

Decision – Resource Consent Applications

(Section 34 of the Housing Accords and Special Housing Areas Act 2013)

Decision

That pursuant to section 36 of the Housing Accords and Special Housing Areas Act 2013 the resource consent applications for Stages 3 and 4 of the Faringdon South Special Housing Area are granted, subject to the attached conditions.

Application Details

Application No.:	RC165482, RC165483 & RC165484	
Applicant:	Hughes Developments Ltd	
Description of Activity:	Faringdon South (Special Housing Area) – Stages 3 & 4. Subdivision and Land Use (including earthworks) to create 111 residential allotments, 4 of which are comprehensive allotments for future medium density development; as well as roads, utility allotments and reserves	
Site address:	East Maddisons Road, Rolleston	
Legal Descriptions:	Lot 1 DP 75986 (CB43D/256); Lot 2 DP 75986 (CB43D/257); Lot 1 DP 424089 (CFR 493558) and Lot 2 DP 424089 (CFR 493559)	
Total Area:	24.9869ha	
Zoning:	Rural Inner Plains Zone	
Status:	Subdivision:	Non-complying
	Land Use: Dwellings	Non-complying
	Land Use: Earthworks	Discretionary
	NES:	N/A

Background

1. This decision is made on behalf of the Selwyn District Council (“**the Council**”) by Independent Hearing Commissioners David Mead and Janette Dovey appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (“**the RMA**”).
2. The application was initially lodged with the Council on 6 September 2016, but placed on hold to provide the applicant with the opportunity to obtain the written approval of

adjacent landowners and ECan. These were submitted to Council on 23 September 2016.

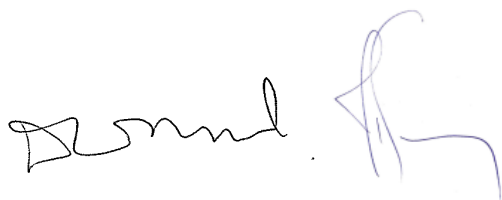
3. Amended application information was then provided by the applicant on 13 October 2016. Draft conditions were supplied to the applicant for their comment on 19 October 2016 by Council officers and agreement with the applicant was obtained. As such we did not need to hold a hearing.
4. After reviewing the application material and the Council's planning report we made a number of enquiries of the Council officers as to the wording of some of the conditions, who in turn liaised with the applicant. An updated set of land use conditions and amended planning report was received by us on 21 December 2016.

Reasons for the Decision

5. In making this decision we have addressed the matters in Section 34 of the Housing Accord and Special Areas Act. We agree with the evidence set out in the following documents in regards to those matters:
 - a) application material provided by the applicant, including associated correspondence;
 - b) Council's initial and updated planning reports.
6. The application follows that of the Stage One consent, and the reasons for granting consent set out in that Decision are applicable to this consent and do not need repeating.

Conditions

7. We have accepted the updated land use conditions set out in the email of Mr Boyes of 21 December 2016, save for one change identified below. The subdivision and earthworks conditions are as per his email of 7 December 2016. These conditions largely mirror those applied to the Stage 1 consent, with some modifications to bring them into line with relevant conditions proposed for the nearby Geddes / Dryden SHA, so as to provide consistency.
8. One change has been made to condition 3(v) of the land use conditions to clarify the situation that is to apply to fences between 1.2m and 1.8m high built on secondary road boundaries.



Commissioners

David Mead
22 December 2016

Janette Dovey

Subdivision Consent Conditions– RC165482

Pursuant to section 36 of the Housing Accords and Special Housing Areas Act 2013, the Selwyn District Council grants subdivision consent to Stages 3 and 4 of the Faringdon South 1 Special Housing Area.

Pursuant to section 51 of the Housing Accords and Special Housing Areas Act 2013 and section 125 of the Resource Management Act 1991, this consent shall lapse 2 years from the date of issue.

Pursuant to sections 37 and 38 of the Housing Accords and Special Housing Areas Act 2013, the following conditions are imposed:

General

1. That the following conditions of consent shall be met prior to the issue of the section 224(c) Completion Certificate, at the expense of the Consent Holder.
2. That the subdivision shall proceed in general accordance with the attached approved subdivision plan (Davie Lovell-Smith Drawing No. H18894.Subcon, R20) the details included with the application, including the creation of any additional utility lots except where varied by the following conditions of consent or the provision of further information dated 13 October 2016.
3. That the consent may be staged as per the approved subdivision plan.
4. That all required easements shall be duly created and granted or reserved.
5. The Consent Holder shall supply to Council copies of all Certificates of Title for land, other than roads, that is vested in the Council.
6. That Lots 254 and 1024 are to be amalgamated and one Computer Freehold Register is to issue to include both parcels.
7. Stage 3 and/or Stage 4 can be undertaken in conjunction with Stage 2 RC165321 and can be shown on one survey plan if required.
8. A Consent Notice pursuant to section 44 of the Housing Accords and Special Housing Areas Act 2013 and section 221 of the Resource Management Act 1991 shall be registered on the relevant Computer Register to record the following conditions are complied with on a continuing basis:
 - a) Lots 35 to 37, 96, 173, 181 to 185, 207 to 217, 243 to 247, 273 to 284, 310 to 313, 366 to 369, 399, 518 and 536 are Low Density lots, and any future development is to be in accordance with condition 1 of RC165483.
 - b) Lots 38 to 41, 63 to 65, 95, 186, 194 to 197, 218 to 229, 240 to 242, 248 to 250, 261 to 272, 398, 441 to 449, 528 to 531, 535 and 537 are Small-lot Medium Density lots, and any future development is to be in accordance with condition 2 of RC165483.
 - c) Lots 254, 1021, 1022, 1023 and 1024 are Comprehensive Medium Density Development lots, and any future development is to be in accordance with condition 3 of RC165483.
9. A Consent Notice pursuant to section 44 of the Housing Accords and Special Housing Areas Act 2013 and section 221 of the Resource Management Act 1991

shall be registered on the relevant Computer Register for Lots 254, 1021, 1022, 1023 and 1024 to record the following conditions are complied with on a continuing basis:

- a) This lot is to be used for comprehensive development purposes, therefore no services have been required and no development contributions have been paid in relation to this lot. These will be payable at the time comprehensive development occurs.
- b) The maximum average allotment size across all comprehensive development shall be 350m². There is no minimum site size.

Affordable Housing Provision

10. A Consent Notice pursuant to section 44 of the Housing Accords and Special Housing Areas Act 2013 and section 221 of the Resource Management Act 1991 shall be registered on each Computer Register for Comprehensive Lots 254, 1021, 1022, 1023 and 1024 ("Comprehensive Lots") to ensure that the following conditions are complied with on a continuing basis:

- a) The Comprehensive Lots shall contain at least the following number of affordable dwellings as defined by Clause 5(3) of the Housing Accords and Special Housing Areas (Selwyn District) Order 2016 ("Order").

Stage	Dwellings in Stage	Comprehensive Lot	Affordable Dwellings
Stage 3	81	1021, 1022 and 1023	8
Stage 4	49	254 and 1024	5
TOTAL:	130		13

- b) Any future subdivision of the Comprehensive Lots into individual Computer Registers shall comply with the minimum requirements for affordable dwellings described in a), with the Consent Notice being registered onto the Computer Registers for those individual Lots that are identified as affordable dwellings as defined by the Order.
- c) Before Computer Registers for individual Lots (as a result of further subdivision of the Comprehensive Lots) that are deemed to be for affordable dwellings as defined by the Order, are transferred, the consent holder must provide the Planning Manager, Selwyn District Council, with the following statutory declarations:
 - i. A statutory declaration from the consent holder that the total purchase price of the finished dwelling and land is not more than as defined by Clause 5(3)(a) of the Housing Accords and Special Housing Areas (Selwyn District) Order 2016 ("Affordable Price").
 - ii. A statutory declaration from the purchaser of the individual affordable housing allotment confirming:

1. The total purchase price that will be paid by the purchaser for the finished dwelling and land;
 2. The purchaser intends to own and occupy the affordable dwelling as their own residence;
 3. The purchaser is a natural person or a Family Trust and is purchasing the Lot in their own name and not in the name of or on behalf of any other person, other than by virtue of holding the Lot in a Family Trust.
- d) Once a statutory declaration is received for an individual Lot that complies with the requirements of condition c), all of the above conditions shall expire in so far as they relate to that individual Lot.

Engineering Approval

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

diameter, class, length and position (x, y, z co-ordinates), and shall be identified against the asset ID already provided in Council's Asset Register.

Roading

19. That all roads be constructed in accordance with the approved engineering plans.
20. That East Maddisons Road shall be upgraded to township standards to the southern extent of Stage 4 in accordance with the approved engineering plans.
21. That all roads shown on the approved subdivision plan shall be vested in the Selwyn District Council as road.
22. That the vehicle crossing and accessway to service Lots 240/241 and 249/250 shall be formed in accordance with Appendix 13 of the Selwyn District Plan (Townships Volume). The vehicle crossing shall be sealed to match the existing road surface for the full width of the crossing between the site boundary and sealed carriageway.

Street lighting

23. That street lighting be provided to service all lots of the subdivision, in accordance with the approved engineering plans and specifications.

Water

24. That each lot be provided with an individual potable high pressure connection to the Rolleston water supply in accordance with the approved engineering plans.
25. Water meters shall be installed in the road reserve only (please note that multi meter boxes may be utilised).
26. That each lot of the subdivision be provided with an individual potable high pressure water supply in accordance with New Zealand Fire Service Code of Practice, SNZPAS 4509:2003 and subsequent amendments, and Council Policy W211.
27. Connection to Council's reticulated water supply must either be carried out or supervised by Council's contractor SICON Ferguson Ltd.

Sewer

28. That each lot shall be provided with a sewer lateral laid to the boundary of the net area of that lot in accordance with the approved engineering plans. All sewer reticulation to be vested shall meet Council CCTV standards.
29. All laterals shall be installed ensuring grade and capacity are provided for and in accordance with Council engineering standards, giving regard to maximum upstream development density.
30. That connections to the Council sewer be arranged by the Consent Holder, with work to be done by a registered drainlayer.

Stormwater

31. The Consent Holder shall prepare and submit a Stormwater Design Report and Management Plan in accordance with the requirements of Selwyn District Council and Canterbury Regional Council. This plan shall be provided for Selwyn District Council's approval and sign-off at the Consent Holder's cost. It shall include, but not be limited to:
 - a) A plan showing existing ground levels on neighbouring properties along with proposed levels on the subdivision sites. Interference with pre-existing stormwater flows needs to be considered so as not to cause ponding or nuisance on neighbouring or developed land.
 - b) Existing and proposed drainage plan with sub catchments and flow arrows to show how the drainage will be affected.
 - c) Calculations to demonstrate compliance with the Engineering Code of Practice and any relevant Environment Canterbury consent conditions.
 - d) Ongoing operation and maintenance requirements.
32. Where stormwater discharges are to be undertaken as a permitted activity, confirmation in writing of permitted status shall be provided from Canterbury Regional Council in the form of a certificate of compliance.
33. The proposed development shall not discharge run off onto adjacent properties unless via a controlled outlet with Council's approval. Also, if an adjacent neighbour's historical stormwater drainage was onto the proposed development, the proposed development must maintain or mitigate the historical discharge.
34. Where a specific discharge consent is issued by Canterbury Regional Council (Environment Canterbury), any consent or associated conditions imposed by them will be subject to Council acceptance where these obligations will be transferred to Selwyn District Council. The Consent Holder will hold, operate and maintain the stormwater consent for a minimum of two years after the section 224(c) Completion Certificate has been issued. Council must be satisfied at the end of this period that all aspects of the system, including but not limited to compliance with consent conditions, operations and maintenance costs are acceptable to Council.

Reserves/Open space

35. That pursuant to the relevant legislation the Consent Holder shall vest Lots 701 to 705 and 1001 in the Council as Local Purpose (Access) Reserve and Recreation Reserve respectively.
36. The Consent Holder shall supply to Council copies of all Certificates of Title for land, other than roads, that is vested in the Council.

Landscaping

37. The Consent Holder shall landscape the street frontages. The minimum standard (unless otherwise agreed through engineering plan approval) will include grass berms and street trees. A landscaping proposal shall be submitted to the Council for approval at the time of submission of the engineering plans and specifications, and the landscaping shall be undertaken in accordance with the approved plans.

38. Entrance structures shall not be placed on Council road reserve.
39. Unless advised otherwise, the Consent Holder shall install an irrigation system; this shall comply with the approved engineering plans. A full design showing all engineering details shall be submitted to the Council for approval at the time of submission of the engineering plans and specifications.
40. Any irrigation system shall be maintained by the Consent Holder to the completion of the defects liability period. The Consent Holder shall demonstrate that this system performs as designed and installed by them, making good all defects to the Asset Manager's requirements.

Telecommunications and Power

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

Fencing

43. The Consent Holder shall ensure that Council is indemnified from liability to contribute to the cost of the erection or maintenance of boundary fences between reserves and adjoining lots. The Consent Holder shall submit to the Council:
 - a. A fencing covenant, in the form certified by Council, duly executed by the Consent Holder (or other adjoining lot holder) for execution by the Council; and
 - b. A written undertaking from the Consent Holder's solicitor that the fencing covenant will be registered on the Certificate of Title of each residential allotment adjoining a reserve.
44. The Consent Holder shall ensure that the adjoining property owner to the northeast with a shared boundary to Lots 35 to 37, 274 to 283, 522 and 523 is indemnified from liability to contribute to the cost of the erection or maintenance of any non-rural boundary fences between their property and the above lots. The Consent Holder shall submit to Council a written undertaking from their solicitor that such a fencing covenant will be registered on the Certificate of Title of Lots 35 to 37, 274 to 283, 522 and 523.
45. That a consent notice be registered against all residential allotments adjoining a reserve stating the following:
 - a) That only one fence shall be erected within 5.0 metres of a reserve and shall be parallel or generally parallel to that boundary. This fence shall not exceed 1.2 metres in height except that where a fence or other screening structure is over 1.2 metres in height, then the whole of that structure shall be at least 50% visually transparent. No fence or screening structure shall exceed a height of 1.8 metres. Note that for the purposes of this condition a fence or other screening structure is not the exterior wall of a building or accessory building.

46. That a consent notice be registered against all Low Density and Medium Density residential allotments as described in condition 6 a) and b) stating the following:
- b) That unless a resource consent has been granted otherwise, the maximum height of any fence between the front building façade of any residential development and the street, or a private Right of Way or shared access over which the allotment has legal access, shall be 1m. For allotments with frontage to more than one road or a private Right of Way or shared access, any fencing on the secondary road boundary is to be no higher than 1.8m. On-going compliance with this condition shall be ensured by way of a consent notice to this effect registered on the certificate of title for all residential lots.

Utility Allotments

47. That a consent notice be registered on Lots 522 and 523 stating that these are utility lots only and may not be used for any residential purpose or creating boundary adjustment or further subdivision/s.

Easements

48. Where sewer and water mains in private property are to be vested, a written request shall be submitted for Council approval. Easements in gross in favour of Council shall be provided.

Existing Sewer Easement

49. That a Consent Notice pursuant to section 221 of the Resource Management Act 1991 shall be registered on each Computer Register for Lots 35 to 37 and 274 to 284 to ensure that the following conditions are complied with on a continuing basis:
- a) That no permanent structures are to be located on that part of the site between the existing easement in gross and the rear (eastern) boundary.
- b) Landscaping of the area between the existing easement in gross and the rear (eastern) boundary shall be of a sacrificial nature and as such confined to small trees, shrubs and other low level planting.

Development Contributions:

Development contributions are not conditions of this resource consent and there is no right of objection or appeal.

The consent holder is advised that pursuant to the Local Government Act 2002 and the Council's Development Contribution Policy contained in the Selwyn Community Plan (LTCCP) 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 below are applicable at the time of the granting of this consent. The actual amounts to be paid will be reassessed at the time an application is made for the issue of Council's section 224(c) certificate for the subdivision. 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.

Reserve Contribution:

- i) Pursuant to the Selwyn Long Term Plan (LTP), and subject to being within the applicable contribution area, a \$14,684.35 (including GST) reserves contribution is payable on the creation of 106 new residential allotments, being a total of \$1,556,541.10 (including GST).

Note: 1 credit given for Lot 1 DP 424089, balance area retains a 'credit'.

Water Contribution:

- ii) Pursuant to the Selwyn Long Term Plan (LTP), and subject to being within the applicable contribution area, a \$3,864 (including GST) water contribution is payable on the creation of 107 new residential allotments, being a total of \$413,448 (including GST).

Note: As there are no existing connections to the Rolleston water supply no credits have been given.

Sewer Contribution:

- iii) Pursuant to the Selwyn Long Term Plan (LTP), a wastewater contribution is payable on the creation of 107 new residential allotments within the Eastern Selwyn Sewer Scheme, at \$10,148.75 (including GST) per allotment, being a total of \$1,085,916.20 (including GST).

Note: As there are no existing connections to the Rolleston Scheme no credits have been given.

Roading Contribution:

- iv) Pursuant to the Selwyn Long Term Plan (LTP), a roading contribution toward the Eastern Selwyn Development Area is payable on the creation of 106 new residential allotments, at \$2,449.50 (including GST) per allotment, being a total of \$259,647 (including GST).

Note: 1 credit given for Lot 1 DP 424089, balance area retains a 'credit'.

Notes to the Consent Holder:

Amalgamation

- a. Please note that all of Land Information New Zealand's normal requirements apply to the issuing of amalgamated titles. These include requirements that the land is in the same ownership and that any existing joint family home settlements are cancelled or extended to include all the land being amalgamated.

Affordable Housing

- b. Clause 5(3) of the Housing Accords and Special Housing Areas (Selwyn District) Order 2016 provides that 10% of proposed dwellings in each stage of the Faringdon South 1 Special Housing Area must be affordable, being dwellings sold at a price not exceeding 75% of the Rolleston Township of Selwyn District median house price for the period comprising July to September immediately prior to lodgement of the consent application (as compiled by REINZ and published on an internet site maintained by the Selwyn District Council).

- c. This application has been granted for the creation of 111 vacant residential lots, and 5 vacant comprehensive residential development lots (with Lots 254 and 1024 to be amalgamated). As part of the application, the consent holder has advised that 13 “affordable dwellings” are to be provided as part of the development of the 5 comprehensive allotments.
- d. In accordance with section 221(5) of the Resource Management Act 1991, once the conditions have been satisfied for an individual Lot and expire under condition 8 d), the Registrar General of Land shall make an entry in the registrar and on the relevant Computer Register for that individual Lot noting that the Consent Notice has expired and the conditions in the Consent Notice shall cease to have any effect for that individual Lot.

Engineering Approval

- e. All applications for Engineering Approval shall be uploaded electronically to the Selwyn District Council Website at the following address: www.selwyn.govt.nz/services/subdivisions/engineering-approval/
All applications should include:
 - i) Design specifications.
 - ii) Design drawings.
 - iii) Design calculations.
 - iv) Relevant Resource Consents or Certificates of Compliance.
- f. All correspondence regarding engineering approvals is to be directed to: Development.Engineer@selwyn.govt.nz.
- g. Sewerage pipe sizing to be confirmed as part of the engineering approval process upon receipt of information requested from OPUS by SDC.

Roading

- h. Road and street names and individual property address numbers shall be adopted only upon Council approval. The Consent Holder shall supply to Council for consideration a minimum of 3 names, listed in preference, for those roads or streets that are to be vested in Council.
- i. Council shall arrange for the installation of the street name signs and poles at each intersection to the Council standard, at the Consent Holders cost.
- j. All new property numbers identifying new dwelling lots as a result of subdivision adjoining legal roads and/or private roads/rights of way will be issued property numbers by Council in accordance with Council Policy. The Consent Holder shall supply Council with a finalised Deposited Plan to enable numbers to be generated for issue and adoption.
- k. For supervision purposes a minimum of 2 working days’ notice is required. Please note a connection fee being the actual cost quoted by SICON Ferguson Ltd will apply.
- l. The future development of the balance of the Faringdon South 1 SHA will need to include the upgrade of the balance of East Maddisons Road to Selwyn Road to a

township standard comparable with any upgraded sections to the north, as it relates to this and previous consents. Matters pertaining to the intersection upgrades of Selwyn Road and East Maddisons Road and Selwyn Road/ Lincoln Rolleston Road rely on outcomes that will be derived from Council's traffic model. The Council's model requires updating to incorporate the identified Special Housing Areas. The updated model will enable cost apportionments to be calculated amongst the SHAs and other zoned ODP areas as well as any other traffic generators. It is anticipated that apportionment/contributions are to be dealt with by way of developer's agreements.

Stormwater

- m. The Stormwater Design Report and Management Plan shall include but not be limited to:
- As built documents/images of system for baseline records. This would include the extent of the stormwater catchments, surveyed long-sections and x-sections of pipelines and stormwater management devices e.g. basins wetlands and swales, and where available, any baseline data i.e. water quality, quantity or soil monitoring results.
 - Contact details for maintenance personnel engaged by the developer over the maintenance period
 - As built documents/images of system for baseline records. This would include the extent of the stormwater catchments and any baseline data, i.e., heavy metal levels in receiving environment.
 - Maintenance procedures and how compliance with the consent conditions shall be achieved and recorded. This will also cover stormwater system maintenance during the maintenance period(s).
 - What actions will be undertaken when non-compliance is detected and recorded.
 - Where all cleanings from sumps are proposed to be disposed of – in accordance with Regional and local landfill requirements.
 - Summary of costs to maintain the system including details of the number of inspections and cleaning of sumps/disposal of sump material.
 - What actions will be undertaken before handover to Selwyn District Council is proposed, i.e., notification procedure at least two months prior to requesting handover.
- n. Where the collection and disposal of roof/surface water is to ground, the suitability of the natural ground to receive and dispose of the water without causing damage or nuisance to neighbouring properties, shall be determined by a suitably qualified person/engineer and evidence of results is to be provided at engineering approval.

Administration

- o. In accordance with section 36 of the Resource Management Act 1991, the Council's basic monitoring fee has been charged.

Land Use (Dwelling) Conditions – RC165483

Pursuant to section 36 of the Housing Accords and Special Housing Areas Act 2013, the Selwyn District Council grants land use consent for the establishment of dwellings within Stages 3 & 4 of the residential subdivision approved by RC165482.

Pursuant to section 51 of the Housing Accords and Special Housing Areas Act 2013 and section 125 of the Resource Management Act 1991, this consent shall lapse 3 years following the date of commencement, being that date on which the survey plan is sealed by Council pursuant to section 223 of the Resource Management Act 1991 for any stage.

Pursuant to section 37 of the Housing Accords and Special Housing Areas Act 2013, the following conditions are imposed:

1. That any dwelling established on Lots 35 to 37, 96, 173, 181 to 185, 207 to 217, 243 to 247, 273 to 284, 310 to 313, 366 to 369, 399, 518 and 536 created by the subdivision approved by RC165482 shall comply with the Living Z rules and standards within Part C4 Living Zone Rules – Buildings of the Township Section and the Living Z standards contained within Appendix E13 of the Selwyn District Plan.
2. That any dwelling established on Lots 38 to 41, 63 to 65, 95, 186, 194 to 197, 218 to 229, 240 to 242, 248 to 250, 261 to 272, 398, 441 to 449, 528, 529, 530, 531, 535 and 537, created by the subdivision approved by RC165482 shall comply with the Living Z Small-Lot Medium Density rules and standards within Part C4 Living Zone Rules – Buildings and the Living Z standards contained within Appendix E13 of the Township Section of the Selwyn District Plan, except where modified by the following additional condition:
 - a) Allotments less than 430m² that have a road frontage of 15m or more in length, as well as Lots 39 to 41, are not required to comply with Rule 4.29.26(b) relating to double garages.
3. That all development of Lots 254, 1021, 1022, 1023 and 1024 created by the subdivision approved by RC165482 identified as being for Comprehensive Development shall comply with the standards for vehicle accessway and crossings set out in Appendix E13.2 of the Township Section of the Selwyn District Plan, as well as the following conditions:
 - a) The maximum average allotment size across all comprehensive development lots shall be 350m². There is no minimum site size. The internal boundaries of individual residential units are to be shown on the development plans submitted for certification in accordance with condition (bb). For the interpretation of the conditions set out below an internal boundary includes the boundary of the net site area with a rear lane/right of way.
 - b) A maximum of 50% of a comprehensive development lot may be covered by buildings and shall be calculated across the net area of the entire comprehensive residential development, excluding any undeveloped balance lot.
 - c) Within any individual comprehensive development lot, any single building design shall only be used for:

- i) a maximum of 6 adjacent dwellings where they are an attached terrace;
- ii) a maximum of 4 dwellings where they are semi-detached; or
- iii) a maximum of 4 stand-alone dwellings.

Note: For interpretation, changes in materials and/or colour do not constitute a change in building design. Variation in colour and materials is encouraged for stand-alone units.

- d) Where lots have frontage to a road and a rear access lane, all vehicle access shall be from that rear access lane and not the adjacent road frontage.
- e) The maximum number of storeys that buildings may have is 2. The maximum height of any building shall be 8.0m.
- f) Buildings shall not intrude through a 45-degree recession plane measured from a point 4.0m above the external boundary of the comprehensive development lot. Recession planes do not apply to the internal boundary between residential units within an individual comprehensive development. Where a comprehensive development contains a rear lane, recession planes shall be measured from the far side of the rear lane.
- g) Where a comprehensive development lot provides seven units or less, and adjoins another comprehensive development lot, then a minimum 3.0m building setback is required on each side of the shared boundary.
- h) Where a comprehensive development lot provides eight or more residential units, at least one building separation of a minimum 6.0m in width shall be provided between units, for every eight units.

Note: Please refer to the Council's Medium Density guide for examples of the use of this gap and the design of short terraces.

- i) Within a comprehensive development lot, the minimum setback for a dwelling from internal boundaries shall be as follows:
 - i) 2.0m on a northern or western boundary; and
 - ii) 1.0m on a southern or eastern boundary, or
 - iii) 1.0m where an attached garage is located on an internal boundary; or
 - iv) where a building shares a common wall with another building within the comprehensive development lot, there shall be no minimum setback requirement along that portion of the boundary.
- j) Where a comprehensive development lot adjoins a Low Density or Small-Lot Medium Density residential lot identified in Conditions 1 or 2, the dwellings shall be setback 2.0m from the shared boundary.
- k) No set back is required for any garage from an internal boundary, provided that the garage complies with a 45-degree recession plane measured from 2.5m above ground level at the boundary, except that:
 - (i) Where the total length of the garage adjacent to the internal boundary exceeds 7.0m in length, the minimum setback shall be as set out for a dwelling in condition i) above.

- (ii) Where a garage door faces a rear lane/right of way, the minimum setback shall be as set out for a dwelling in condition i) above.
 - (iii) Where the site adjoins a Low Density or Small-Lot Medium Density residential lot identified in Conditions 1 or 2, the garage shall be setback a minimum of 1.0m from the shared boundary if less than 7.0m in wall length or otherwise be set back a minimum of 2.0m.
- l) All balconies at first floor level and above may only be located in a façade that faces a road boundary, or an internal boundary shared with land vested or designated with Council for stormwater, recreation or esplanade reserve/strip purposes.
- m) Within a comprehensive development lot the road setback for stand-alone dwellings shall be a minimum of 3.0m, except:
 - (i) That to avoid a continuous building frontage one in every four dwellings shall be offset a minimum of 1.0m from the front façade of the immediately adjoining dwellings. This offset may be either towards the road or away from the road. No dwelling shall be closer than 2.0m to the road boundary.
 - (ii) The road setback shall be a minimum of 2.0m for a secondary road boundary. For interpretation purposes, the secondary road boundary does not provide vehicular access to the site and does not contain access to the front door.
- n) Within a comprehensive development lot the road setback for duplex units shall be a minimum of 3.0m, except:
 - (i) That to avoid a continuous building frontage one in every three duplex units shall be offset a minimum of 1.0m from the front façade of the immediately adjoining duplex. This offset may be either towards the road or away from the road. No duplex unit shall be closer than 2.0m to the road boundary.
 - (ii) The road setback shall be a minimum of 2.0m for a secondary road boundary. For interpretation purposes, the secondary road boundary does not provide vehicular access to the site and does not contain access to the front door.
- o) Within a comprehensive development lot the road setback for terraced units shall be a minimum of 3.0m, except the road setback shall be a minimum of 2.0m for a secondary road boundary. For interpretation purposes, the secondary road boundary does not provide vehicular access to the site and does not contain access to the front door.
- p) No garage shall be located between the front façade of a residential unit and the road boundary.
- q) Where a garage door faces to a road, the garage shall be set back a minimum of 5.0m from the road boundary.
- r) Garaging shall not comprise more than 50% of the ground floor front façade of any individual residential unit within a comprehensive development.

- s) The full length of the front yard of a comprehensive development shall be landscaped for the depth of the building setback. The landscaping shall consist of a mix of lawn, garden beds, shrubs, and at least 1 specimen tree for each dwelling established within the comprehensive development. This does not apply to those parts of the road frontage used for either vehicle or pedestrian access to the individual dwellings.
- t) Each specimen tree required in (s) is to be a minimum of 1.8m high at time of planting and shall be capable of achieving a height at maturity of 8m.
- u) All landscaping required by conditions (s) and (t) shall be established prior to the occupancy of any of the residential units within a comprehensive development. All landscaping required shall be maintained and any dead, diseased or damaged plants shall be replaced with the same or similar species.
- v) Any fence located between the front façade of the dwelling and the road boundary shall have a maximum height of 1.0m and shall provide pedestrian access to the dwelling. Where a unit within a comprehensive development lot has frontage to more than one road, any fencing on the secondary road boundary shall be no higher than 1.8m. Where a fence of between 1.2m and 1.8m in height is proposed on the secondary road boundary, the total length of the fence shall not exceed two thirds the length of the secondary road boundary. For interpretation purposes, the secondary road boundary does not provide vehicular access to the site and does not contain access to the front door.

Note: For interpretation, the measurement between the façade and the road boundary shall be taken from that part of the façade closest to the road.

- w) Fencing along rear lanes shall be undertaken in accordance with the following:
 - (i) Fencing parallel to and located within 5m of the rear access lane shall not exceed 1.2m in height.
 - (ii) Any internal side boundary fencing shall be a maximum height of 1.2m for the first 2.0m measured from the boundary with the rear access lane.
 - (iii) All rear fences of lots on the far side of the rear lane that adjoin a Low Density or Small-Lot Medium Density residential lot identified in Conditions 1 or 2 shall be at least 50% visually transparent.
- x) Each dwelling within a comprehensive development shall have a minimum 40m² outdoor living space, with at least one outdoor living space consisting of a contiguous area of no less than 20m², with a minimum dimension of 4.0m. The total minimum area may include any balconies provided they have a minimum dimension of 1.5m. In addition,
 - (i) the primary outdoor living space shall be directly accessible from an internal living room; and
 - (ii) any secondary outdoor living spaces such as balconies shall be directly accessible from living rooms or bedrooms.
- y) Where any outdoor living space is provided between the front façade of the dwelling and the road boundary, any screening of this area shall be consistent

with the landscaping required by conditions (s), (t) and (u); and the fencing requirements of condition (v).

- z) The primary pedestrian entrance for an individual dwelling is to be legible from the road boundary.
- aa) Any windows at first floor level or above must:
 - (i) face a road boundary, or an internal boundary shared with land vested or designated with Council for stormwater, recreation or esplanade reserve/ strip purposes; or
 - (ii) be set back a minimum of 10m from an internal boundary; or
 - (iii) have a sill height of at least 1.6m above internal floor level; or
 - (iv) be obscure glazed, and either non-opening or top- hinged, and be associated with a bathroom, toilet, or hallway.
- bb) Prior to the lodgement of any building consent for a comprehensive development, the building design and landscape plans shall be submitted to Council for certification that the above conditions are met.

Review

- 4. That pursuant to section 128 of the Resource Management Act 1991, the Council may review all conditions by serving notice on the consent holder within 1 month of any 12-month period following the date of this decision, in order to deal with any adverse effects on the environment that may arise from the exercise of this consent.

Notes to the Consent Holder:

- a) In accordance with section 36 of the Resource Management Act 1991, the Council's standard monitoring fee has been charged.

Land Use (Earthworks) – RC165484

Pursuant to section 36 of the Housing Accords and Special Housing Areas Act 2013, the Selwyn District Council grants land use consent for the earthworks to construct the residential subdivision approved by RC165482.

Pursuant to section 51 of the Housing Accords and Special Housing Areas Act 2013 and section 125 of the Resource Management Act 1991, this consent shall lapse 2 years from the date of issue.

Pursuant to section 37 of the Housing Accords and Special Housing Areas Act 2013, the following conditions are imposed:

1. That the Consent Holder ensure on a continuing basis (until Certificates of Title are available for each allotment created by the subdivision development approved by RC165482) that dust is not generated from consolidated, disturbance or transportation of material or earthworks activities by keeping the surface of the material damp or by using another appropriate method of dust suppression.
2. At the completion of all earthworks the Consent Holder shall confirm whether any earth fill has been placed on site. All filling is to be carried out in accordance with New Zealand Standard (NZS) 4431:1989 Code of Practice for Earth Fill for Residential Development.
3. At the completion of all earthworks certificates satisfying the conditions of NZS4431: 1989 Code of Practice for Earth Fill for Residential Development, are to be provided to the Selwyn District Council. These certificates will detail the extent and nature of all earthworks undertaken.
4. The Consent Holder shall identify and report all hazardous waste sites within the subdivision prior to any engineering works commencing. Where a hazardous site is found at any stage of the subdivision development works then the Consent Holder shall undertake all necessary work to rehabilitate the site. This may include treatment and off-site disposal. All works shall be undertaken at the consent holders expense.

Notes to the Consent Holder:

- a) In accordance with section 36 of the Resource Management Act 1991, the Council's standard monitoring fee has been charged.