



GILLMAN WHEELANS LTD
Residential Subdivisions

Proposed Living WM (West Melton) Zone

Appendix 2 – Consented Decision on West Melton
Community Water Supply (CRC080102).

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

**Resource consent application CRC080102 by
Gillman Wheelans Holdings Limited for a Water
Permit to take and use water for community supply**

BETWEEN

**GILLMAN WHEELANS HOLDINGS LIMITED
Applicant**

AND

**CANTERBURY REGIONAL COUNCIL
Respondent**

DECISION OF HEARINGS COMMISSIONER

S. A. McGARRY

11th December 2009

Heard on the 29th October 2009, in the Waitaki Room at the offices of the Canterbury Regional Council, Christchurch.

Hearing Administrator:

Ms J. Christensen (Canterbury Regional Council)

Representations and Appearances

Applicant:

Mr A. Prebble, legal counsel

Mr H. Wheelans, applicant

Mr A. Hall, surveyor and engineer (Davie Lovell-Smith Ltd)

Mr C. Steffens, environmental scientist (Pattle Delamore Partners Ltd)

Mr P. Callander, hydrogeologist (Pattle Delamore Partners Ltd)

Submitters:

Mr N. Hubber, of 407 Halkett Road, West Melton

Mr J. Larason, of 51 Bells Road, West Melton

Mr P. Rowland, of 133 Halkett Road, West Melton

Section 42A reporting officer:

Ms C. Penman, environmental consultant (MWH NZ Ltd)

On behalf of the Canterbury Regional Council, pursuant to sections 104, 104B, 104D and 108, and subject to Part 2 of the Resource Management Act 1991, I determine that resource consent application CRC080102 by Gillman Wheelans Holdings Limited for a Water Permit to take and use water for community supply be granted for 35 years, subject to conditions.

BACKGROUND AND PROCEDURAL MATTERS

1. This is the decision of Hearings Commissioner Sharon McGarry, appointed by the Canterbury Regional Council (herein referred to as "ECan") to hear and decide an application by Gillman Wheelans Holdings Limited (herein referred to as "the applicant") to take and use groundwater for community supply for a proposed subdivision at West Melton.
2. The hearing commenced at 9.30am on Thursday 29th October 2009, and was closed on 1st December 2009 following provision of the applicant's right of reply and further requested information.
3. The application was lodged prior to 1st October 2009, and is therefore not subject to the Resource Management (Simplifying and Streamlining) Amendment Act 2009.
4. Prior to the hearing, a report was produced pursuant to section 42A of the Resource Management Act 1991 (herein referred to as "the Act" or "RMA") by ECan's reporting officer, Ms Claire Penman. The report provided an analysis of the matters requiring consideration and recommended the applicant provide further information on potential adverse effects on neighbouring wells before a recommendation to grant consent can be made.

THE APPLICATION

5. Application for **Water Permit CRC080102** was lodged on 9th July 2007 to take and use groundwater from two wells located on an 65 hectare (ha) block of land between Halkett Road and West Coast Road (State Highway 73) at West Melton. The applicant has installed bores M35/17757 and M35/17758, and intends to take and use groundwater for community supply for 240 proposed lots in the applicant's subdivision (Preston Downs), 44 new lots of in adjoining subdivision (to the south), and 58 existing lots. It is intended that this resource consent will encompass and replace the Selwyn District Council's (SDC) existing water permit to take groundwater for community supply from well M35/3174 (Water Permit CRC010887).

6. The applicant proposes to abstract groundwater at a combined rate up to 38.5 litres per second (L/s), with a daily volume not exceeding 1,963 cubic metres (m³), and an annual volume not exceeding 227,176 m³, from a depth of 100 metres (m) below ground level. The applicant proposes the water shall only be used for potable supply and reasonable domestic needs, and reasonable community water supply requirements. Consent duration of 35 years is sought.

NOTIFICATION AND SUBMISSIONS

7. The application was publicly notified in the Christchurch Press on Saturday 13th February 2008, as follows:

Applicant: Gillman Wheelans Holdings Ltd

Address: C/- Pattle Delamore Partners Ltd, PO BOX 389, Christchurch

Attention: Carl Steffens

Selwyn Waimakariri Groundwater Zone

CRC080102 – The applicant has applied for a consent to take and use water from bore M35/11793, 250 mm diameter, 70 m deep at Halkett Road, West Melton at or about map reference NZMS 260 M35:5865-4303.

Water will be taken at a rate not exceeding 38.5 litres per second, with a volume not exceeding 691,483 cubic metres between 1st July and following 30th June.

The groundwater abstraction is intended to provide a public water supply to provide for the scale of development as provided for in Proposed RPS Plan Change 1, including the balance of undeveloped land within the West Melton Urban Limits, and later, may also be used to incorporate the consent CRC010887 held by the Selwyn District Council well M35/3174 to supply the existing houses in the West Melton area.

The applicant has requested a consent duration of 35 years.

8. The application received 22 submissions within the statutory timeframe; 3 in support of the application and 19 in opposition; with 10 submitters indicating they wished to be heard at a hearing.

9. The main issues and concerns raised by submitters in opposition to the application were accurately summarised in the section 42A report.

Amendments to the application

10. Since notification, there have been substantial amendments to the application that relate to a reduction in the proposed density of development at the site, and as a result the volume of water originally sought for supply of 750 new lots and the existing SDC connections, is now sought for a total of 284 new lots and 58 existing connections.
11. In substantially reducing the number of proposed connections the applicant has reduced the peak rate of abstraction to 23 L/s, the daily volume to 1,963 m³/s, and the annual volume to 227,176 m³, and proposes to abstract water from two new deep wells not identified in the notification.
12. The applicant and the reporting officer assessed the environmental effects of the amendments, and agreed that as there would be a reduction in effects the amendments made are within the scale and scope of the application as notified.

THE HEARING

The applicant's case

13. Mr Aidan Prebble, legal counsel for the applicant, conducted the applicant's case and called four witnesses. Mr Prebble presented legal submissions outlining background to the application and the relevant statutory framework. In summary, Mr Prebble made the following main points:
- If granted, this permit will succeed the SDC's Water Permit CRC010887 and will be transferred to SDC as the responsible network utility operator;
 - Instantaneous rates and annual volumes are based on SDC data of actual water use in other townships;
 - As this application will succeed the existing SDC permit, the proposal represents a very small annual volume increase of 38,176 m³/year;
 - There is a large amount of agreement with the reporting officer as to the environmental effects of the proposal;

- Points of difference relate to potential drawdown effects and cumulative effects, with all experts agreeing the effects are minor, however the reporting officer considers drawdown effects may not be *de minimis*;
 - *De minimus* is not the relevant legal test under Part 6 of the Act, and the consent authority need only be satisfied the effects are minor;
 - Drawdown effects are within the criteria for minor effects in Schedule WQN10 of the Proposed Natural Resources Regional Plan (PNRRP);
 - Wells affected by the proposal are subject to a cumulative effect because they are too shallow;
 - The applicant has proposed consent conditions to mitigate potential adverse effects;
 - Some existing wells lack sufficient well depth, pump depth, or construction quality (or a combination);
 - The proposal is provided for by Policy WQN14(9)(f) of the PNRRP;
 - Any minor drawdown effects are outweighed by the wider benefits to the community of providing a reliable, efficient water supply to enable growth of West Melton;
 - The activity should be assessed as a non-complying activity under Rule WQN22 of the PNRRP;
 - The evidence indicates any adverse effect of the proposal on existing groundwater users will be less than minor, and is consistent with the relevant objectives and policies of the PNRRP; and
 - In making an overall broad judgement of the proposal, the purpose of the Act can be achieved by granting consent.
14. In support of his legal submissions, Mr Prebble called Mr Wheelans, Mr Hall, Mr Steffens and Mr Callander.
15. **Mr Hamish Wheelans** is Director of Gillman Wheelans Holdings Ltd, a subsidiary of Gillman Wheelans Ltd. Mr Wheelans gave evidence explaining the background to the application and the proposed subdivision. He outlined other consents granted for the subdivision, planning and consultation undertaken, and provided maps showing land zoning and the existing SDC well location.

16. **Mr Andrew Hall** is a Principal of Davie Lovell-Smith Ltd with a Bachelor of Surveying and a Bachelor of Engineering, and 18 years post graduate experience. Mr Hall presented evidence setting out the basis for the calculation of water demand based on actual water use data from other SDC townships. He was of the opinion that the water demands use were the "bare minimum", and provided SDC water usage data for other townships and West Melton, and graphs showing diurnal water demand patterns.
17. **Mr Carl Steffens** is an Environmental Scientist for Pattie Delamore Partners Ltd with a Bachelor of Science (Geology) and a Post Graduate Diploma in Science (Engineering Geology), and 5 years experience in groundwater investigations. Mr Steffens assessed the hydrogeology of the area, discussed the bores' capabilities, outlined the aquifer tests undertaken and the results, and assessed well interference effects. He was of the opinion there are two permeable zones or aquifers in the area, and provided graphs showing groundwater level monitoring over time. He described the step drawdown test and constant rate pumping test undertaken, and use of the aquifer parameters in the Schedule WQN10 assessment. Mr Steffens highlighted that the assessment showed that no wells (within a 2 km radius) had a direct drawdown effect greater than 0.1 m (the threshold to be considered as "minor") from the applicant's proposal, and that as a result a cumulative drawdown assessment is not required. In relation to the peer review, he pointed out the correction made for atmospheric effects, the fact that the results were the same, and that the greatest interference effect caused by the applicant (0.07m after 150 days pumping) is so small it is within the range of calculation uncertainty. Mr Steffens concluded the aquifer testing undertaken confirms that any adverse effect of the proposal on existing groundwater users should be considered to be less than minor.
18. **Mr Peter Callander** is a Senior Hydrogeologist for Pattie Delamore Ltd with a Bachelor of Science (Geology) and Masters of Science (Earth Sciences), and over 25 years experience. Mr Callander evaluated the effects of the well interference assessments with regard to the concerns raised by submitters and the reporting officer, and relevant regional policy documents. He highlighted SDC's existing consent and the fact the proposed annual volume increase is a

very small change. He outlined general approaches to groundwater management pre-PNRRP and under the PNRRP, the relevant policies and assessment criteria, and the use of trigger groundwater levels for restrictions. With regard to section 104D, Mr Callander stated in his opinion the effects would be less than minor, and not contrary to the relevant policies and objectives of the Transitional Regional Plan (TRP) and the PNRRP. He pointed out the proposed consent conditions requiring restrictions during times of low groundwater levels, and emphasised the natural groundwater level fluctuations caused by climatic conditions.

Submissions in Support

19. There were no submitters in support of the application in attendance at the hearing.

Submissions in Opposition

20. Mr Nelson Hubber, resides at 407 Halkett Road, West Melton and grows walnuts and truffles. He has two resource consents (Water Permits CRC040500 and CRC952713.1) to take and use groundwater from two wells (M35/9779 and M35/7246) for irrigation purposes. Mr Hubber stated he wanted to ensure the future of his crops is not prejudiced by the allocation of water for urban use, and confirmed he had not had any water supply problems in the past.
21. Mr Jerry Larason (Jr.), resides at 51 Bells Road, West Melton on a lifestyle block. He has a well for domestic supply and access to a water race for irrigation. Mr Larason considered that the science used to manage the water resource is not absolute and pointed out that errors can (and do) occur that could affect surrounding well owners. He expressed concern at an abstraction of such large volumes, and the potential for surrounding wells to go dry when the subdivision is fully developed. Mr Larason questioned who would be responsible if there are future issues, and requested a bond be held to correct any future problems.
22. Mr Phillip Rowland, resides at 133 Halkett Road, West Melton and presented evidence on behalf of himself and two other submitters, Mr A.R. Dunn and Mr

I.N. Mitchell. Mr Rowland expressed concern that ongoing subdivision and development is leading to the water resource being "oversubscribed" and that existing well owners should be compensated for deepening wells, upgrading pumps and increased power charges. He refuted the applicant's suggestion that affected wells are "bad wells" and questioned why anyone would go deeper if they have no existing problems. Mr Rowland was of the opinion that if the applicant (and their consultants) are so confident the subdivision will have only a negligible effect, they would not object to setting up an interest bearing trust to cover the costs of future problems.

23. Written submissions were tabled at the hearing on behalf of R.D. Hughes Developments Ltd, M.R & E.V. Greig, and Mr R. Hills.

Section 42A Report

24. **Ms Claire Penman**, is an Environmental Consultant for MWH NZ Ltd with a Bachelor in Applied Science (Environmental Management), and 4 years experience in resource management. Ms Penman tabled her section 42A report and an Addendum to her report dated 29th October 2009. Ms Penman drew my attention to the key issues and outlined corrections to her section 42A report. In summary, she confirmed the application should be considered as a non-complying activity under Rule WQN22, highlighted there was no material difference in the Schedule WQN10 assessments undertaken, and noted the take represented a very small increase in annual volume. Ms Penman amended her section 42A report and stated that she considered the potential adverse effects on other wells is likely to be less than minor. She considered the application met both threshold tests contained in section 104D and recommended consent be granted for 35 years, subject to recommended conditions.

Closing Submission by the Applicant

25. Mr Prebble requested the opportunity to provide a written right of reply and undertook to provide further information (requested during the hearing) and written approval of the proposed consent conditions from SDC.

26. On 1st December 2009, Mr Prebble provided a written right of reply, a copy of CRC's decision on an application by R.D Hughes Developments Ltd, a series of plans (showing the test wells and discharge points, the subdivision layout and densities, and locations of submitter's wells), a letter of agreement to the conditions of consent from SDC, and a Memorandum including a revised set of proposed conditions of consent.

ASSESSMENT

27. In assessing this application, I have considered the application and assessment of environmental effects (AEE), the section 42A report and Addendum, all submissions received and the evidence presented during and after the hearing.

Status of the Application

28. The starting point for my assessment of the application is to determine the status of the proposal. There is agreement between the applicant and the reporting officer that the application should be considered as a **non-complying activity** under Rule WQN22 of the PNRRP.
29. In terms of my responsibilities for giving consideration to the application, I am required to have regard to the matters listed in sections 104, 104B and 104D of the Act. Specifically, under sections 104B and 104D, where an applicant has sought consent for a non-complying activity, I may grant or refuse the resource consent, and (if granted) may impose conditions under section 108. However, I am limited in that I may only grant a resource consent for a non-complying activity if I am satisfied that **either**:
- (a) the adverse effects on the environment (other than any effect to which section 104(3)(b) applies), will be minor; or
 - (b) the application is for an activity that will not be contrary to the objectives and policies of the relevant plans.
30. For non-complying activities, even where one or both of the threshold tests in section 104D(1) is met, I still retain an overall discretion as to whether to grant resource consent. That discretion is to be exercised having regard to the criteria set out in section 104. In that respect, and subject to Part 2 of the Act, which contains the Act's purpose and principles, I am able to have regard to:

- Any actual and potential effects on the environment of allowing the activity;
- Any relevant provisions of a plan or proposed plan; and
- Any other matters the consent authority considers relevant and reasonably necessary to determine the application.

Actual and Potential Effects on the Environment

31. There is a high level of agreement between the applicant and the reporting officer regarding the assessment of environmental effects. Potential adverse effects on the environment were assessed in the section 42A report using the following categories:

- Adverse effect of the take on surrounding groundwater users;
- Cumulative effect of the take on other groundwater users;
- Adverse effect of an inefficient take on other groundwater users;
- Adverse effect of the take on other users from seawater intrusion;
- Adverse effect of the take on aquifer stability;
- Adverse effect from cross-connection on groundwater quality;
- Adverse effect of the take on surface water flows;
- Adverse effect of the use on water quality; and
- Adverse effect of the take and use on Tangata Whenua values.

32. I have considered these potential effects and accept on the basis of the evidence that my assessment can focus on the cumulative effect on other groundwater users, adverse effects of an inefficient take on other groundwater users, and potential adverse effects on other groundwater users (well interference effects).

Cumulative effects

33. Submitters in opposition to the application expressed concern relating to the sustainability of the proposal and considered that the volume of groundwater sought is unsustainable given the increasing scarcity of water.
34. The management approach taken in the PNRRP is to address any potential cumulative effects of groundwater abstraction by setting an allocation regime for each Groundwater Allocation Zone (Policy WQN14). This approach effectively 'draws a line in the sand' by setting a limit for each zone as an annual volume,

the size of which is set using the 'precautionary approach' described in Schedule WQN4.

35. Variation 4 of the PNRRP set the volumetric limit for the Selwyn-Waimakariri Groundwater Zone (SWGZ) at 121.3 million m³ per year, and Mr Callander and Ms Penman confirmed the effective allocation (consented volume) is currently 158.31 million m³. This "over allocation" of groundwater in the SWGZ results in the zone being termed as a "red zone", and is the reason this application is considered as a non-complying activity under Rule WQN22.
36. Mr Callander noted Policy WQN14(9)(f) recognises a priority of need for community drinking water supply and specifically allows for the granting of consents if the abstraction and that the take will not compromise the reliability of supply of existing water permits.
37. I am acutely aware that the submissions received were made in relation to the original application to abstract 691,483 m³ per year, and not in relation to the reduced additional volume of 38,176 m³ now sought. I consider this is a substantial reduction in the volume of water sought and that it represents a relatively small additional take over the existing community supply.
38. The applicant has proposed a condition that limits the abstraction to a combined rate of 38.5 L/s and a maximum annual volume to 227,176 m³, which includes the limits of the current SDC take. To further ensure this application is not authorising abstraction over and above the SDC take, the applicant has proffered a condition stating water abstraction in conjunction with CRC010887 shall not exceed the rate and volumes in this consent.
39. In considering the evidence presented, I concur with the applicant and Ms Penman that the proposed annual volume increase of is very small and as a community drinking water supply, is allowed for under the provisions of the PNRRP. I am satisfied that given the small additional volume sought any cumulative effect on the groundwater resource is likely to be less than minor.

Inefficient Use

40. Some submitters have raised concern that the volume of water sought is an inefficient use of the resource. Again, I am conscious that these concerns were made in relation to the original volumes sought.
41. Mr Hall presented evidence on actual water use in other SDC townships and I note the volume sought is consistent with this data. I am satisfied that implementation of a management plan and the proposed groundwater trigger level restrictions will ensure abstraction is reduced to essential needs when groundwater levels are low.
42. On the basis of the evidence presented, I consider the volume sought for community supply is consistent with other similar community takes, and that the volume sought is reasonable and the use is efficient.

Well Interference

43. Existing groundwater users are concerned the proposal will cause drawdown effects in surrounding wells and that any drop in water levels may require owners to deepen wells and upgrade pumps, and may trigger low groundwater level restrictions.
44. Given the proposed abstraction site is surrounded by many bores in close proximity to each other, there is potential for well interference effects to occur, and these may be delayed depending on the hydraulic connection and leakage rates.
45. The applicant has undertaken aquifer testing on the wells and has used the results of the tests to carry out a Schedule WQN10 assessment (pursuant to the provisions of the PNRRP) of the direct drawdown on all wells within 2 km of the abstraction wells. This assessment indicated the greatest drawdown effect after 150 days continuous pumping would be approximately 0.07m and that none of the wells would exceed the 0.1m threshold in the PNRRP to be considered as "adversely affected".

46. I note the results of the Schedule WQN10 assessment has been independently peer reviewed and that it was based on the parameters obtained from appropriate aquifer tests on the wells to be utilised.
47. In considering the evidence before me, I accept there is a high level of certainty regarding the applicant's assessments. I am satisfied that assessments indicate that the magnitude of any actual drawdown effect in any surrounding well is likely to be immeasurable, and within the range of error and fluctuation caused by atmospheric changes. Overall, I concur with the applicant and the reporting officer that any potential adverse effect on other groundwater users is likely to be less than minor.

Planning Provisions

48. An analysis of the relevant objectives and policies of the PNRRP and Regional Policy Statement (RPS) was provided in the section 42A report by Ms Penman and by Mr Callander. I concur with their analyses and accept the proposal is not contrary to the relevant provisions.
49. The provisions of the TRP offer little guidance and are in effect overtaken by the general criteria of section 104 of the Act. In making my assessment I have used the criteria of section 104, and accept in general the methods and approaches taken in the PNRRP.
50. On the basis of the evidence before me, I am of the opinion that with the imposition of appropriate consent conditions, the proposal is not contrary to the objectives and policies of the RPS and PNRRP.

Part 2 of the Act

51. All the considerations I have described are subject to Part 2 of the Act. In accordance with Part 2, I consider that overall the proposal is consistent with the purpose of the Act and the principles of the sustainable management of natural and physical resources, as defined in section 5.

52. In considering the application, I am mindful of the importance sustaining groundwater for future generations, safeguarding the life-supporting capacity of water, and avoiding remedying or mitigating adverse environmental effects.
53. In having particular regard to section 7 matters, I am satisfied that the use of water will be efficient and that groundwater quality will be maintained.
54. In forming my opinion, section 8 requires me to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). I have no information to suggest that the proposed activity would offend these principles.

Summary

55. As previously discussed, I have assessed the proposed abstraction of groundwater as a non-complying activity and find that on the basis of the evidence presented that any potential adverse effects are likely to be less than minor, and that the proposal is not contrary to the relevant provisions of the TRP, RPS and PNRRP. I therefore concur with the applicant and the reporting officer that the application meets both threshold tests of section 104D, and that consent can be granted.

Conditions

56. There was a high level of agreement at the hearing between the reporting officer and the applicant regarding appropriate consent conditions. However, I note a number of changes to the reporting officer's recommended conditions in the revised conditions provided with the applicant's right of reply. These appear to have been made as a result of the discussions with SDC, and except for Condition (8), were not referred to in the applicant's right of reply.
57. I am mindful that these are substantially wording changes and note they are consistent with water metering conditions sought by SDC for other community water takes. In this regard, I have tried to be consistent, but I am conscious that despite the applicant's intentions, the consent may not be transferred to SDC. For this reason, I am satisfied that it is not particularly onerous for the applicant to

install a straight length of pipe during construction of the system, and consider it inappropriate to refer to "Standard Operating Procedures".

58. I note that the water level triggers (as measured above mean sea level) in Condition (5) required amending, as the level was the same for each clause in the applicant's revised set of proposed consent conditions.
59. Overall, I am satisfied that the consent conditions imposed will adequately avoid and mitigate any potential adverse effects on the environment.

Duration

60. There was agreement between the applicant and the reporting officer that the appropriate consent duration is 35 years. In considering the matters set out in 1.3.5 of Chapter 1 of the PNRRP, I am mindful that the take is for community supply and that it is associated with the development of long-term infrastructure. Having had regard to the evidence before me, I concur that the appropriate consent duration is 35 years.

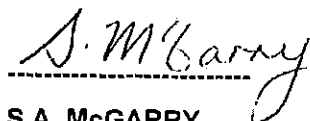
Decision

61. On behalf of the Canterbury Regional Council, pursuant to sections 104, 104B, 104D, s108, and subject to Part 2 of the Resource Management Act 1991, I determine that resource consent application CRC080102 by Gillman Wheelans Holdings Limited for a Water Permit to take and use water for community supply be granted for duration of 35 years, subject to conditions (see Annexure 1).

Right of Appeal (Section 120)

62. The parties are advised there is a right of appeal to the Environment Court, which must be lodged within 15 working days of this decision.

Dated at Christchurch this 11th day of December 2009



S.A. McGARRY

Hearings Commissioner

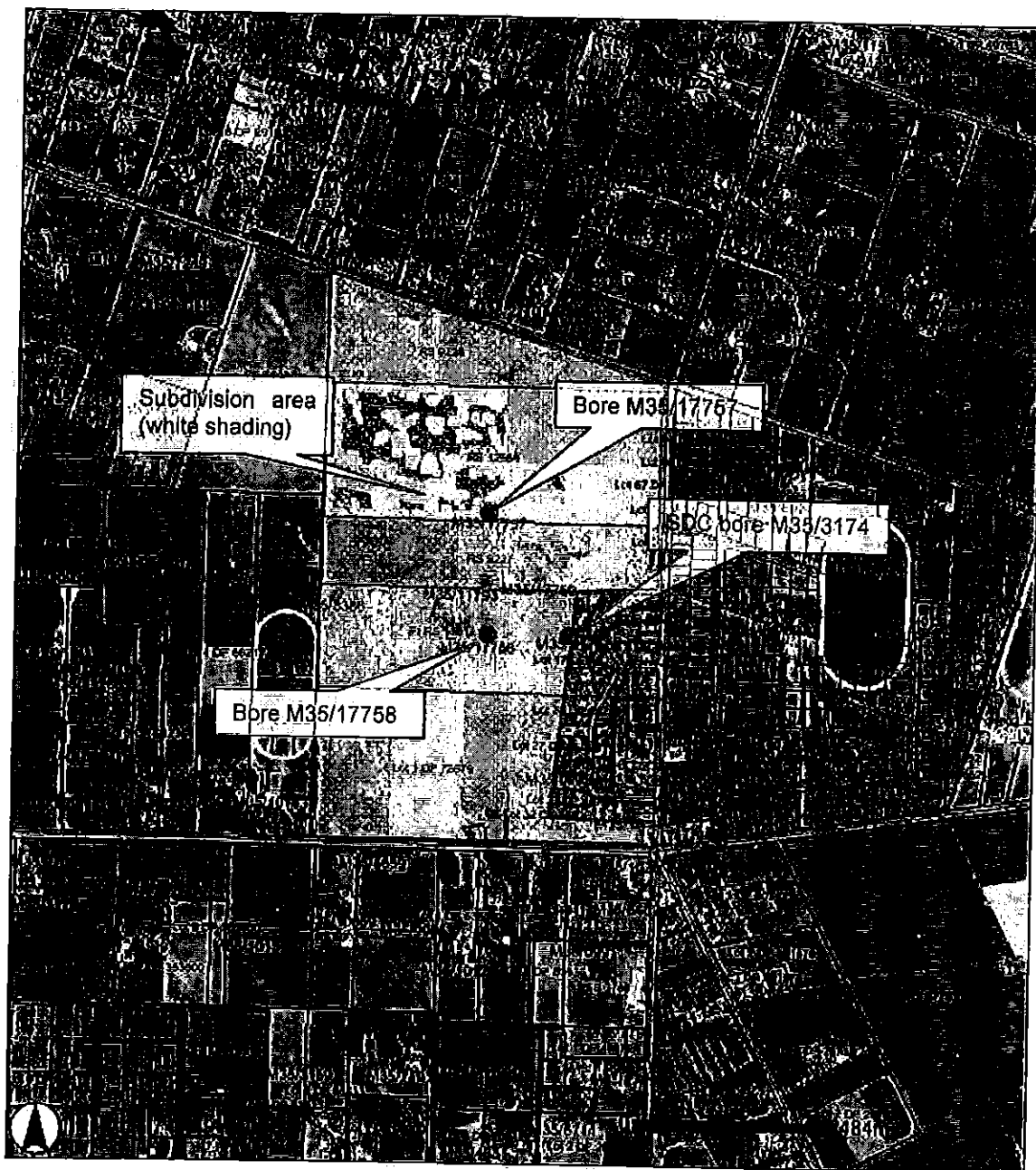
Annexure 1

CRC080102 – To take and use water for community supply

1)	Water may be taken only from bore M35/17757, 250 millimetres diameter and 101 metres deep, at map reference NZMS 260 M35:5866-4320, and bore M35/17758, 200 millimetres diameter and 100 metres deep, at map reference NZMS 260 M35:5863-4290.
2)	Water may be taken at a combined rate not exceeding 38.5 litres per second, with a combined volume not exceeding 1,963 cubic metres per day, and 227,176 cubic metres between 1 July and the following 30 June.
3)	Water shall only be used for community drinking water supply purposes within the development shown in attached plan CRC080102A, which forms part of this consent.
4)	The taking of water in conjunction with the exercise of Water Permit CRC010887, shall not exceed the rates and volumes identified in Conditions (1) and (2) above.
5)	<p>Whenever the standing water level in bore M35/5696 at map reference NZMS 260 M35:5951-4145 falls below-</p> <ul style="list-style-type: none"> (a) 28.2 metres below ground level (55.78 metres above mean sea level) the daily abstraction rate shall not exceed 1456 cubic metres per day; (b) 28.7 metres below ground level (55.28 metres above mean sea level) the daily abstraction rate shall not exceed 949 cubic metres per day; (c) 29.1 metres below ground level (54.88 metres above mean sea level) the daily abstraction rate shall not exceed 442 cubic metres per day.
6)	<p>The consent holder shall prepare and implement a management plan which sets out the steps the consent holder will take to reduce water usage in accordance with Condition (5). The management plan shall include but not be limited to:</p> <ul style="list-style-type: none"> (a) Restrictions on irrigation of reserve areas; (b) Restrictions on the use of water for filling or topping up swimming pools; and (c) Restrictions on the use of water in garden and lawn areas. <p>The management plan must be prepared in consultation with Selwyn District Council and submitted to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, within three months of commencement of this consent.</p>

7)	By the 30 June two years after the commencement of this consent, and by 30 June after each two-year period thereafter, the consent holder shall prepare and submit to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, records of water abstraction and use detailing the number of connections and associated water use from the previous two years with respect to Conditions (2) and (5), and details outlining the projected number of connections and associated water use for the next two years with respect to Conditions (2) and (5).
8)	The consent holder shall, before the first exercise of this consent, install an easily accessible straight pipe(s), with no fittings or obstructions that may create turbulent flow conditions, of a length at least 15 times the diameter of the pipe, as part of the pump outlet plumbing or within the mainline distribution system.
9)	<p>The consent holder shall before the first exercise of this consent:</p> <ul style="list-style-type: none"> (a) Install a water metering device that is capable of measuring the rate and volume of water taken within an accuracy of plus or minus five percent; and which is suitable for use with an electronic recording device. (b) The consent holder shall install a water measuring device or devices at a location or locations that are sufficient to demonstrate compliance with Conditions (1) and (2). (c) Install a tamper-proof electronic recording device such as a datalogger that: <ul style="list-style-type: none"> (i) is set to wrap the data from the recording device(s) such that the oldest data will be automatically overwritten by the newest data (i.e. cyclic recording); and (ii) records or logs the pulse totals at hourly intervals and has the capacity to hold at least one year's water use data; or (iii) is telemetered. (d) The consent holder shall provide to the Canterbury Regional Council, at least on an annual basis or upon reasonable request, auditable recorded data in a CSV format specified by Canterbury Regional Council. (e) The water measuring and recording device shall be available to the Canterbury Regional Council (on request) for the purposes of inspection and/or data retrieval.
10)	The Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, shall be informed immediately on first exercise of this consent by the consent holder.
11)	The consent holder shall have the accuracy of the device(s) installed in accordance with Condition (9) certified by a suitably qualified person within three months of the installation, and at five-yearly intervals thereafter, and at any time when requested by the Canterbury Regional Council. Results of this certification shall be provided to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager within one month of the results

	being received by the consent holder.
12)	The consent holder shall install and maintain a non-return valve on bores M35/17757 and M35/17758 to prevent the backflow of water into the well.
13)	<p>The consent holder shall take all practicable steps to:</p> <ul style="list-style-type: none"> (a) Ensure that water is used efficiently by all households being supplied with water under this consent; and (b) Avoid leakage from pipes and structures; and (c) Avoid the use of water onto impermeable surfaces.
14)	<p>The Canterbury Regional Council may, once per year, on any of the last five working days of March or July, serve notice of its intention to review the conditions of this consent for the purposes of:</p> <ul style="list-style-type: none"> (a) Dealing with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or (b) Reviewing the volume of abstraction as set out within Condition (2) based on reports provided in accordance with Condition (7); or (c) Reviewing the provisions of the management plan required under Condition (6) to ensure that it is effective as is reasonable in achieving the reductions in water use required as groundwater levels drop to the levels specified in Condition (5).
15)	The lapsing date for the purposes of section 125 shall be 31 December 2014.

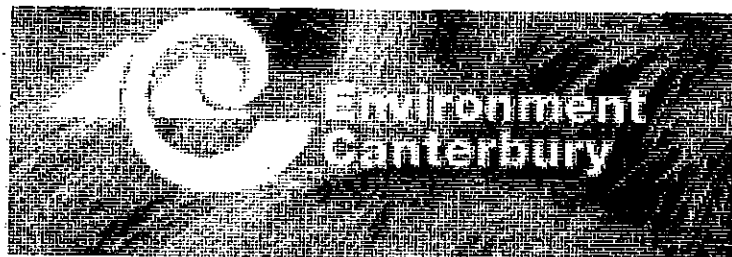




GILLMAN WHEELANS LTD
Residential Subdivisions

Proposed Living WM (West Melton) Zone

Appendix 3 – Stormwater Discharge Consent
Conditions



25 November 2009

Gillman Wheelans Holdings Limited
Attn: Hamish Wheelans
PO Box 521
Christchurch 8140

58 Kilmore Street, Christchurch 8013 PO Box 345, Christchurch 8140
General enquiries: 03 365 3828 Customer services: 03 353 9007
Fax: 03 365 3194 or: 0800 EC INFO (0800 324 636)
Email: ecinfo@ecan.govt.nz Website: www.ecan.govt.nz

Dear Sir/Madam

**RESOURCE CONSENT AMENDMENT
NUMBER: CRC080320**

NAME: Gillman Wheelans Holdings Limited

An error has been identified in condition (25(b)(ii) and 26) of the above mentioned resource consent. The decision maker, who made the original decision, has assessed the error and is satisfied that the error can be corrected under the powers of section 13 of the Interpretations Act 1999. Therefore these conditions have been corrected.

Please destroy the documents currently in your possession and replace them with those enclosed. All the original attachments (i.e. any maps, pamphlets etc) are still valid.

For all queries please contact our Customer Services Section by telephoning 03) 353 9007, 0800 EC INFO (0800 324 636), or email ecinfo@ecan.govt.nz quoting your CRC number above.

Yours sincerely

Carly Steers
TEAM LEADER CONSENTS OPERATIONS

Our Ref: CO6C/26680
Your Ref:
Contact: Customer Services

Reissue new docs: Sect 13Int
Rev August 2007

RESOURCE CONSENT CRC080320
Pursuant to Section 104 of the Resource Management Act 1991
The Canterbury Regional Council (known as Environment Canterbury)

GRANTS TO: Gillman Wheelans Holdings Limited

A DISCHARGE PERMIT: To discharge contaminants to land.

DATE DECISION: 2 October 2009

EXPIRY DATE: 22 October 2044

LOCATION: Weedons Ross Road, WEST MELTON

SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) The discharge shall only be stormwater from:
 - (a)
 - (i) roofs;
 - (ii) roads;
 - (iii) hardstand areas; and
 - (iv) pervious areas;
 - (b) soils exposed during site construction;within the residential subdivision located at the corner of Weedons Ross Road and Halkett Road, West Melton, labelled as "Applicant's Site" on Plan CRC080320A which forms part of this consent.
- 2) The discharge shall not arise from areas that are used for industrial or commercial purposes.
- 3) Stormwater shall be discharged onto and into land within RS 9228, RS 12569, RS 9227, Pt RS 14812, as shown on Plan CRC080320A.

DEFINITIONS

- 4) For the purposes of this consent, the following definitions shall apply to all conditions:
 - (a) Site construction: means all bulk earthworks and earthworks associated with the construction of the subdivision up until a Certificate under Section 224 of the RMA has been issued (including one issued in conjunction with a Section 220 consent notice) for each stage of development by the Selwyn District Council.
 - (b) Earthworks: means the disturbance of land surfaces by blading, contouring, ripping, moving, removing, placing or replacing soil and earth, or by excavation, or by cutting or filling operations.
 - (c) Bulk earthworks: means major cut/fill/waste works.
 - (d) Stabilised: means an area inherently resistant to erosion such as rock (excluding sedimentary rocks), or rendered resistant to erosion by the application of aggregate, geotextile, vegetation or mulch. Where vegetation is to be used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once 80 percent vegetation cover has been established.
 - (e) ESCG: means Environment Canterbury, "Erosion and Sediment Control Guidelines for the Canterbury Region" Report No. CRCR06/23, February 2007.
 - (f) Manager: means the Canterbury Regional Council, RMA Compliance and Enforcement Manager, or nominated CRC staff acting on the Manager's behalf.

STORMWATER SYSTEM

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- 5) Stormwater from roofs on each lot shall be discharged via a sealed system into soak pits located on each individual lot.
- 6) Stormwater from hardstand areas shall be:
 - (a) discharged to vegetated areas on individual lots; or
 - (b) discharged to the roads.
- 7)
 - (a) Stormwater from roads shall be directed to infiltration basins via:
 - (i) vegetated swales; or
 - (ii) submerged outlet or flooded sumps.
 - (b) Stormwater in excess of the capacity of the infiltration basins shall be discharged into land via rapid soakage chambers.
- 8) Any stormwater and stockwater running onto the site from the western catchment, as shown on Plan CRC080320B, shall be directed to a constructed wetland and discharged into land via a rapid soakage chamber.
- 9) Any submerged outlet or flooded sumps shall have capacity to trap at least 60 litres of hydrocarbons.
- 10) Each swale shall:
 - (a) have side batters no steeper than one vertical to three horizontal;
 - (b) be lined with a layer of topsoil with a minimum thickness of 150 millimetres; and
 - (c) be vegetated with grass or other suitable vegetation.
- 11) Each infiltration basin shall:
 - (a) be designed to separate and dispose via infiltration at least the first 25 millimetres of any rainfall that falls on the contributing catchment;
 - (b) have side batters no steeper than one vertical to three horizontal;
 - (c) be lined with a layer of topsoil with a minimum thickness of 150 millimetres; and
 - (d) be vegetated with grass and/or ground cover plants;
 - (e) have an infiltration rate:
 - (i) Not exceeding 75 millimetres per hour and not less than 30 millimetres per hour as determined using a double ring infiltrometer test; or
 - (ii) Not exceeding 50 millimetres per hour and not less than 20 millimetres per hour as determined using a flooded basin test.
- 12) Each rapid soakage chamber shall:
 - (a) be designed to dispose of all stormwater from the critical storm duration one in fifty year storm event for the contributing catchment;
 - (b) have an inspection lid; and
 - (c) be located at least 100 metres down-gradient of any well used for community supply.
- 13) At least one month prior to the construction of each stage of the subdivision, the consent holder shall submit to the Manager:
 - (a) design plans of the stormwater system to be installed, including the infiltration basins, swales, soak pits, rapid soakage chambers, and the constructed wetland;
 - (b) calculations of the volume of each infiltration basin and rapid soakage chamber;
 - (c) the size of the catchment, including pervious and impervious areas, contributing to each first flush basin;
 - (d) calculations to demonstrate the ability of the rapid soakage chambers to dispose of stormwater; for certification of compliance with Conditions (5) to (12) of this consent.
- 14) A certificate signed by the person responsible for designing the stormwater system or a suitably qualified person shall be submitted to the Manager for certification that the system is constructed and installed in accordance with the conditions of this consent.

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INSPECTION & MAINTENANCE

- 15) The stormwater system including any swales or sumps, and the infiltration basins and rapid soakage chambers, shall be inspected at least once every six months.
 - (a) Any visible hydrocarbons, and debris or litter shall be removed within five working days of the inspection.
 - (b) Any accumulated sediment the covers more than five percent of the vegetated area of the swales or the infiltration basins shall be removed within five working days of the inspection.
 - (c) Any accumulated sediment in any sumps shall be removed when the sediment occupies more than one quarter of the depth below the invert of the outlet pipe.
 - (d) Any scour or erosion shall be repaired within five working days of the inspection.
- 16) The infiltration basins, and any swales shall be:
 - (a) Maintained so that vegetation or grass is in a healthy and uniform state.
 - (b) Replanted where erosion or die-off has resulted in bare or patchy soil cover.
 - (c) Mowed regularly or maintained so that vegetation or grass is at a minimum length of 50 millimetres.
- 17) The consent holder shall keep records of the inspection, monitoring and maintenance of the stormwater system and shall provide the records to the Manager upon request.

SOIL MONITORING

- 18) A representative sample of the soil shall be collected from the infiltration basins:
 - (a) At least once every ten years;
 - (b) From a depth of between zero and 50 millimetres below the ground surface at the point of lowest elevation;
 - (c) By a suitably experienced person.
- 19) Soil samples shall be analysed:
 - (a) For the following contaminants:
 - Total Copper
 - Total Zinc
 - Benzo(a)Pyrene
 - Total petroleum hydrocarbons C7-C9
 - Total petroleum hydrocarbons C10-C14
 - (b) In milligrams per kilogram dry weight soil;
 - (c) By a laboratory accredited for that method of analysis by International Accreditation New Zealand (IANZ) or an equivalent authority.
- 20) Should any of the contaminants analysed in accordance with Condition (19) above exceed the trigger levels, in milligrams per kilogram dry weight soil, set out below:

Total Copper	63
Total Zinc	200
Benzo(a)Pyrene	5.7
Total petroleum hydrocarbons C7-C9	500
Total petroleum hydrocarbons C10-C14	510

 - (a) Further testing shall be undertaken to determine the extent of the contamination;
 - (b) Contaminated soil shall be removed and replaced with soil with levels of contaminants below the trigger levels listed above, and the affected area shall be re-vegetated;
 - (c) The consent holder shall undertake an assessment to determine the risk to the environment from the exceedances and provide within two months of receipt of the sampling results a report detailing recommended proposed actions, if any, and timeframes for completion of such actions to be undertaken to the Manager.

MONITORING

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- 21) Until it is no longer used to provide a potable water supply, a water sample shall be collected from bore M35/3174:
- (a) between 24 and 72 hours after the cessation of any rainfall event of 10 millimetres or more occurring at and as measured at the site; or
 - (b) between 24 and 72 hours after the cessation of any rainfall event of 25 millimetres or more occurring at and as measured at the site, if:
 - (i) the entire site has been developed; and
 - (ii) there have been no exceedances of the trigger levels listed in Condition (25) during the previous five samples.
- 22) Prior to any discharge commencing from the site three water samples shall be collected from bore M35/3174, with at least one month between sampling events.
- 23) Water samples taken under Conditions (21) and (22) shall be:
- (a) collected by a person who has at least a tertiary science qualification that required the equivalent of at least one year of full-time study and has at least one year of professional environmental investigation work experience post-qualification; and
 - (b) analysed by a laboratory accredited for that method by International Accreditation New Zealand or an equivalent accreditation body for the following contaminants:
 Dissolved Copper
 Dissolved Zinc
 Benzo(a)pyrene
 Nitrate nitrogen
Escherichia coli
- 24) Prior to any discharge commencing from the site the consent holder shall prepare and submit to the Manager a plan of actions to be undertaken in the event that a discharge from the site results in an exceedance of the trigger levels set out in Condition (25). This plan shall include, but not be limited to:
- (a) a programme of investigation that shall be undertaken to determine the reasons for the exceedance;
 - (b) mitigation measures that shall be put in place and/or actions that shall be undertaken should the exceedance be as a result of the discharge authorised by this consent.
- 25) Should any of the contaminants from a sample collected in accordance with Condition (21) exceed either:
- (a) 110 percent of the highest contaminant level recorded prior to October 1 2009 for contaminants which have prior monitoring records; or
 - (b) 110 percent of the median level recorded in the samples collected in accordance with Condition (22) for those contaminants which have no prior monitoring records;
- the consent holder shall:
- (i) advise the Manager and the Selwyn District Council, attention: Asset Manager Utilities, immediately in writing;
 - (ii) implement the programme of investigation prepared in accordance with Condition (24)(a) within five working days of the receipt of the results of the analysis;
 - (iii) provide a written report which determines the reasons for the exceedance to the Manager within 20 working days of the receipt of the results of the analysis.
- 26) Should it be determined that the exceedance(s) are resultant from discharges authorised by this consent the consent holder shall implement the mitigation measures prepared in accordance with Condition (24)(b), within 25 working days of the receipt of the results of the analysis.

DISPOSAL OF MATERIALS

- 27) Any materials removed in accordance with Conditions (15)(b) or (c) and (20)(b) shall be disposed of at a facility authorised to receive such materials.

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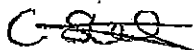
SITE CONSTRUCTION

- 28) Stormwater generated during site construction shall be discharged onto and into land on site.
- 29) There shall be no discharge of sediment laden stormwater beyond the boundaries of the site.
- 30) (a) The applicant shall submit an Erosion and Sediment Control Plan to the Manager, at least ten working days prior to the commencement of earthworks.
(b) The Erosion and Sediment Control Plan shall be prepared in accordance with the ESCG.
- 31) Erosion and sediment control measures during the construction of the site shall consist of, but not be limited to sediment retention ponds.
- 32) The consent holder shall inform Manager, in writing, at least ten days prior to the commencement of work on each new stage of development.
- 33) Construction shall be staged such that the amount of exposed earthworks shall not exceed 16 hectares such that progressive stabilisation works can be carried out.
- 34) Erosion and sediment control measures shall be constructed and maintained in accordance with the ESCG.
- 35) Erosion and sediment control measures shall not be decommissioned until the site is stabilised and the stormwater system for the developed site is functioning, in accordance with Conditions (5) to (12).

ADMINISTRATION

- 36) The lapsing date for the purpose of section 125 of the Resource Management Act 1991 shall be 30 September 2014.
- 37) The Canterbury Regional Council may, on any of the last five days of September each year, serve notice of its intention to review the conditions of the consent for the purposes of:
 - (a) Dealing with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage;
 - (b) Requiring the consent holder to adopt the best practicable option to remove or reduce any adverse effect on the environment; or
 - (c) Requiring the consent holder to carry out monitoring and reporting instead of, or in addition to that required by the consent.

Issued at Christchurch on 25 November 2009



Carly Steers
TEAM LEADER CONSENTS OPERATIONS
on behalf of the Canterbury Regional Council

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GILLMAN WHEELANS LTD
Residential Subdivisions

Proposed Living WM (West Melton) Zone

Appendix 4(a) – Correspondence with Selwyn
District Council for the purchase of existing
Infrastructure for Public Sewer

4 December 2009

Hamish Wheelans
Gillman Wheelans Ltd
PO Box 521
Christchurch Mail Centre
CHRISTCHURCH 8140

Dear Hamish

Thank you for our conversation on 1 December 2009.

Please find attached a copy of the report that council will consider on 9 December 2009 regarding the proposed purchase of the West Melton to Rolleston sewerage pipeline.

I have also attached the updated development contribution model which shows the \$1,100,000 capital payment plus the holding costs and connections as previously recorded.

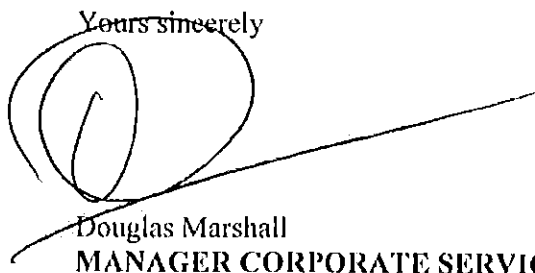
As previously discussed it is important that both the Council and Gillman Wheelans regularly review the development contribution calculation. As you will know we will formally put the development contribution through the 2010/2011 annual budget process.

The proposed purchase of the pipeline if approved at the Council meeting will be settled prior to Christmas to give certainty for the planning issues relating to the Preston Downs subdivision.

Our next meeting with the community in relation to the West Melton Township potential connection is scheduled for 26 January 2010 but there will be subsequent discussions after that as well.

If you have any further queries please do not hesitate to contact me.

Yours sincerely



Douglas Marshall
MANAGER CORPORATE SERVICES

REPORT

TO: The Council

FOR: Council Meeting – 9 December 2009

FROM: Manager Corporate Services

DATE: 30 November 2009

SUBJECT: Purchase of West Melton to Rolleston Sewerage Pipeline

1. RECOMMENDATION

- (a) That the Council approves the purchase of the West Melton to Rolleston sewer pipeline and associated works from R D Hughes Developments Ltd (or nominee) for the purchase price of \$1,100,000 plus GST;
- (b) That the Manager Corporate Services be delegated the authority to complete all contract documentation in relation to the pipeline purchase;
- (c) That staff include the development contribution calculation for the West Melton pipeline for future connections as part of the 2010/2011 Annual Plan (budget) process.

2. PURPOSE

The purpose of this report is to consider the purchase of the privately owned West Melton to Rolleston sewerage pipeline.

This pipeline was installed in 2006 by the developer of the Gainsborough subdivision in West Melton. The Council gave approval in December 2005 for this construction to occur on the basis that the Council was not considering installing reticulated sewerage to the West Melton Township in the near future and there was no certainty over any other development plans in West Melton excepting the Gainsborough development. Accordingly for the Council to take the financial risk it was deemed not necessary particularly with the private sector funding the work.

In recent months the Preston Downs subdivision in West Melton has now been included in the Metropolitan Urban Limit (MUL) and is now to be considered by the Council for being notified as a plan change. Assuming that the plan change is accepted it is now prudent to assist with planning coordination for the Council to own the pipeline.

In addition, council ownership will give certainty to the general community over who owns the sewerage assets in West Melton.

3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

The provision of reticulated sewerage to a community is considered one of significance. Accordingly a special consultation process is required.

The provision of reticulated sewerage for West Melton was included in the 2009 – 2019 Selwyn Community Plan (LTCCP). As the LTCCP is a special consultative procedure there is no need for a separate consultation process as required by the Significance Policy.

Consultation has occurred and will continue as noted below.

4. HISTORY/BACKGROUND

The pipeline was constructed in 2006 and has serviced the Gainsborough subdivision since that time.

Discussions were held with the community in 2007 to clarify ownership issues but there is now general acceptance from developers and the community that the purchase proposal to be considered is appropriate although there are those who believe the pipeline should have been held in council ownership since it was constructed.

Discussions have been held with the owner of the pipeline R D Hughes Developments and also the developer of Preston Downs (Gillman Wheelans Ltd). Both parties agree that the Council ownership is sensible and there has been agreement on the price to be paid to R D Hughes Developments \$1,100,000 but also agreement (subject to final resolution) of the development contribution that will result from the purchase of the pipeline.

5. PROPOSAL

The proposal will involve the Council purchasing the West Melton to Rolleston sewerage pipeline and levying a development contribution in the future. Calculating the development contributions will occur as part of the 2010/11 annual plan (budget process). The 2009 – 2019 Selwyn Community Plan (LTCCP) identified that the development contribution for West Melton would be calculated in the future which will now occur in 2010/2011 with appropriate consultation.

6. OPTIONS

The Council has the following options available to it:

Options	Benefits	Disadvantages
Option 1 – do nothing	<ul style="list-style-type: none">• Council does not incur any cost.• No requirement for a development contribution to be calculated.	<ul style="list-style-type: none">• Planning for developers and the community is not as cohesive as council ownership provides, i.e. potential for disagreements over connection fees between the pipeline owner and connections to occur.• A second pipeline could be constructed which is not an efficient use of resources.

Options	Benefits	Disadvantages
Option 2 – purchase the pipeline now and undertake a development contribution procedure as part of the 2010/2011 budget process	<ul style="list-style-type: none"> • Council controls the connection process and thus avoids any potential disputes. • Sewerage maintenance is now the sole responsibility of council whereas currently it is the council for treatment and the Gainsborough reticulation and the pipeline owner for the pipeline. • Only one pipeline would be constructed between West Melton and Rolleston being the most efficient use of combined use of council and developer resources. 	<ul style="list-style-type: none"> • Council has a financial risk in that future connections may not occur as planned. It should be noted that this is the same risk as for any infrastructure that the council constructs/develops.
Option 3 – purchase the pipeline in the future	<ul style="list-style-type: none"> • Same as option 2 but defers council cost. The purchase price would increase. 	<ul style="list-style-type: none"> • Same as option 2.

7. VIEWS OF THOSE AFFECTED/CONSULTATION

As stated above, consultation and discussion has been held with the two main connectors to the West Melton to Rolleston sewerage pipeline.

A public meeting was held on 26 November 2009 where the merits or otherwise of the pipeline purchase were identified. The meeting was advised that the Council will consider the pipeline purchase at its meeting of 9 December 2009.

One of the main advantages of this pipeline purchase is that there will not be any costs incurred on behalf of the local West Melton community at this time.

This is due to two main reasons:

1. R D Hughes Developments have offered to provide the connections to the West Melton Township at no charge. This is a significant advantage and saves the community in the region of \$6,000 per connection.
2. The Preston Downs developer has offered to provide all the reticulation and laterals through Laird Place into Weedons Ross Road with no recovery from the existing township. This saves the community in the region of 30% of the township reticulation cost.

As a result of the above two contributions from developers the West Melton Township Community will only be responsible for the reticulation to be installed in the balance of the West Melton Township and the connection capital payment fee to the Rolleston Pines site. This is estimated currently to be a total capital payment of \$12,300 plus the onsite connections within each property, building consents and cleaning out septic tanks.

The key issue now moving forward for the West Melton community is to determine if they connect and if they do, when they may connect. Assuming there are no septic tank failures there is no need for the West Melton community to connect in the foreseeable future unless public health issues arise. This has been made clear to the community in presentations to date.

Accordingly the best option moving forward is that different payment options can be considered where the West Melton community may start paying now and receive interest revenue credits and can therefore be in a position to fully fund their connection in the future from an instalment payment process. Of course the community may decide not to pay now either and consider this matter in the future.

8. RELEVANT POLICY/PLANS

As stated above the sewerage for West Melton has been included in the 2009/2019 LTCCP and it is considered as one of the five water strategy key points.

9. COMMUNITY OUTCOMES

The purchase of the pipeline will support the following community outcome: Selwyn people have access to appropriate health, social and community services.

10. NEGATIVE IMPACTS

From a financial perspective there can be argued that a negative impact exists as a capital payment will be required but there are environmental and community health benefits that balance this negative.

11. LEGAL IMPLICATIONS

No legal implications considered.

12. FUNDING IMPLICATIONS

The pipeline has been valued by a council appointed valuer. The pro-rata share to be purchased by the council for the proposed Preston Downs subdivision, the township (no cost) and any future connections is \$1,100,000 plus GST.

Developer contribution from 1 July 2009 using the council standards financial model for calculating development contributions will recover the capital cost, interest charges for the holding cost and inflation. The estimated development contribution per connection is \$6,075. In addition to this contribution, there are contributions for the Pines Treatment site at Rolleston.

The purchase will be debt funded.

The LTCCP allowed for funding of \$1,233,000.

13. HAS THE INPUT/IMPACT FROM/ON OTHER DEPARTMENTS BEEN CONSIDERED?

Consultation has occurred with the Assets and Planning Teams.

Douglas Marshall
MANAGER CORPORATE SERVICES



PUBLIC MEETING WEST MELTON TOWNSHIP SEWERAGE

The Selwyn District Council would like to invite you to a meeting to discuss a proposal to purchase from RD Hughes Developments their sewerage pipeline that pumps sewage between West Melton and Rolleston.

The proposed purchase would allow the council to accommodate the sewerage requirements of the Preston Downs subdivision. The proposal also allows an opportunity for the existing West Melton township properties to be serviced by reticulated sewerage instead of their existing septic tanks etc. The developers of Gainsborough and Preston Downs have both offered to fund part of each properties connection cost.

Purchasing the pipeline by council would not automatically require the existing township properties to connect and pay their connection costs now.

Next week the council will issue information on the proposal which will include:

- Time frame – when the proposal is likely to occur
- Cost per property
- Payment options
- How a property owner makes a connection

Where: West Melton Hall - Lounge

When: Thursday 26 November 2009

Time: 7.30pm

Should you wish for any further information prior to the meeting, please do not hesitate to contact Douglas Marshall on 347 2701.

We look forward to seeing you at the meeting.

Douglas Marshall
MANAGER CORPORATE SERVICES
12 November 2009



GILLMAN WHEELANS LTD
Residential Subdivisions

Proposed Living WM (West Melton) Zone

Appendix 4(b) – The alternative to 4(a) - Consent
to Lay Sewer Pipe between West Melton &
Rolleston (CRC090584)

RESOURCE CONSENT CRC090584
Pursuant to Section 104 of the Resource Management Act 1991
The Canterbury Regional Council (known as Environment Canterbury)

GRANTS TO: Gillman Wheelans Holdings Limited

A LAND USE CONSENT: To install, use and maintain a sewage pipeline.

DATE DECISION: 15 April 2009

EXPIRY DATE: Unlimited duration

LOCATION: Halkett Road, WEST MELTON

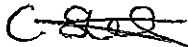
SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) The land use shall be for the installation, use and maintenance of a sewerage pipeline network located approximately between NZMS 260 M35:5868-4304 and NZMS 260 M35:5763-3390, as shown on Plan CRC090584A, which forms part of this consent.
- 2) All lengths of the sewerage pipeline that pass through the community supply well protection zones of wells M35/3174, M35/4459 and M36/0030, as shown on Plan CRC090584A, shall be installed either above a clay liner or installed within a proprietary plastic sleeve as shown on Plan CRC090584B, which forms part of this consent.
- 3)
 - (a) Final design plans for the sewerage network shall be submitted to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, at least 10 working days prior to works commencing.
 - (b) The final design plans shall be consistent with Condition (2) of this consent and also with Plans CRC090584A and CRC090584B.
- 4) A certificate signed by the person responsible for designing the sewerage network or an equivalently qualified person shall be submitted to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, within one month of construction of the sewage network, to certify that the system has been constructed in accordance with Conditions (2) and (3) of this consent.
- 5) On completion of the works, leak testing of pipe work and fittings shall be carried out and certified as acceptable by a suitably qualified and competent person, in accordance with NZS 2566.2:2008 Code of Practice for the construction of underground pipe sewers and drains. A copy of the certification shall be submitted to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, within one month of construction of the sewage network.
- 6) The sewerage pipeline shall not be installed within 7.5 metres of the banks of any surface water body.
- 7) Within one month of the completion of the sewerage pipeline, a Management Plan shall be submitted to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager. The Management Plan shall include the following matters:
 - (a) measures to avoid or minimise leakage or overflows from the network;
 - (b) measures to avoid or minimise the entry of stormwater or groundwater into the network;
 - (c) a monitoring programme to identify sources of leaks or overflows from the network;
 - (d) management response measures to contain and minimise discharges to groundwater or surface water from the network in the event of system failure, during periods of maintenance, an accident, or a natural hazard event; and

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- (e) a programme of works or measures to implement Conditions (7)(a) to (7)(d).
- 8) A record of all maintenance and monitoring outlined in the Management Plan shall be kept by the consent holder and a copy provided to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, on request.
- 9) The Canterbury Regional Council may, once per year, on any of the last five days of February or August serve notice of its intention to review the conditions for this consent for the purposes of:
 - (a) Dealing with any adverse effect on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage; or
 - (b) Requiring the adoption of the best practicable option to remove or reduce any adverse effects on the environment.
- 10) The lapsing date for the purposes of section 125 shall be 30 June 2019.

Issued at Christchurch on ~~8 December 2009~~



Carly Steers
ACTING TEAM LEADER CONSENTS OPERATIONS
on behalf of the Canterbury Regional Council

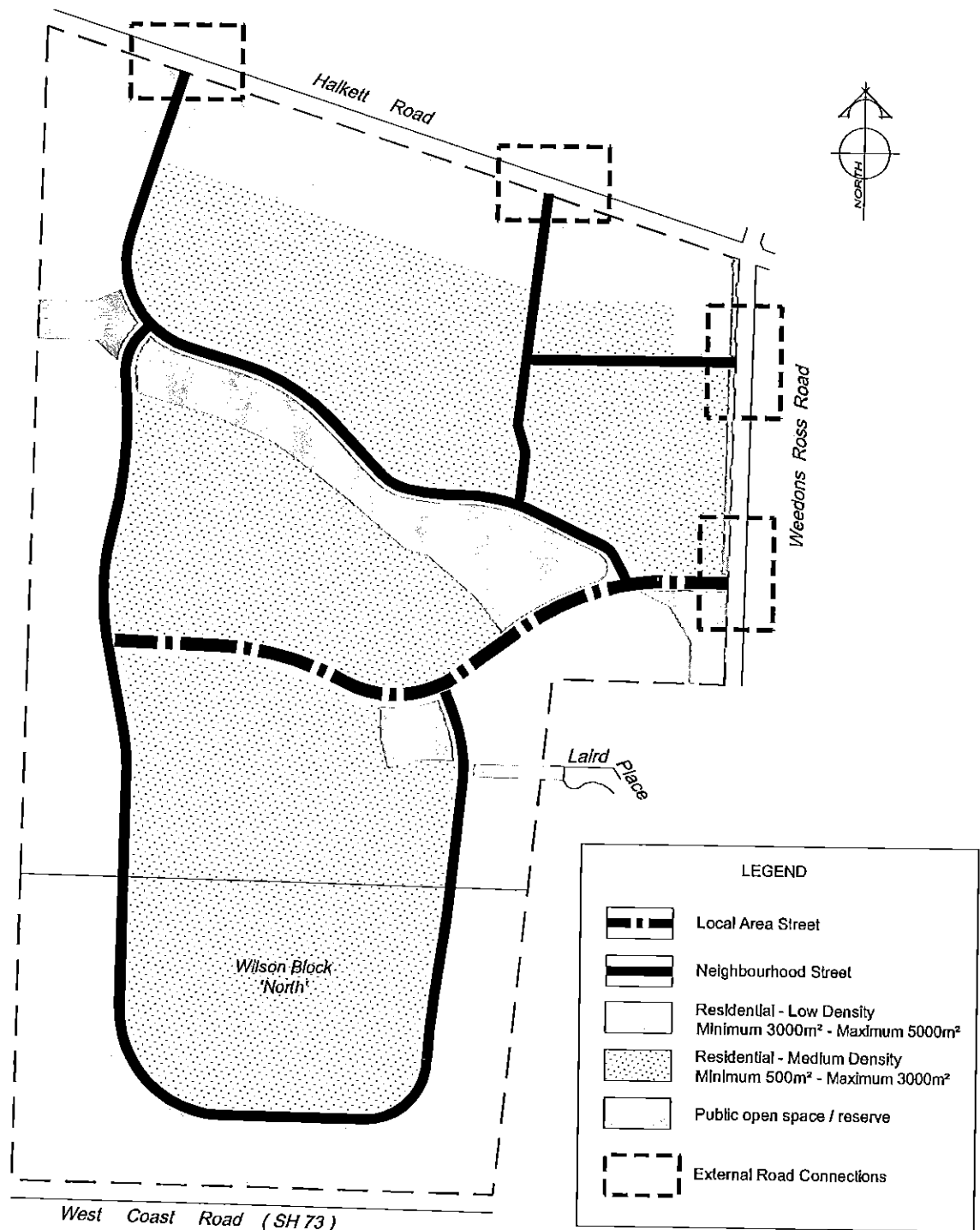


GILLMAN WHEELANS LTD
Residential Subdivisions

Proposed Living WM (West Melton) Zone

Appendix 5 – ‘Alternative’ Outline Development Plan and Layer Plans (Movement, Green & Blue Networks) that may form part of this Plan Change in the event that the roading network connection to SH73 does not receive approval from New Zealand Transport Agency;

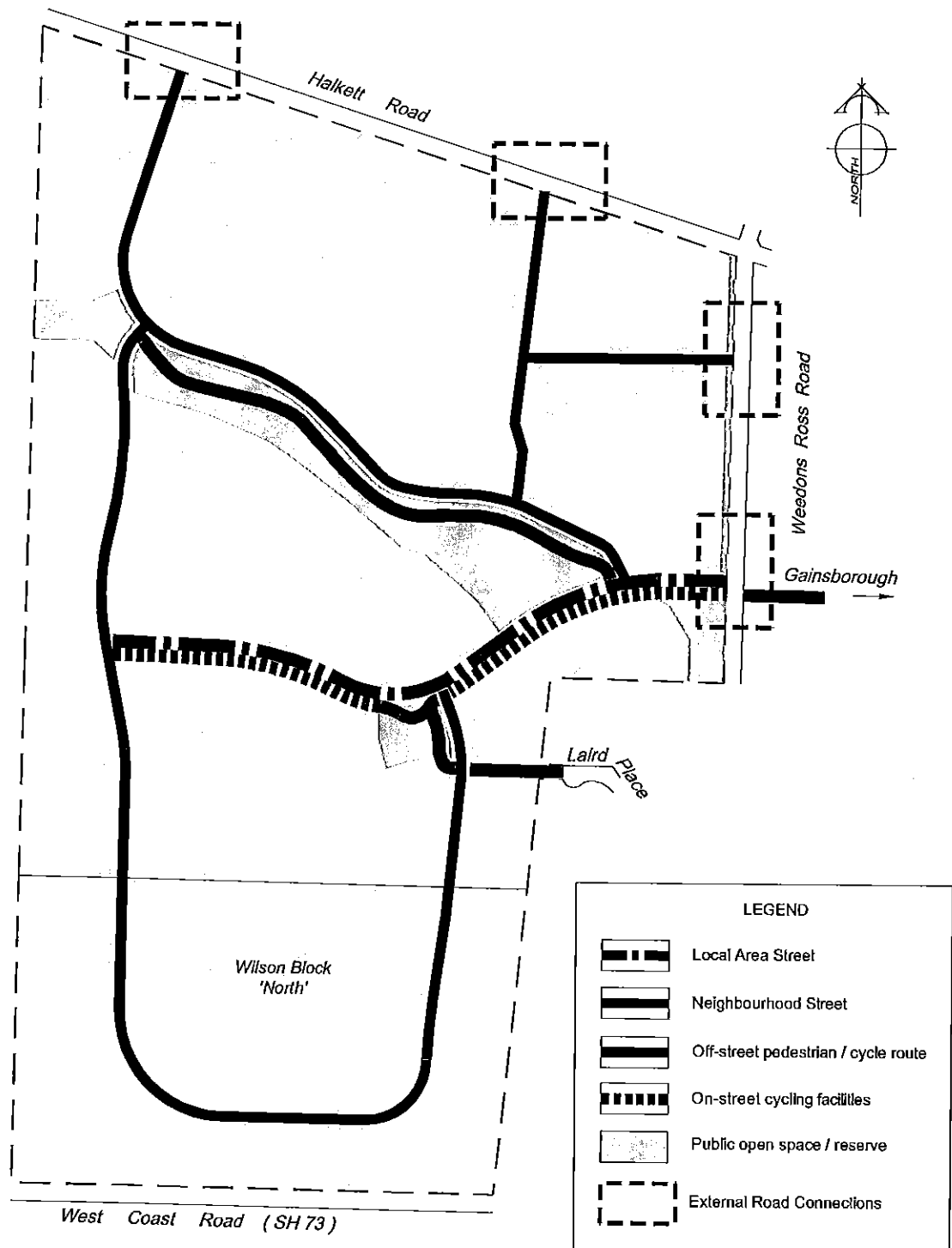
*Appendix 20A - Living WM Zone -
Outline Development Plan*



Outline Development Plan

Not to Scale

Appendix 20A - Living WM Zone -
Movement Network Plan

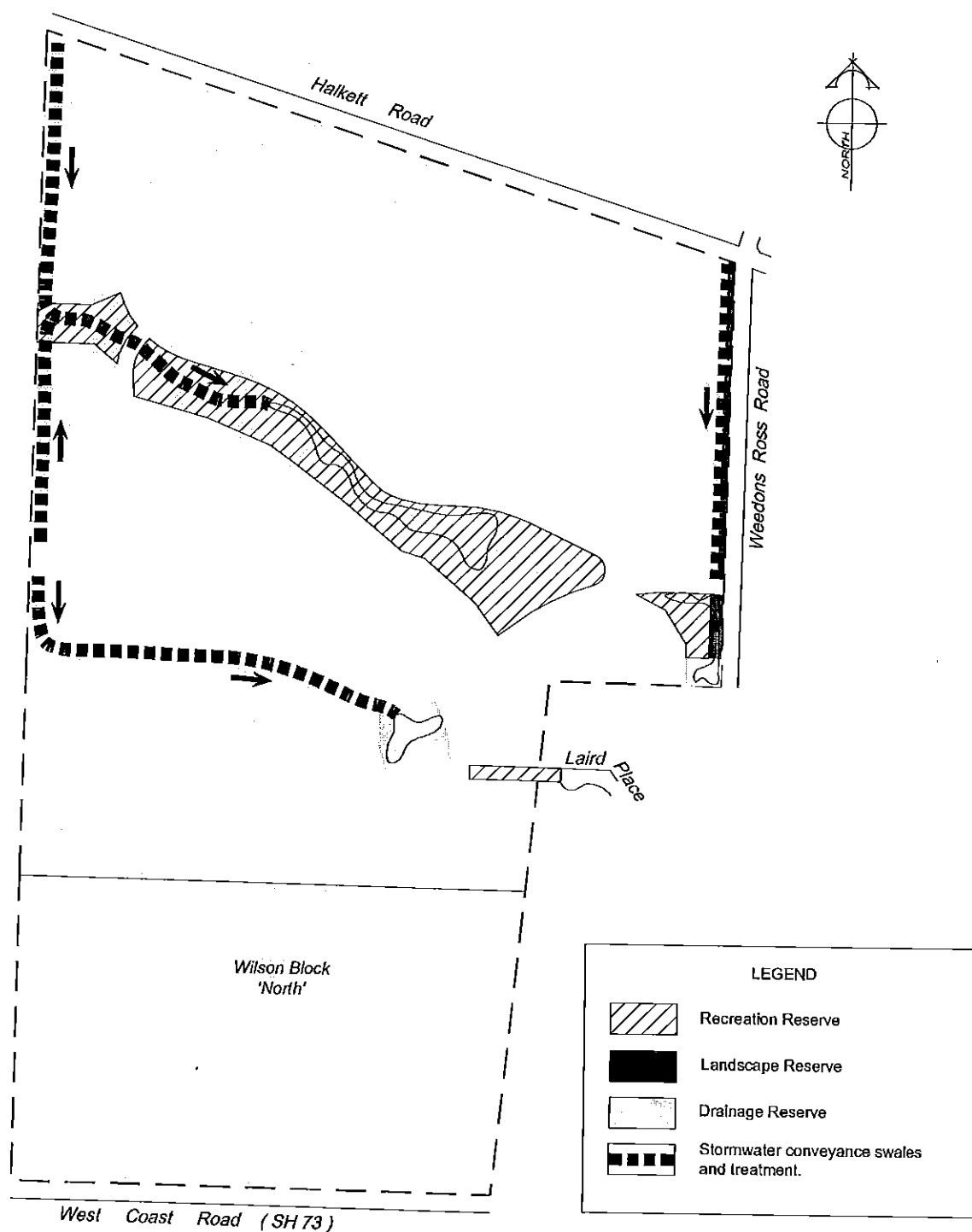


Note:
Other local roads to be determined as part of subdivision.

Movement Network (Layer Plan)

Not to Scale

Appendix 20A - Living W/M Zone -
Green Blue Network Plan



Green Blue Network (Layer Plan)

Not to Scale

Proposed Living WM (West Melton) Zone

Appendix 6 – Consultation Records

This Agreement is dated the 20th day of November 2009

Background:

1. Gillman Wheelans Holdings Ltd (GWHL) owns land at West Melton, described as Part RS 14812, RS 9227, RS 9228 & RS 12569, refer appendix 1.
2. JS Bisphan & DJ Clark are Trustees for land at West Melton, described as Lot 1 DP 78679, refer appendix 1. RW Wilson is the authorized person for this land holding.
3. On 9th June 2008 GWHL applied for a Plan Change (PC080003) to rezone all the land referred to in paragraphs 1 & 2 above from Living 1, Living 1 Deferred and Living 2 Deferred to a new comprehensive residential zone.
4. GWHL has applied for a water permit to provide two community drinking water supply wells within GWHL land for the benefit of the Plan Change land.
5. GWHL has received consent to lay a new sewer pipe from GWHL land to Rolleston for the benefit of the Plan Change land.

It has been agreed:

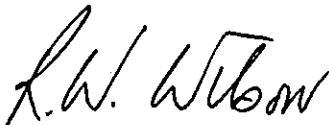
6. The parties agree to work cooperatively towards achieving a successful Plan Change application in a timely manner.
7. Wilson agrees to support the Plan Change applied for by GWHL (including subsequent amendments) to the extent that the proposed comprehensive residential zone will allow subdivision and development of both the GWHL and the Wilson land in general accord with the proposed Outline Development Plan, refer appendix 2.
8. Wilson agrees to support the proposed connection of the road network to West Coast Road (SH73) in the approximate location shown on the Outline Development Plan for the proposed comprehensive residential zone. The design of such connection will require further work and consultation with Local and Central Government Agencies.



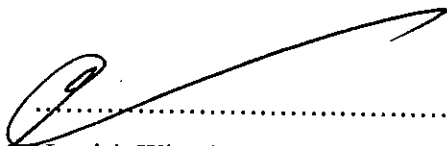
Wilson and/or GWHL may undertake such consultation and agree to keep the other party informed as to progress in relation to such consultation.

9. On granting of subdivision consent of the Wilson land and in the event that approval is granted to connect to SH73, Wilson shall make such connection in a timely manner. As soon as reasonably practicable, GWHL shall be given access to such connection through the Wilson roading network in general accord with the Outline Development Plan.
10. GWHL agrees to provide Wilson as soon as reasonably practicable with access to essential infrastructure being the sewer-main and water-main in GWHL land.
11. GWHL agrees to provide road connection points to Wilson as soon as reasonably practicable for roading infrastructure in general accord with the Outline Development Plan.
12. Infrastructure costs where cross boundary connections occur shall be shared between the parties in an equitable manner at the time of connection.

Executed by:



JS Bisphan & DJ Clark by its Authorised Person RW Wilson



Hamish Wheelans for Gillman Wheelans Holdings Ltd