

RESOURCE MANAGEMENT ACT 1991

SELWYN DISTRICT COUNCIL

RESOURCE CONSENT APPLICATIONS RC225687 & RC225736

LEESTON STORMWATER FLOOD BYPASS

MINUTE 2 OF COMMISSIONER O'CONNELL

Date: 12 February 2024

1.0 INTRODUCTION

1.1 I was appointed by the Selwyn District Council (Council) to make the s.95 notification decision on the landuse resource consent application for works associated with establishing, operating and maintaining the Leeston Stormwater Flood Bypass, and for disturbing potentially contaminant soil. The Applicant is the Selwyn District Council.

1.2 I made the s.95 notification decision on 22 December 2023. That decision concluded that adverse effects on the environment pursuant to s.95A of the Resource Management Act (the Act) were no more than minor, however, the following persons/properties were affected parties pursuant to s.95B of the Act:

- 178 Harmans Road;
- 483 Volckman Road;
- 159 Beethams Road / 206 Lochheads Road;
- 143 Lochheads Road;
- 2 Leeston Dunsandel Road; and
- 60 Leeston Dunsandel Road

2.0 DISCUSSION

2.1 Ms Anderson (for Council) advised via email dated 7 February 2024 that number 60 Leeston Dunsandel Road has been subject to an acquisition process whereby a 17m strip of land that will encompass the stormwater bypass channel has been acquired by the Selwyn District Council. This strip of land has a new Record of Title (Section 1 SO 591281) and is shown in Figure 1 below:

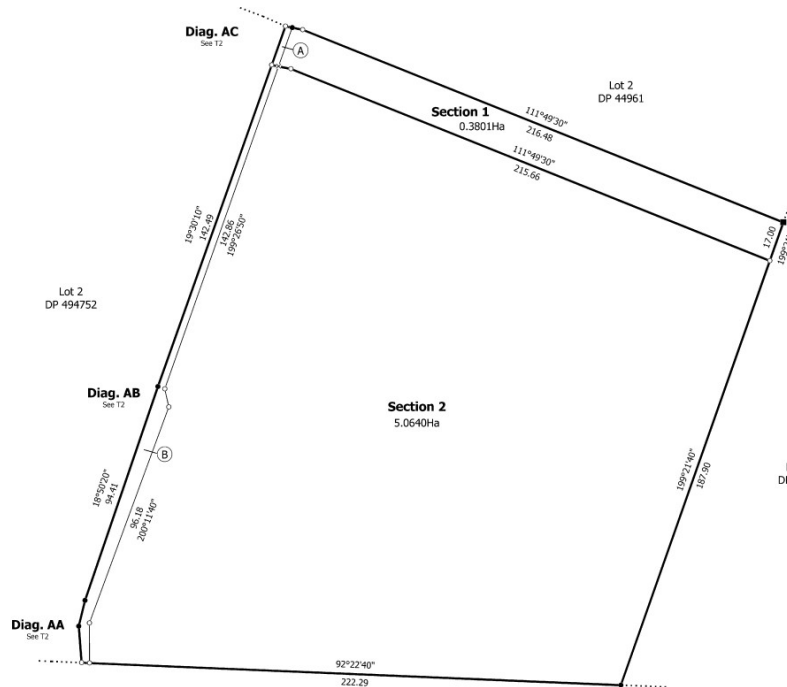


Figure 1

- 2.2 I am advised that Section 1 SO 591281 is vested with Selwyn District Council, with the remainder of this property (Section 2 SO 591281) remaining in the ownership of John and Sandra Howson and Michael Lay. And I understand that new property addresses have not been assigned to either of the new sites.
- 2.3 The Applicant and Ms Anderson have sought clarification as to who should be notified now that the stormwater bypass will traverse through Section 1 SO 591281 but not Section 2 SO 591281.
- 2.4 First, as per paragraph 9 of my s.95 notification decision, I record that 60 Leeston Dunsandel Road was identified as an affected party due to the physical work (i.e., earthworks) that will occur on the site during the construction of the bypass. The work will now occur entirely within Section 1 SO 591281 and as such the owner of Section 1 SO 591281 (Selwyn District Council) must be notified¹. I find that this change does not challenge the integrity or validity of the s.95 decision, nor does it change or alter the decision. It is an administrative matter.
- 2.5 Ms Anderson has also informed me² that the application has already been limited notified, and that John and Sandra Howson and Michael Lay (i.e., the owners of 60 Leeston Dunsandel Road prior to the acquisition) were included in the limited notification of the application. Again, this is an administrative matter that needs to be resolved to ensure the integrity of the process.

3.0 DIRECTION

- 3.1 I direct that the Selwyn District Council as owner of Section 1 SO 591281 be notified of the landuse resource consent application for works associated with establishing, operating and maintaining the Leeston Stormwater Flood Bypass, and for disturbing potentially contaminant soil in accordance with the provisions of s.95B of the Act. To confirm, s.97(3) of the Act applies.
- 3.2 I direct the Selwyn District Council contact John and Sandra Howson and Michael Lay and advise that given the recent acquisition of land and the creation of Section 1 SO 591281 and Section 2 SO 591281 they are not an affected party under s.95B of the Act and were notified in error; ensuring they understand that they are unable to submit on the proposal.

4.0 SERVICE

- 4.1 A copy of this minute must be served on the Applicant and Ms Anderson.



Commissioner O'Connell
12 February 2024

¹ If I was aware of the land acquisition prior to finalising the s.95 notification decision, I would have identified Section 1 SO 591281 instead of 60 Leeston Dunsandel Road as the affected party.

² Email dated 8 February 2024