adverse Infrastructure and Servicing Effects**

52. The proposal seeks to move 26 Lots from Stage 2C into Stage 2A, following updated design and site levels which enable these lots to be served by the proposed gravity wastewater network. It also adds in 9 lots (Lots 505-513), which otherwise were the balance lot 5012. The 26 lots from Stage 2C already have an engineering acceptance (dated 8 December 2025) provided by Mr Victor Mthamo, Councils Development Engineer. Mr Mthamo has also confirmed that there is sufficient capacity for these and the additional 9 lots proposed to be accommodated within the wastewater network. Given this, I do not consider there would be any adverse effects on the function or capacity of the wastewater network.

53. The application includes the provision of a new recreation reserve, being Lot 3020, along the western boundary of this stage of the proposal, which measures approximately 3,140m<sup>2</sup> and has road frontage to Road 29, and Road 23 which will continue along its southern boundary. This brings forward the recreation reserve from the future stage in a location that is generally anticipated by the development area (DEV-LI8). This has been reviewed by Mr Nik Colley, the Council's Landscape Development Advisor, who raises no concerns with its location.
54. The proposed changes do not result in any adverse effects in terms of infrastructure or servicing, on the wider environment or any persons.

### Adverse Earthworks Effects

55. The proposal seeks to provide for temporary stockpiling on Lot 5011, being a balance lot on the opposite, eastern side of Springs Road. The application notes that stockpiles will be up to 4m in height and will exceed 250m<sup>3</sup> in volume, and these would be within 50m of the nearest residential unit to the north. However, this residential unit has a landscaping operation, including material and machinery storage on its southern side, between the proposed stockpile area and the residential unit. The agent has confirmed that the intention is that the soil is reused for Stage 2 (i.e. this consent), but there may be some leftover earth used for future stages. Notwithstanding this, given the context, I agree with the agent that any adverse effects on these persons amenity would be less than minor.
56. The updated Erosion and Sediment Control Plan, along with the existing conditions of consent, provides appropriate management and mitigation of any potential sedimentation effects. The agent confirms the area is outside any 'high hazard area' and that it would not exacerbate any off-site flooding effects.
57. Overall, and given the existing consent conditions, I am of the view that any adverse effects would be less than minor on both the environment and any persons from the stockpiling.

### Conclusion

58. I conclude that the adverse effects as a result of the changes will be less than minor on both the environment and any persons.

### Public Notification (Section 95A)

59. Section 95A states that a consent authority must follow the steps in the order given to determine whether to publicly notify an application for resource consent.

| STEP 1: MANDATORY PUBLIC NOTIFICATION IN CERTAIN CIRCUMSTANCES (SECTIONS 95A(2) AND 95A(3))                                                                   |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Has the applicant requested the application is publicly notified?                                                                                             | No |
| Is public notification required under section 95C (no response or refusal to provide information or agree to the commissioning of a report under section 92)? | No |
| Has the application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?                    | No |

| STEP 2: PUBLIC NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES (SECTIONS 95A(4) AND 95A(5))                                                                                                                  |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Are all activities in the application subject to one or more rules or national environmental standards that preclude public notification?                                                                    | No |
| Is the application for one or more of the following, but no other types of activities: A controlled activity? A boundary activity only (as per the definition of "boundary activity" in s 87AAB of the Act)? | No |

| STEP 3: PUBLIC NOTIFICATION REQUIRED IN CERTAIN CIRCUMSTANCES (SECTIONS 95A(7) AND 95A(8))              |    |
|---------------------------------------------------------------------------------------------------------|----|
| Is the activity subject to a rule or national environmental standard that requires public notification? | No |

|                                                                                                               |    |
|---------------------------------------------------------------------------------------------------------------|----|
| Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor? | No |
|---------------------------------------------------------------------------------------------------------------|----|

#### STEP 4: PUBLIC NOTIFICATION IN SPECIAL CIRCUMSTANCES (SECTION 95A(9))

|                                                                                                 |    |
|-------------------------------------------------------------------------------------------------|----|
| Do special circumstances exist in relation to the application that warrant public notification? | No |
|-------------------------------------------------------------------------------------------------|----|

### Conclusion

60. In conclusion, in accordance with the provisions of section 95A, the application must not be publicly notified and a determination on limited notification must be made, as follows.

### Limited Notification (Section 95B)

61. Section 95B states that a consent authority must follow the steps in the order given to determine whether to give limited notification of an application for resource consent, if it is not publicly notified under section 95A.

#### STEP 1: CERTAIN AFFECTED GROUPS AND AFFECTED PERSONS MUST BE NOTIFIED (SECTIONS 95B(1)-(4))

|                                                                                                                                                                                                                                                                                 |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Are there any affected protected customary rights groups, as defined in s 95F?                                                                                                                                                                                                  | No |
| Are there any affected customary marine title groups, as defined in s 95G (in the case of an application for a resource consent for an accommodated activity (as defined in the Act))?                                                                                          | No |
| Is the proposed activity on or adjacent to, or may it affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and is the person to whom that statutory acknowledgement is made an affected person under s 95E? | No |

#### STEP 2: LIMITED NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES (SECTIONS 95B(5) AND 95B(6))

|                                                                                                                                            |    |
|--------------------------------------------------------------------------------------------------------------------------------------------|----|
| Are all activities in the application subject to one or more rules or national environmental standards that preclude limited notification? | No |
| Is the application for a controlled activity under the district plan only and not a subdivision of land?                                   | No |

#### STEP 3: CERTAIN OTHER AFFECTED PERSONS MUST BE NOTIFIED (SECTIONS 95B(7)-(9))

|                                                                                                                                                                          |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| In the case of a "boundary activity", is an owner of an allotment with an infringed boundary an affected person?                                                         | No |
| For any other activity, are there any affected persons in accordance with section 95E of the Act (as assessed in the Assessment of Adverse Environmental Effects above)? | No |

#### STEP 4: LIMITED NOTIFICATION IN SPECIAL CIRCUMSTANCES

|                                                                                                                                                                                                                                                      |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Do any special circumstances exist in relation to the application that warrant notification to any other persons not already determined to be eligible for limited notification (excludes persons assessed under section 95E as not being affected)? | No |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|

### Conclusion

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

### Notification Recommendation

63. I recommend that the applications RC255497A and RC255498A be processed on a **non-notified** basis in accordance with sections 95A-E of the Resource Management Act 1991.

|                                                           |                    |
|-----------------------------------------------------------|--------------------|
| <b>Report by:</b><br>Jonathan Gregg<br>Consultant Planner | Date: 1 April 2026 |
|-----------------------------------------------------------|--------------------|

## Notification Decision

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

|                                                                                                                     |                           |
|---------------------------------------------------------------------------------------------------------------------|---------------------------|
| <br><b>Commissioner Tim Harris</b> | <b>Date: 2 April 2026</b> |
|---------------------------------------------------------------------------------------------------------------------|---------------------------|

## Section 104 Assessment

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

65. 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)).
66. It is also appropriate to consider the positive effects of the proposal at this section 104 stage. The proposal provides for additional residential lots within the subdivision, as well as bringing forward a recreation reserve.
67. As concluded in my notification assessment, I consider that the adverse effects on the environment resulting from the proposal will be less than minor and overall, I conclude that the adverse effects of the proposal will be acceptable.

### Section 106 & 106A - Natural Hazards and Access

68. I have considered s106 and s106A as it applies via s127(3). In regard to the proposed changes, I consider that the changes do not result in any material change from that previously consented and the assessment previously undertaken is still relevant, noting that s106A was not relevant to the previous decision. In this case, I consider the s106 assessment previously undertaken is applicable to s106A insofar as it is relevant.
69. Sufficient provision is maintained for legal/physical access to all sites, including balance sites.

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

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

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

70. The proposal is now permitted by the Operative Plan. The relevant rules of the Operative Plan are now treated as inoperative. As such, the proposal is not inconsistent with the outcomes it sought.

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

71. Given the modest scale of the changes proposed, I consider the objectives and policies assessment in the underlying application is still wholly relevant. Notably, in terms of the new earthworks stockpile, given this is temporary, I consider this remains consistent with EW-O1, EW-P4 and P5.
72. Overall, I consider the proposal remains consistent with the Partially Operative Plan.

#### *Plan Weighting*

73. 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.
74. 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.

75. Because my recommendation is to grant resource consent to the proposal under both the Operative and Proposed District Plans, no weighting assessment is required.

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

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

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

#### ***National Policy Statement for Natural Hazards (NPS-NH)***

77. The application site is located within both the Plains Flood Management and therefore the NPS-NH applies to the proposal. The NPS requires a risk assessment of the proposed activity using the risk matrix and methods set out in the statement. In this context, the site is subject to a risk of a natural hazard, at worst, during a 1:200 year event, corresponding to an unlikely event.
78. The subdivision will be subject to specific design, and a global Flood Assessment Certificate will be issued by the Council as part of the s224 process, and future development will be able to comply with the required finished floor level specified in the certificate. The subdivision is designed to be hydraulically neutral and will not result in displacement to other sites. On that basis, the consequence level is considered to be at worst, minor, taking into account the mitigation proposed. It is also considered that the proposal (inclusive of the mitigation) will not exacerbate the risk of the natural hazard on adjacent sites.
79. Overall, the risk level is considered to be low, and the flood hazard is considered acceptable. For completeness, the proposal is considered to be consistent with the objective and policies of the NPS-NH.

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

80. No further matters are considered relevant to assessing this application.

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

81. The consideration under section 104 is subject to Part 2 of the Act – Purpose and principles.
82. 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.
83. 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.
84. 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.
85. The proposed activity can be undertaken without any impact on the matters of national importance outlined in Section 6. Similarly, in terms of Section 7, the proposal will not compromise the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations and will have no adverse effects on the life-supporting capacity of air, water, soil and/or ecosystems. In addition, the adverse effects of the proposed activity are considered to be appropriately avoided, remedied or mitigated.

86. Finally, in respect to Section 8, an activity of this nature and scale will not undermine the principles of the Treaty of Waitangi.
87. Based on my assessment of the proposal in this report, I consider it to be consistent with Part 2 of the Act.

## Conclusions

88. It is proposed to change and cancel the conditions of approved consent (RC255497 and RC255498) as it relates to changes to the layout, including the introduction of a new reserve, changes to staging, changes to lot boundaries and the cancellation of Condition 107 and the resulting provision of 9 residential lots. Changes to reserve fencing, stockpile location and the location of a vehicle crossing.
89. All applications under s.127 are a discretionary activity, and the above assessment is considered sufficient in scope given the nature and scale of the proposal. As per the preceding assessment, any adverse effects will be less than minor, and the proposal is not contrary to the objectives and policies of the Operative District Plan, and it will be consistent with the objectives and policies of the Partially Operative District Plan.
90. Having considered all relevant matters, I conclude that the application may be granted, subject to the change of conditions 1, 2, 3, 29, 46, 47, 48, 94 and 105, cancellation of condition 107 and insertion of condition 7b of RC255497 and the change of condition 1 of RC255498.

## Recommendation

91. That the application to change/cancel conditions of RC255497 and RC255498 be granted pursuant to Section 127 of the Resource Management Act 1991.
92. The conditions shall now read:

### **Subdivision Consent RC255497**

1. The subdivision shall proceed in general accordance with the information formally received with the application on 23 June 2025, the further information provided on 19 August 2025 and 18 September 2025, **the s127 application dated 5 March 2026 and formally received on 12 March 2026**, and the attached stamped Approved Plans entitled EARLSBROOK RESIDENTIAL SUBDIVISION STAGE 2, except where another condition of this consent must be complied with.
  2. The subdivision may be undertaken in stages in accordance with 16012-S2-AP-101 (Rev ~~40~~**Q**)
    - a. Stage 2A must occur first
    - b. Stage 2B, ~~and~~ 2C **and 2D** can occur in any order.
  3. Balance Lots (5010; **and** 5011 ~~and 5012~~) may be subject to any of the consent notices required to be registered on the residential lots as deemed appropriate by Council. In addition, any unserviced balance lot shall be subject to a consent notice noting any restrictions on its use and/or lack of servicing and development contribution credits.
- 7b. Proposed Lot 3020 must vest in the Council as Recreation Reserve. The consent holder must meet all costs associated with the vesting of the reserve(s).
29. Landscaping plans and accompanying design report for, all vested Road Reserves, Lot 3010 (Local Purpose Landscape Reserve), Lot 3014 (Local Purpose Access Reserve), Lot 3015 (Local Purpose Access Reserve), Lot 3016 (Local Purpose Access Reserve), Lot 3017 (Local Purpose Access Reserve), Lot 3018 (Local Purpose Utility Stormwater Management Reserve) **and Lot 3020 (Recreation Reserve)** must be submitted to Council development.engineer@selwyn.govt.nz for acceptance, and, once accepted, will thereafter form part of the Approved Consent Document.

The plans and design report are to provide sufficient detail to confirm compliance with the Engineering Code of Practice.

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

- a. Plant and Tree selection
- b. Tree Pit & Root barrier locations and specification
- c. Soft landscaping features
- d. Hard landscaping features
- e. Crime Prevention Through Environmental Design (CPTED) principals.
- f. Collins Road drain & swale naturalisation plans and specifications
- g. Landscape Maintenance specifications
- h. Provide design response to Ecological and Cultural reports

*Advice Note: Please note that pedestrian linkages are considered to be part of the roading infrastructure and will require engineering acceptance prior to construction. Landscaping plans must be supplied with the Engineering Acceptance application. If this requirement cannot be reasonably achieved, it is expected that the proposed landscaping plans will be supplied to Council overlaid on top of the accepted servicing plans.*

- 46. A vehicle crossing to service Lots 222 and 223, **Lots 505 to 507**, Lots 235 and 236, Lots 357 and 358, Lots 363 and 364, Lots 410 and 411, and Lots 487 and 488 must be formed and sealed for the full width and length of the vehicle crossing between the carriageway and the site boundary and the requirements of the Engineering Code of Practice. Construction must be completed prior to issuing of the section 224(c).
- 47. The vehicle accessway serving Lots 222 and 223, **Lots 505 to 507**, Lots 235 and 236, Lots 410 and 411, and Lots 487 and 488 must be formed and sealed in accordance with TRAN-REQ7 (including TRAN-TABLE3 – Minimum Requirements for Accessways and TRAN-TABLE6A – Accessway Separation from Other Accessways) of the Partially Operative Selwyn District Plan and the requirements of the Engineering Code of Practice. Construction must be completed prior to the issuing of section 224(c).
- 48. A vehicle crossing to service Lot(s) 237-240, 249-251, 263-264, 274, 275, 285-288, 298, 299, 309-310, 322, 323, 341, 349-351, 369-371, 378, 379, 381, 388, 392, 393, 397, 399, 400, 417, 418, 429, 430, 434, 435, 439-442, 446, 447, 451-454, 458, 459, 464, 465, 470, 471, 476, 477, 482, 484, 490, 491, 504 shall be located in accordance with drawing **16012-S2-AP-102 revision FG**. Prior to Code of Compliance Certificate being issued for any buildings on the site, the accessway shall be formed and sealed for the full width and length of the vehicle crossing between the carriageway and the site boundary and shall meet the requirements of the Engineering Code of Practice.

Pursuant to section 221 Resource Management Act 1991 a consent notice must be registered on the Record of Title for these Lot(s) to ensure ongoing compliance with this condition.

*Advice Note: If additional restrictions on future vehicle crossings are identified as being required in the Engineering Acceptance process it is anticipated that these will also be addressed via a consent notice on title.*

- 94. The proposed landscaping must be established in accordance with the accepted landscaping plans and design report, provided under condition 29. The consent holder must maintain all landscaping assets on all vested Road Reserves, Lot 3014 (Local Purpose Access Reserve), Lot 3015 (Local Purpose Access Reserve), Lot 3016 (Local Purpose Access Reserve), Lot 3017 (Local Purpose Access Reserve), Lot 3018 (Local Purpose Utility Stormwater Management Reserve) **and Lot 3020 (Recreation Reserve)** to the standards specified in the Engineering Code of Practice for the **24 month** establishment period (defects liability) from the date of Council's practical completion acceptance until final inspection and acceptance of the landscaping by Council.

**Advice Note: For clarity, landscaping works are only required to be completed for reserves forming part of the stage for which a s224(c) certificate is sought.**

105. Pursuant to section 221 Resource Management Act 1991 a consent notice must be registered on the Record of Title for Lot(s) 211-216, 219-223, 230-232, 234-236, 239-249, 252-253, 255-257, 259, 260, 263-273, 276-297, 300-310, 312-313, 315-321, 324-333, 336-340, 342, 352, 356-364, 382-385, 388-399, 401-402, 405-416, 422-428, 430-433, 436-439, 442-443, 445, 450-451, 453-456, 460-464, 468, 470-471, 473-475, 478-481, 484-490, 493-495, 497-503 **and 505-513** to ensure ongoing compliance with the following condition.
- Development of this Lot is restricted to the establishment of a single residential unit and any accessory buildings or associated use. No further subdivision of these lots may occur.
  - The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.

### **Cancellation**

107. ~~Pursuant to section 221 Resource Management Act 1991 a consent notice must be registered on the Record of Title for Lot 5012 to ensure ongoing compliance with the following condition.~~
- ~~a. For the purpose of this condition, the following definitions apply:-~~
- ~~i. Subject Site being Lot 5012~~
  - ~~ii. Adjoining Site being LOT 6004 DP 558334~~
  - ~~iii. Future Pedestrian Link Area being an area generally in accordance with the access shown on the relevant Outline Development Plans, connecting the Subject Site and the Adjoining Site.~~
  - ~~iv. Corresponding Public Access being an accessway provided which is available for use by the general public, without restriction; and secured in perpetuity by a legal mechanism registered against the title of the Adjoining Site to the satisfaction of the Council, or the vesting of this to the Council.~~
- ~~b. The Future Pedestrian Link Area shall be formed and legally established as a permanent public accessway if, and only if, Corresponding Public Access is provided across the Adjoining Site to the common boundary with the Subject Site.~~
- ~~c. Within 20 working days of the date of commencement of this consent (RC255497), the consent holder shall provide a copy of this condition (Pedestrian Connectivity) to the registered owner(s) of the Adjoining Site and provide the Council with written confirmation that this has been completed.~~
- ~~d. No physical works shall commence on the Subject Site for any further subdivision or development for a period of 3 months from the date that notification is confirmed with Council under condition 'c' above. This restriction is to provide the owner of the~~

### **Land Use Consent RC255498**

1. The proposal shall proceed in general accordance with the information submitted with the application on 23 June 2025, the further information provided on 19 August 2025 and 18 September 2025, **the s127 application dated 5 March 2026 and formally received on 12 March 2026**, and the attached stamped Approved Plans entitled EARLSBROOK RESIDENTIAL SUBDIVISION STAGE 2, except where another condition of this consent must be complied with.

|                                                           |                    |
|-----------------------------------------------------------|--------------------|
| <b>Report by:</b><br>Jonathan Gregg<br>Consultant Planner | Date: 1 April 2026 |
|-----------------------------------------------------------|--------------------|

## Decision

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

|                                                                                                                     |                           |
|---------------------------------------------------------------------------------------------------------------------|---------------------------|
| <br><b>Commissioner Tim Harris</b> | <b>Date: 2 April 2026</b> |
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## **Full conditions of RC255497 & RC255498 (as amended by RC255497A & RC255498A):**

### **RC255497 Subdivision Consent Conditions**

1. The subdivision shall proceed in general accordance with the information formally received with the application on 23 June 2025, the further information provided on 19 August 2025 and 18 September 2025, the s127 application dated 5 March 2026 and formally received on 12 March 2026, and the attached stamped Approved Plans entitled EARLSBROOK RESIDENTIAL SUBDIVISION STAGE 2, except where another condition of this consent must be complied with.

### **Staging**

2. The subdivision may be undertaken in stages in accordance with 16012-S2-AP-101 (Rev O)
  - a. Stage 2A must occur first
  - b. Stage 2B, 2C and 2D can occur in any order.
3. Balance Lots (5010 and 5011) may be subject to any of the consent notices required to be registered on the residential lots as deemed appropriate by Council. In addition, any unserviced balance lot shall be subject to a consent notice noting any restrictions on its use and/or lack of servicing and development contribution credits.

### **Easements**

4. All necessary easements, easements in gross for utility services, access, drainage and overland flow paths, must be shown on the cadastral dataset in a Memorandum of Easements. The costs for the preparation and registration must be met by the consent holder.

### **Vesting**

5. All the proposed roads shown on the approved subdivision scheme plan(s) must vest in the Council as public roads. The consent holder must meet all costs associated with the vesting of the roads.
6. Proposed Lot 3014, 3015, 3016 & 3017 must vest in the Council as Local Purpose Access Reserve. The consent holder must meet all costs associated with the vesting of the reserve(s).
7. Proposed Lot 3010 must vest in the Council as Local Purpose Landscape Reserve. The consent holder must meet all costs associated with the vesting of the reserve(s).
- 7a. BLANK
- 7b. Proposed Lot 3020 must vest in the Council as Recreation Reserve. The consent holder must meet all costs associated with the vesting of the reserve(s).
8. Proposed Lot 3018 must vest in the Council as Local Purpose (Stormwater) Reserve. The consent holder must meet all costs associated with the vesting of the reserve(s).
9. The consent holder shall supply to Council copies of all Certificates of Title for land, other than roads, that is vested in the Council.

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

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

## Section 224

12. The following conditions of consent must be met prior to the issue of a section 224(c) Completion Certificate at the expense of the consent holder.

### Flooding Assessment

13. A report and certificate from a Suitably Qualified Expert shall be included in the Engineering Approval application that demonstrates the finished ground level for each residential site created will achieve a finished floor level that has a minimum of 300mm freeboard above the 200 year Average Recurrence Interval (ARI) level for a foundation that is constructed in accordance with the Building Act Acceptable Solutions guidelines.
14. Prior to the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall apply for and be issued with a Global Flood Assessment Certificate from Selwyn District Council for the subdivision or subdivision stage, except where a Flood Assessment Certificate has already been obtained for any allotments that are subject to an approved building consent or land use consent.

### General Engineering Requirements

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

### Commencement of physical works

16. Works on Council infrastructure or vested assets must not commence until Engineering Acceptance has been confirmed in writing. Any subsequent amendments to the plans and specifications must be submitted to the Development Engineering Manager for acceptance.

On-site construction must commence within 12 months of the issue of Engineering Acceptance. If construction on site does not commence within 12 months of the issue of Engineering Acceptance letters, the Consent Holder must re-submit plans for Engineering Acceptance prior to works commencing.

### Review and acceptance process

17. Plans and specifications for all works required by this consent must be submitted to the Council via [Development.Engineer@selwyn.govt.nz](mailto:Development.Engineer@selwyn.govt.nz) at least 20 working days prior to the commencement of related work and once accepted, will thereafter form part of the Approved Consent Document. This process applies to all documentation submitted (inclusive of landscaping) to the Council for engineering acceptance.

The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 20 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.

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

*Advice Note: If Council requests additional information to support the engineering acceptance, the 20 working day review period will be paused until the requested information is provided. Once received by Council, the review period will resume.*

### Commencement of physical works

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

*Advice Note: Notification should be provided to the Development Engineering Team, attention Development Engineer via email ([development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz)).*

*The consent holder or consent holder's agent may need to discuss the following with Council's Development Engineer:*

1. Suitable time for pre-start meeting to meet with contractor on site and discuss Council construction requirements.

2. Any infrastructure requirements associated with the development.
3. Council approvals necessary for future connections.

**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)**

19. The Consent Holder must 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:

24 months for the following assets:

- a. Landscaping
- b. Reserve Assets
- c. Stormwater Treatment and Discharge Systems
- d. Drain Alterations/Naturalisation

*Advice Note: Maintenance bonds will be valued at 5% of the total value of works (plus GST).*

*The consent holder must provide costings and estimates for the total value of works, acceptable to Council, at the resource consent holder's expense. If dispute arises Council may require an independent quantity surveyor to provide costings.*

*The Council may re-evaluate the value and duration of the maintenance bond for the following reasons:*

1. Inflation;
2. Delays in works being completed; or
3. Repairs, rectification and or replacement is required
4. Price escalations.

**Peer Review**

20. A peer review will be required for:

- a. Stormwater Treatment and Discharge Systems
- b. Pavement Design
- c. Geotechnical Completion Report (at 224(c))

and is to be undertaken at the consent holder's expense. The review must be undertaken by an independent chartered engineering professional with relevant experience who is to submit a Design Review Memo as part of the Engineering Acceptance. The Design Review will be accepted by the Development Engineering Manager, or their nominee as meeting the requirements of Selwyn District Council's Engineering Code of Practice and once accepted, will thereafter form part of the Approved Consent Document.

The requirements and scope of the peer review are to be agreed between the applicant and the Selwyn District Council. The Council may waive the requirement for a peer review at any time.

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

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

### **S224 document requirement**

21. Prior to the issuing of s224(c) certificate the consent holder must provide accurate 'as built' plans of all works on vested and Council owned assets and/or vesting assets undertaken as part of this consent, including the following:

- a. Roading Infrastructure
- b. Vehicle crossings
- c. Water Infrastructure
- d. Wastewater Infrastructure
- e. Stormwater Reticulation
- f. Stormwater Treatment and Discharge System
- g. Drain Alterations/Naturalisation
- h. Landscaping Assets
- i. Reserves Assets

Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.

22. Prior to the issuing of s224(c) certificate the consent holder must provide a comprehensive electronic schedule of any assets to be vested in the Council, including the following:

- a. Roading Infrastructure
- b. Vehicle crossings
- c. Water Infrastructure
- d. Wastewater Infrastructure
- e. Stormwater Reticulation
- f. Stormwater Treatment and Discharge System
- g. Landscaping Assets
- h. Reserves Assets

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

23. Prior to the issuing of section 224(c) certificate the consent holder must provide Asset Management Information System (AMIS) schedules for all vested infrastructure installed as part of this consent, including the following:

- a. Roading Infrastructure
- b. Vehicle crossings
- c. Water Infrastructure
- d. Wastewater Infrastructure

- e. Stormwater Reticulation
- f. Stormwater Treatment and Discharge System
- g. Landscaping Assets
- h. Reserves Assets

Any costs involved in provision and transfer of this data to Council's systems will be borne by the consent holder.

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

24. Prior to the issuing of section 224(c) certificate the consent holder must provide Road Asset and Maintenance Management (RAMM) schedules for all vested infrastructure installed as part of this consent, including the following:
- a. Rooding Infrastructure
  - b. Vehicle crossings
  - c. Stormwater Reticulation

Any costs involved in provision and transfer of this data to Council's systems will be borne by the consent holder.

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

## **Engineering Acceptance**

### ***Suitably qualified designer***

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

### ***Buoyancy Assessment***

26. The consent holder shall submit a buoyancy assessment for all infrastructure assets, including stormwater, water supply, and wastewater systems, as part of the Engineering Acceptance application. The assessment shall be prepared by a Suitably Qualified and Experienced Engineer (SQEP) and shall account for the high groundwater conditions on site. The assessment must demonstrate that all structures and components, including the stormwater pond when empty, will remain stable and non-buoyant under maximum groundwater levels.

### ***Contractor Produced Statements***

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

*Advice Note: 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.*

### ***Designer Producer Statements***

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

## **Landscape Acceptance**

29. Landscaping plans and accompanying design report for, all vested Road Reserves, Lot 3010 (Local Purpose Landscape Reserve), Lot 3014 (Local Purpose Access Reserve), Lot 3015 (Local Purpose Access Reserve), Lot 3016 (Local Purpose Access Reserve), Lot 3017 (Local Purpose Access Reserve), Lot 3018 (Local Purpose Utility Stormwater Management Reserve) and Lot 3020 (Recreation Reserve) must be submitted to Council [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance, and, once accepted, will thereafter form part of the Approved Consent Document.

The plans and design report are to provide sufficient detail to confirm compliance with the Engineering Code of Practice.

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

- a. Plant and Tree selection
- b. Tree Pit & Root barrier locations and specification
- c. Soft landscaping features
- d. Hard landscaping features
- e. Crime Prevention Through Environmental Design (CPTED) principals.
- f. Collins Road drain & swale naturalisation plans and specifications
- g. Landscape Maintenance specifications
- h. Provide design response to Ecological and Cultural reports

*Advice Note: Please note that pedestrian linkages are considered to be part of the roading infrastructure and will require engineering acceptance prior to construction. Landscaping plans must be supplied with the Engineering Acceptance application. If this requirement cannot be reasonably achieved, it is expected that the proposed landscaping plans will be supplied to Council overlaid on top of the accepted servicing plans.*

### **Suitably qualified design certification**

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

### **Landscape and servicing plans**

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

## **Roading**

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

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

- a. Alterations to the existing roading network
- b. Extensions of the existing roading network
- c. Provision of pedestrian access reserves
- d. Provision of roundabout
- e. Provision of Streetlighting

must be submitted to Council via the [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 20 working days prior to the commencement of related work and once accepted, will thereafter form part of the approved consent document.

### **Construction of new roads**

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

### **Vesting of new roads**

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

### **Corner Splays - Urban**

35. The corner of Lots 263, 286, 287, 310, 341, 349, 351, 369, 371, 378, 381, 388, 392, 393, 397, 399, 418, 429, 434, 435, 440, 441, 446, 447, 452, 453, 458, 459, 464, 465, 470, 471, 476, 477, 482, 484, 491, 504, 3010, 3018 at the road intersection must be splayed with a diagonal line reducing each boundary by a minimum of 3 metres by 3 metres.

### **Road Frontage Upgrades**

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

### **Road Upgrades – Collins Road Widening**

37. The carriageway width of Collins Road must be widened by the consent holder to achieve a minimum 7.5m formed width (*8m formed width is preferred*).

A right turn bay is to be provided on Collins Road for vehicles turning into the intersection as indicated on Drawing 16012-S2-E-3052 (Rev A). provided as part of the Appendix B – Transport RFI response 17 September 2025.

The final design requirements are to be confirmed in the Engineering Acceptance process.

#### *Advice Notes:*

1. *Kerbing on the northern side of Collins Road is proposed as identified in the Concept Design Safe Systems Audit.*
2. *All costs associated with the road widening are the responsibility of the consent holder.*
3. *The consent holder is not required to provide a footpath on Collins Road south of the stormwater reserve to the west of the roundabout. The berm width should be sufficient to allow for the later addition of footpaths.*

### **Street lighting**

38. Street lighting must be provided on all new roads and existing roads in accordance the Engineering Code of Practice and Engineering Acceptance.

Prior to the granting of Engineering Acceptance designs for all street lighting that will vest to Council will be submitted to the Development Engineering Manager ([development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz)) for review and acceptance at least 20 working days prior to the commencement of related work.

### **Road Safety**

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

*Advice Note: This detailed design Safe System Audit is to consider the internal subdivision road and path network as well as the outcomes and recommendations of the concept design Safe System Audit which is linked to this consent.*

### **Testing standards**

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

### **Speed Limit – Road Safety**

41. Council arranges the process for legalisation of speed limit changes on the existing roads. If the speed change process along the roads impacted by this subdivision is not completed within the timeframe that the subdivision works are completed the consent holder must arrange for temporary speed limits using an approved Temporary Traffic Management Plan and maintain this in place until a permanent speed change occurs. Any alternative arrangements are to be approved by the Engineering Development Manager. The consent holder is to address specific requirements prior to section 224(c) approval.

### **Rural Delivery Mail Boxes**

42. The consent holder is to address the access to rural delivery mail boxes on Collins Road in the designs submitted for Engineering Acceptance. Confirmation of coordination with any parties affected by adjustments being required to the mailbox locations is to be provided with documents submitted for Engineering Acceptance.

### **Pedestrian Refuges**

43. Pedestrian refuges are to be provided as indicated on Drawing 16012-S2-E-3760 (Rev A) and associated drawings provided as part of the Appendix B – Transport RFI response 17 September 2025. The final design requirements are to be confirmed in the Engineering Acceptance process.

### **Existing Pedestrian Cut downs**

44. The consent holder is to remove or relocate existing pedestrian cut downs where the location is identified as a safety concern.

*Advice Note: One specific location has been identified in the Concept Design Safe Systems Audit.*

## **Vehicle Crossings/Accessways**

### **Testing standards**

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

### **Vehicle crossings**

46. A vehicle crossing to service Lots 222 and 223, Lots 505 to 507, Lots 235 and 236, Lots 357 and 358, Lots 363 and 364, Lots 410 and 411, and Lots 487 and 488 must be formed and sealed for the full width and length of the vehicle crossing between the carriageway and the site boundary and the requirements of the Engineering Code of Practice. Construction must be completed prior to issuing of the section 224(c).

### **Shared accessways**

47. The vehicle accessway serving Lots 222 and 223, Lots 505 to 507, Lots 235 and 236, Lots 410 and 411, and Lots 487 and 488 must be formed and sealed in accordance with TRAN-REQ7 (including TRAN-TABLE3 – Minimum Requirements for Accessways and TRAN-TABLE6A – Accessway Separation from Other Accessways) of the Partially Operative Selwyn District Plan and the requirements of the Engineering Code of Practice. Construction must be completed prior to the issuing of section 224(c).

### **Vehicle crossings – restrictions on locations**

48. A vehicle crossing to service Lot(s) 237-240, 249-251, 263-264, 274, 275, 285-288, 298, 299, 309-310, 322, 323, 341, 349-351, 369-371, 378, 379, 381, 388, 392, 393, 397, 399, 400, 417, 418, 429, 430, 434, 435, 439-442, 446, 447, 451-454, 458, 459, 464, 465, 470, 471, 476, 477, 482, 484, 490, 491, 504 shall be located in accordance with drawing 16012-S2-AP-102 revision G. Prior to Code of Compliance Certificate being issued for any buildings on the site, the accessway shall be formed and sealed for the full width and length of the vehicle

crossing between the carriageway and the site boundary and shall meet the requirements of the Engineering Code of Practice.

Pursuant to section 221 Resource Management Act 1991 a consent notice must be registered on the Record of Title for these Lot(s) to ensure ongoing compliance with this condition.

*Advice Note: If additional restrictions on future vehicle crossings are identified as being required in the Engineering Acceptance process it is anticipated that these will also be addressed via a consent notice on title.*

## **Water**

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

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

- a. Alterations to the existing water supply
- b. Extensions of the existing water supply
- c. Provision of Council maintained points of supply

To service each new lot, plans must be submitted to Council via the [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 20 working days prior to the commencement of related works and once accepted, will thereafter form part of the Approved Consent Document.

### **Council maintained Water Supply Points**

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

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

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

### **Design requirement – Firefighting urban**

52. All Council vested water infrastructure must be designed in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008 and subsequent variations).

Urban hydrant coverage must be provided to ensure that all residential lots can be serviced by two hydrants, the first within 135m and then second within 270m. Hydrant water supply must be capable of providing 750 litres per minute of water flow.

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

### **Connection to Councils infrastructure**

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

*Advice Note:*

*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.*

*Applications for new water connections can be made online via SDC's website ([Selwyn District Council - New Water Connection approval form](#)). Applications should be made at least 8 working days prior to commencement of work (allow a minimum of 10 working days for watermain shutdowns).*

### **Testing standards**

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

*Advice Note: Refer to WSP 005 for Council's water chlorination, hygiene, and water installer qualification requirements for water reticulation connection requirements.*

### **Alignment of servicing with council master plan**

55. The consent holder must install pipe sizing and connection loops within their subdivision and in the road frontages that meets the intent of Council's Infrastructure Master Plans.

## **Wastewater**

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

56. Engineering plans and details for all works associated with the following proposed works that will vest to Council:
- a. Alterations to the existing wastewater supply
  - b. Extensions of the existing wastewater supply
  - c. Provision of Council maintained points of supply

To service each new lot, plans must be submitted to Council via [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 20 working days prior to the commencement of related works and once accepted, will thereafter form part of the Approved Consent Document.

### **Council maintained Wastewater supply**

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

### **Gravity Wastewater laterals**

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

### **Standard testing**

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

### **Connecting to Council infrastructure**

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

### **Wastewater Stage 2C connection point**

61. A new pumpstation (WWPS\_LS2) will be required to collect wastewater from Stage 2C as part of a future development. This pumpstation will need to be commissioned and vested to council prior to the issuing of s224(c) certificates for Stage 2C. If it is determined that Stage 2C must be serviced by an alternative means of wastewater discharge, such as low pressure sewer, then construction of a new pumpstation will not be required.

*Advice Note: For clarity s224 can be issued for stage 2A and 2B without this connection being in place.*

## Stormwater

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

62. Engineering plans and supporting design information for all works associated with the stormwater management area to be constructed to provide treatment for stormwater discharges must be submitted to Council via the [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 20 working days prior to the commencement of related works and once accepted, will thereafter form part of the Approved Consent Document.

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

### **Vested infrastructure**

63. The Consent Holder must install stormwater reticulation treatment and disposal systems to service the subdivision in accordance with the accepted engineering plans and the requirements of the associated discharge consent. This shall include all stormwater infrastructure associated with the roundabout design and any further works on the adjoining drain, to ensure integrated functionality and compliance with the approved stormwater management system.

*Advice Note: The stormwater design for the roundabout and any related works on the existing drain shall be developed in consultation with and to the satisfaction of the asset owner, ensuring consistency with their design standards and operational requirements.*

### **Provision of individual points of supply**

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

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

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

### **Design Requirement – Discharge to watercourse/drain**

66. Where the collection and discharge of roof/surface water is to a watercourse or drain, the discharge must be managed in terms of both water quality and quantity. The system must be designed by a suitably qualified and experienced chartered engineer who confirms that the downstream system has capacity to accept the additional flow without causing nuisance. Evidence of results is to be provided at the time of engineering acceptance. The Consent Holder should consult with Environment Canterbury regarding the discharge.

### **Design Requirement – Hydraulic Neutrality**

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

*Advice Note: The resource consent has been granted on the basis that the consent holder's representative has updated the design model and calculations to provide for a design imperviousness of 70% across all allotments, inclusive of both building coverage and other impervious surfaces within each residential and/or commercial lot. This assumption has been used to assess the stormwater system performance holistically at a catchment scale and shall be maintained through the detailed engineering design stage to ensure consistency with the approved consent parameters. The consent holder is advised that increase impervious surfaces will increase both the peak flow and volume discharging. Attenuating to pre-development peak flows does not necessarily mitigate the additional discharge volume, and therefore the downstream stormwater system must be appropriately designed and sized to manage the increased flow and volume (for the critical duration specified based on current SDC modelling) to prevent adverse effects such as flooding or network surcharge.*

### **Design Requirement – Stormwater Treatment**

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

### **Geotechnical Review – Stormwater Pond**

69. The consent holder must submit a geotechnical review assessment/memorandum for the proposed stormwater pond as part of the Engineering Acceptance application. The review shall be undertaken by a Suitably Qualified and Experienced Geotechnical Engineer (SQEP) and must confirm the suitability of the site soils, excavation stability, seepage control, (If applicable), and liner integrity (if applicable) under both normal and high groundwater conditions. The assessment shall include recommendations for design, construction, and long-term stability to ensure the pond's safe performance and compliance with the Council's Engineering Code of Practice. If the reviewer determines that the pond construction follows the engineering code and good engineering practice, the reviewer may provide a qualitative assessment of the stormwater basin banks and use professional judgment to provide a brief memo to that effect at the time of Engineering Acceptance.

### **Maintenance And Access Plan**

70. The consent holder must design and construct the stormwater pond, including all inlet and outlet structures, accessways, and ancillary features, to the satisfaction of the Council's Surface Water Manager and in accordance with Council's Engineering Code of Practice and good engineering practice, to ensure safe and all-weather access for inspection, operation, and maintenance purposes.

*Advice Note: The stormwater pond access must:*

1. *Include a formed access track, constructed with an all-weather surface suitable for large heavy maintenance vehicles and machinery. The width of the track will be confirmed at the Engineering Approval stage to ensure appropriate access;*
2. *Be designed and located so that it does not compromise the function, structural integrity, or safety of any stormwater assets;*
3. *Allow for maintenance and sediment removal using long-arm excavators and loader trucks, with a forward-facing entry and exit path for vehicles; and*
4. *Incorporate lockable barriers, or bollards as necessary to prevent unauthorised entry while retaining maintenance access.*

*The stormwater pond must be designed to provide for safe and efficient inspection and maintenance, including:*

1. *A forebay area for periodic de-silting;*
2. *Stable batters not steeper than 1 (V): 5 (H)*
3. *Benched and graded access to inlet and outlet structures, forebays, and control valves for inspection and cleaning; and*
4. *Vegetation that allows future maintenance, does not impede stormwater conveyance, and maintains visibility of key structures.*

### **Discharge Consent Requirement**

71. Where a specific discharge consent is issued by Canterbury Regional Council ('CRC'), any consent or associated conditions will be subject to Selwyn District Council acceptance, where these obligations will be transferred to Selwyn District Council. Draft CRC consent conditions must be submitted to Council for acceptance.

*Advice Note: The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 15 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.*

### **Developer requirements**

72. The Consent Holder will hold, operate, and maintain the Canterbury Regional Council operational discharge consent held in their name for a minimum of two years after the section 224(c) Completion Certificate for Stage 2A and 2B 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 prior to the transfer of the CRC consent to Council.

*Advice Note: For clarity, Stage 2A must occur before Stage 2B in accordance with Condition 2.*

*Stage 2C is expected to be delivered at a later stage, and while the section 224(c) for that area may be deferred, its catchment may still be included within the scope of the operational discharge consent held for Stage 2A and 2B. Any development of Stage 2C will not impact or require additional changes to the SMA.*

### **Vested infrastructure – s224 requirement**

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

### **Construction works stormwater infrastructure**

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

### **Stormwater Management Plan**

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

*Advice Note: The Stormwater Management Plan shall include, but not be limited to:*

1. *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.*
2. *Existing and proposed drainage plan with sub catchments and flow arrows to show how the drainage will be affected.*
3. *Calculations to demonstrate compliance with the Engineering Code of Practice and any relevant Environment Canterbury consent conditions.*
4. *Ongoing operation and maintenance requirements.*

### **Inspection standards**

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

### **Stormwater Operations and Maintenance Manual**

77. The Consent Holder must provide a Stormwater Operations and Maintenance Manual prior to the approval of the section 224(c) certificate.

*Advice Note: The Stormwater Operations and Maintenance Manual must include but not be limited to:*

1. *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.*
2. *Contact details for maintenance personnel engaged by the developer over the maintenance period*
3. *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.*
4. *Maintenance procedures and how compliance with the consent conditions must be achieved and recorded. This will also cover stormwater system maintenance during the maintenance period(s).*
5. *What actions will be undertaken when non-compliance is detected and recorded.*
6. *Where all cleanings from sumps are proposed to be disposed of – in accordance with Regional and local landfill requirements.*
7. *Summary of costs to maintain the system including details of the number of inspections and cleaning of sumps/disposal of sump material.*
8. *What actions will be undertaken before handover to Selwyn District Council is proposed i.e. notification procedure at least two months prior to requesting handover.*

### **Producer statement**

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

### **Earthworks and Overland Flow**

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

79. Engineering plans and supporting design information for all works associated with all necessary earthworks and the creation of overland flow paths by the works proposed as part of this consent must be submitted to Council via the [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 20 working days prior to the commencement of related works and once accepted, will thereafter form part of the Approved Consent Document.

*Advice Note: Where designs require the installation of overland flow paths landscaping plans will also be required prior to Engineering Acceptance being granted for that asset to allow Council to review the function of the asset holistically.*

*Advice Note: All engineered fill designs must comply with New Zealand Standard (NZS) 4431:2022 Code of Practice for Earth Fill for Residential Development.*

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

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

*Advice Note: To allow for climate change the design storm event used for the creation of any secondary flow paths located within the Plains Flood Management Overlay area will be the High Intensity Rainfall Design System (HIRDS), Representative Concentration Pathway (RCP) 8.5 (2081 – 2100) rainfall event for the critical storm duration. The designs will be expected to demonstrate that all flows generated by the design storm event will not exceed the capacity of the overland flow path. The applicant must provide flood modelling for the 0.5% Annual Exceedance Probability (AEP) storm events, including pre-development, post-development, and difference scenarios, using the critical duration specified at the resource consenting stage in accordance with the latest approved modelling requirements.*

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

81. Plans and support information must be submitted Council via the [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 20 working prior to the granting of engineering acceptance to confirm:
- Any change in ground levels will not cause ponding or drainage nuisance to neighbouring properties.
  - All filled land is shaped to fall to the road boundary.
  - Existing drainage paths from neighbouring properties are maintained.

### **Construction requirement**

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

### **Consent Condition – Fill certificate**

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

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

84. Prior to the issuing of s224(c) certificate the consent holder must provide an accurate digital elevation model (DEM) for all earthworks undertaken as part of this consent that meet the requirements set out in the Engineering

Code of Practice and Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.

### **S224 Requirement – asbuilts**

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

## **Land Drainage and Other Waterways**

### **Design Review and Acceptance – Works on the land drainage**

86. Engineering plans and supporting design information for all works associated with:

- a. the piping of the drain located within or adjacent to the development site (or within proximity)
- b. the naturalisation of the drain located within or adjacent to the development site

must be submitted to Council via the [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 20 working days prior to the commencement of related works and once accepted, will thereafter form part of the Approved Consent Document.

*Advice Note: Where designs require the naturalisation of the land drainage network landscaping plans will also be required prior to Engineering Acceptance being granted for that asset to allow Council to review the function of the asset holistically.*

### **Piping of a drain**

87. The drain located within or adjacent to the property must be piped in accordance with the Engineering Code of Practice and the accepted engineering plans.

### **Inspection standards – piped drain**

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

## **Power and Telecommunications**

89. The consent holder must provide electricity and telecommunications to the net area of each lot of the subdivision with direct frontage to a road by way of underground reticulation in accordance with the standards of the relevant network utility operator.
90. The consent holder must provide infrastructure to the net area of each rear lot of the subdivision to enable electricity and telecommunications connections by way of underground reticulation in accordance with the standards of the relevant network utility operator.

*Advice Note: 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 i.e. 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.*

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

## **Fencing Covenant**

92. The consent holder must ensure that Council is indemnified from liability to contribute to the cost of erection or maintenance of boundary fences between reserves and adjoining lots.
- a. This must be ensured by way of a fencing covenant registered against the computer freehold register to issue for each adjoining lot. The covenant is to be prepared by Council's solicitor at the expense of the consent holder.

- b. The consent holder must procure a written undertaking from the consent holder's solicitor that the executed fencing covenant will be registered on deposit of the subdivision plan.

93. All reserves will be fenced prior to 224c. Fencing plans will be included in the landscaping acceptance documentation and will show fence locations and detailed fence typologies.

## **Landscaping Works**

### ***Provision of landscaping***

94. The proposed landscaping must be established in accordance with the accepted landscaping plans and design report, provided under condition 29. The consent holder must maintain all landscaping assets on all vested Road Reserves, Lot 3014 (Local Purpose Access Reserve), Lot 3015 (Local Purpose Access Reserve), Lot 3016 (Local Purpose Access Reserve), Lot 3017 (Local Purpose Access Reserve), Lot 3018 (Local Purpose Utility Stormwater Management Reserve) and Lot 3020 (Recreation Reserve) to the standards specified in the Engineering Code of Practice for the **24 month** establishment period (defects liability) from the date of Council's practical completion acceptance until final inspection and acceptance of the landscaping by Council.

*Advice Note: For clarity, landscaping works are only required to be completed for reserves forming part of the stage for which a s224(c) certificate is sought.*

### ***Producer statement – landscaping works***

- 95. Producer Statements from the principal landscaping designer who provided the design certificate required by condition 30 must be supplied to Council confirming that all vested assets have been installed in accordance with the accepted landscaping plans and specifications prior to the issuing of S224(c) certificate.
- 96. Producer statements from the principal landscaping contractor must be supplied to Council confirming that all vested assets have been installed in accordance with the accepted landscaping plans and specifications prior to the issuing of S224(c) certificate.

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

### ***S224 document requirement***

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

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

## **Contamination**

- 99. Prior to the issuance of s224/title certificates, the site validation report shall be provided to Selwyn District Council for the Council's approval. The site validation report shall be prepared by the project's contaminated land specialist (SQEP) and outlining the works undertaken. The site validation report shall include at least the following:
  - a. Full chronological, illustrated description (i.e. inclusion of photographs) of the remedial works including the collection of validation samples after removal of all the materials and prior to backfilling/reinstatement;
  - b. Records of any contaminated land related incidents related to the release of soil contaminants, if any;
  - c. Records and details of any discovered contamination;
  - d. Statement of the volumes of soil:
    - i. Disturbed by the works;

- ii. Disposed offsite and confirmation of disposal facility location; and

100. Any imported soil across the application site must meet the definition of cleanfill under the Technical Guidelines for Disposal to Land, Revision 3.1 (WMINZ, September 2023) including source of this material including any supporting analytical data where appropriate; and
101. Validation test results confirming all remaining soil meets the NES-CS for residential 10% land use, including sampling locations and depth.

*Advice Note: The site validation report may be provided in stages as each remediation area (e.g. Areas A, B, and Lot 5011) is completed, rather than for the entire site at once.*

### **Augier Conditions**

102. A connection between the 200mm watermain located within Waikirikiri Avenue and the existing Stage 1 water main within Earlsbrook Boulevard is required to be provided by the consent holder at the consent holder's expense. The size of this connection can be determined at Engineering Approval.
103. The consent holder must connect the existing residential unit on Lot 1 DP 576868 to the wastewater network within Stage 1. The existing effluent treatment and disposal system that services that residential unit (and any other effluent treatment and disposal systems identified) must be decommissioned and the site be completely reinstated with the appropriate quality assurance documents including as built details and a fill certificate confirming compliance with NZS4431:2022 and submitted Council via [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz).

### **Consent Notices**

104. Pursuant to section 221 Resource Management Act 1991 a consent notice must be registered on the Record of Title for Lot 5010 to ensure ongoing compliance with the following condition.
- a. Prior to the occupation of any development on this lot, or at the time of a subdivision consent, a 150 diameter watermain, to provide a cross connection to the north must be installed and operational. Other approvals are likely to be required for this work.
  - b. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.
105. Pursuant to section 221 Resource Management Act 1991 a consent notice must be registered on the Record of Title for Lot(s) 211-216, 219-223, 230-232, 234-236, 239-249, 252-253, 255-257, 259, 260, 263-273, 276-297, 300-310, 312-313, 315-321, 324-333, 336-340, 342, 352, 356-364, 382-385, 388-399, 401-402, 405-416, 422-428, 430-433, 436-439, 442-443, 445, 450-451, 453-456, 460-464, 468, 470-471, 473-475, 478-481, 484-490, 493-495, 497-503 and 505-513 to ensure ongoing compliance with the following condition.
- a. Development of this Lot is restricted to the establishment of a single residential unit and any accessory buildings or associated use. No further subdivision of these lots may occur.
  - b. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.
106. Pursuant to section 221 Resource Management Act 1991 a consent notice must be registered on the Record of Title for any infrastructure site(s) to ensure ongoing compliance with the following condition.
- a. Any infrastructure site must be used as an infrastructure site only and shall not be used for calculating future boundary adjustments or subdivision.
  - b. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.
107. Cancelled

## Development Pre s224(c)

108. Construction of a building any allotment must not commence until the required services are installed and backfilled for that allotment, unless otherwise accepted by the Council's Development Engineering Team.
109. If any residential unit is erected on the allotments prior to the issue of the Section 224(c) Completion Certificate for the subdivision, the consent holder must be responsible for constructing the affected residential unit on the allotments.
110. Any residential lots for which building consent is sought prior to the issue of titles, shall remain in the ownership of the consent holder until the s224(c) Completion Certificate is issued for the subject allotment(s).
111. Where any building is erected prior to the issue of the issue of the 224(c) Certificate, the Council's Resource Monitoring Officer shall be supplied with a Building Location Certificate from a Licensed Cadastral Surveyor prior to the pouring of foundations. The Building Location Certificate shall confirm that the building is contained wholly within the lot to which it relates and meets the applicable District Plan requirements for bulk and location.
112. No residential dwelling shall be occupied in whole or in part prior to the issue of the s224(c) Certificate for the subject lot(s).

## RC255498 Land Use Consent Conditions

1. The proposal shall proceed in general accordance with the information submitted with the application on 23 June 2025, the further information provided on 19 August 2025 and 18 September 2025, the s127 application dated 5 March 2026 and formally received on 12 March 2026, and the attached stamped Approved Plans entitled EARLSBROOK RESIDENTIAL SUBDIVISION STAGE 2, except where another condition of this consent must be complied with.

## Earthworks

2. All earthworks must be carried out in accordance with a site specific Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified and experienced professional, which follows the best practice principles, techniques, inspections and monitoring for erosion and sediment control contained in Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury <http://escscanterbury.co.nz/>. The ESCP must be held on site at all times and made available to the Council on request.
3. The draft ESCP provided with the application is accepted in principle. All filling and excavation work must be carried out in accordance with a final (or a draft if approved in principle) Erosion and Sediment Control Plan (ESCP). Unless approved as part of a separate Environment Canterbury (ECan) resource consent for stormwater discharge or ECan resource consent for excavation/filling, the ESCP will require formal acceptance by Selwyn District Council's Development Engineer (via email to [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz)) prior to any work starting on site.
4. The ESCP is to be designed by a suitably qualified person and a design certificate supplied with the ESCP for acceptance at least 5 working days prior to any earthworks commencing. The best practice principles, techniques, inspections and monitoring for erosion and sediment control must be based on ECan's Erosion and Sediment Control Toolbox for Canterbury <http://escscanterbury.co.nz/>.
5. The ESCP must include (but is not limited to):
  - a. Site description, i.e. topography, vegetation, soils, sensitive receptors such as waterways, etc;
  - b. Details of proposed activities;
  - c. A report including the method and time of monitoring to be undertaken;
  - d. A locality map;
  - e. Drawings showing the site, type and location of sediment control measures, on-site catchment boundaries and off-site sources of run on/runoff;

- f. Drawings and specifications showing the positions of all proposed mitigation areas with supporting calculations if appropriate;
- g. Environmental monitoring and auditing, including frequency;
- h. Corrective action, reporting on solutions and update of the ESCP;
- i. Stabilised entrance/exit and any haul roads;
- j. Site laydown and stockpile location(s) and controls.

*Advice Note: Any changes to the accepted ESCP must be submitted to the Council in writing following consultation with the Council's Development Engineer. The changes must be accepted by the Development Engineer prior to implementation.*

6. The accepted ESCP referred to in condition 23 must be implemented on site over the entire construction phase. No earthworks may commence on site until:
  - a. All measures required by the ESCP have been installed;
  - b. An Engineering Completion Certificate, signed by an appropriately qualified and experienced engineer, has been submitted to the Council. This is to certify that the erosion and sediment control measures have been properly installed in accordance with the accepted ESCP;
  - c. The Council has been notified (via email to [compliance@selwyn.govt.nz](mailto:compliance@selwyn.govt.nz)) no less than 3 working days prior to work commencing, of the earthworks start date and the name and details of the site supervisor;
  - d. The contractor has received a copy of all resource consents and relevant permitted activity rules controlling this work.
7. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road (including kerb and channel), or into a river, stream, drain or wetland. Sediment, earth or debris must not fall or collect on land beyond the site or enter the Council's stormwater system. All muddy water must be treated, using at a minimum the erosion and sediment control measures detailed in the site specific Erosion and Sediment Control Plan, prior to discharge to the Council's stormwater system.
 

*Advice Note: For the purpose of this condition muddy water is defined as water with a total suspended solid (TSS) content greater than 50mg/L.*
8. The ESCP measures must be maintained over the period of the construction phase, until the site is stabilised (i.e. no longer producing dust or water-borne sediment). The ESCP must be improved if initial and/or standard measures are found to be inadequate. All disturbed surfaces must be adequately topsoiled and vegetated or otherwise stabilised as soon as possible to limit sediment mobilisation.
9. Dust emissions must be appropriately managed within the boundary of the property. Dust mitigation measures such as water carts, sprinklers or polymers must be used on any exposed areas. The roads to and from the site, and the site entrance and exit, must remain tidy and free of dust and dirt at all times.
10. All loading and unloading of trucks with excavation or fill material must be carried out within the subject site.
11. Any surplus or unsuitable material from the project works must be removed from site and disposed at a facility authorised to receive such material.
12. Any public road, shared access, footpath, landscaped area or service structure that has been damaged, by the persons involved with the development or vehicles and machinery used in relation to the works under this consent, must be reinstated as specified in the Engineering Code or Practice at the expense of the consent holder and to the satisfaction of the Council.
13. Any change in ground levels must not cause a ponding or drainage nuisance to neighbouring properties. All filled land must be shaped to fall to the road boundary. Existing drainage paths from neighbouring properties must be maintained.

14. The earthworks and construction work must be under the control of a nominated and suitably qualified engineer.
15. The fill sites must be stripped of vegetation and any topsoil prior to filling. The content of fill must be clean fill (as defined in the Partially Operative District Plan).
16. Any change in ground levels must not affect the stability of the ground or fences on neighbouring properties. All filled land must be shaped to fall to the road boundary. Existing drainage paths from neighbouring properties must be maintained.
17. Following the completion of the filling and associated work an engineering report including a finished section level as built, with retained wall height and slope batter details, must be submitted to the Development Engineer. This report must be undertaken by a suitably qualified engineer. The information contained in this report will be placed on the property record

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

18. All filling exceeding 300mm above excavation level must be in accordance with NZS 4431:2022 Engineered fill construction for lightweight structures. At the completion of the work an Earth Fill report including a duly completed certificate in the form of Appendix D of NZS 4431 must be submitted to the Council at [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) so that the information can be placed on the property record. This report must detail depths, materials, compaction test results and include as-built plans showing the location and finished surface level of the fill.
19. The area of exposed ground must not exceed five hectares at any one time.

## **Traffic Management**

20. All works on site must be subject to a Traffic Management Plan (TMP) which must be prepared by a suitably qualified person and submitted for acceptance prior to the commencement of earthworks. No works are to commence until the TMP has been accepted and installed.

The TMP must identify the nature and extent of temporary traffic management and how all road users will be managed by the use of temporary traffic management measures. It must also identify the provision of on-site parking for construction staff. Activities on any public road should be planned so as to cause as little disruption, peak traffic safety delay or inconvenience to road users as possible without compromising safety. The TMP must comply with the Waka Kotahi NZTA Code of Practice for Temporary Traffic Management (CoPTTM) and the relevant Road Controlling Authority's Local Operating Procedures.

The TMP must be submitted to the relevant Road Controlling Authority through the web portal [www.myworksites.co.nz](http://www.myworksites.co.nz)). To submit a TMP a Corridor Access Request (CAR) must also be submitted. A copy of the accepted TMP and CAR must be supplied to the Council's resource consent monitoring team (via email [tocomplianc@selwyn.govt.nz](mailto:tocomplianc@selwyn.govt.nz)) at least 3 working days prior to the commencement of works under this consent.

## **Contamination**

21. The Council shall be notified of the start of any remediation earthworks at least five (5) working days prior to the works commencing on the site. The notification shall be emailed to [Compliance@selwyn.govt.nz](mailto:Compliance@selwyn.govt.nz) and [Contaminated.Land@ecan.govt.nz](mailto:Contaminated.Land@ecan.govt.nz) and shall include the following:

- a. Contact details of the project manager overseeing the works; and
- b. Contact details of the contaminated land specialist (i.e. SQEP) overseeing the works

*Advice Note: remediation work includes the removal of any building on the site, or any works following accidental contamination discovery per condition 29.*

22. A final remedial action plan with site management procedures should be provided to SDC for certification at least 10 working days prior to any site remediation. The final RAP should be in accordance with that submitted with the application and should confirm the methodology for the screening of waste in areas A and B and Lot 5011, including sampling density. Soil disturbance shall not commence until certification of the RAP is confirmed.

23. All earthworks within the identified remediation areas (Areas A and B and Lot 5011) shall be undertaken in accordance with the certified remedial action plan provided under condition 22.
24. Any amendments to the RAP shall be prepared by the contaminated land specialist and the revised document provided to Selwyn District Council, emailed to email address for approval not later than ten (10) working days prior to works commencing under the revised RAP. Selwyn District Council shall certify the new SMP/ RAP or require a review within ten (10) working days following receipt of the revised document.
25. Any amendments to the remedial action plan shall not result in the level of human health and/or environmental protection being decreased.
26. All contaminated soils removed from the identified remediation areas (Areas A and B and Lot 5011) or from any other area identified under an accidental discovery protocol as per condition 29 will not be suitable to be disposed of at a cleanfill facility and must be disposed of at a licensed disposal facility whose waste acceptance criteria would be met.
27. Any soils removed from the site during the course of the activity must be disposed of to a facility authorised to accept the material.
28. Evidence of waste disposal such as weighbridge receipts should be submitted to the Selwyn District Council within three months of completion of works. The documentation shall be included in the site validation report.
29. In the event that soils are found to have visible staining, odours and/or other conditions that indicate previously undiscovered soil contamination, then work must cease until a Suitably Qualified and Experienced Practitioner (SQEP) engaged by the consent holder has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils. The consent holder must immediately notify the Council by way of email to [Compliance@selwyn.govt.nz](mailto:Compliance@selwyn.govt.nz). Any measures to manage the risk from potential soil contamination must also be communicated to the Council prior to work re-commencing
30. No construction, development or site preparation work must occur within 10m of the areas identified as contaminated, until these areas has been remediated and validated in accordance with the relevant conditions of consent.

### **Accidental discovery**

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

### **Notes to the Consent Holder**

The lapse date of the consent remains unchanged. The consent will lapse on this date unless it is given effect to before then.

## **Development Contributions**

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 in place at the time of application.

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 the application for resource consent is formally received. If the time between the date the resource consent is formally received 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 formally received. 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).