

APPENDIX B

Resource Consent Decision RC215150 and 215151

Resource Consent Decision

RC215150 and 215151



APPLICANT:	Fawltly Tussocks Ltd
PROPOSAL:	RC215150 - To carry out a four lot subdivision and amalgamate proposed Lot 4 with Lot 2 DP 387788. RC215151 – To erect dwellings on Lot 1, 2 and 3 being undersized allotments.
LOCATION:	172 Seabridge Road, Motukarara
LEGAL DESCRIPTION:	Lot 2 DP 532948 being 86.7170 hectares in area more or less, as contained in Record of Title 874025.
ZONING:	<p>Operative Selwyn District Plan (2016)</p> <p>The property is zoned Outer Plains under the provisions of the Operative District Plan (Rural) Volume. The site is also subject to the Lake Ellesmere Flood Plain Overlay.</p> <p>Proposed Selwyn District Plan (notified 05 October 2020)</p> <p>The property is zoned General Rural and is within the Tsunami and Plains Flood Management Overlay under the provisions of the Proposed District Plan</p>
STATUS:	<p>Operative Selwyn District Plan (2016)</p> <p>215150 - This application has been assessed as a subdivision consent for a Non-Complying activity under the Operative District Plan.</p> <p>215151 - This application has been assessed as a landuse consent for a Non-Complying activity under the Operative District Plan.</p>
This application was formally received by the Selwyn District Council on 5 March 2021. Assessment and approval took place on 15 October 2021 under a delegation given by the Council.	

Decision

Subdivision

- A. Resource consent 215150 be processed on a **non-notified** basis in accordance with sections 95A-F of the Resource Management Act 1991; and
- B. Resource consent 215450 be **granted** pursuant to sections 104, 104B and 104D of the Resource Management Act 1991 subject to the following conditions imposed under sections 108 and 220 of the Act:

1. That the following conditions of consent shall be met prior to the issue of the Section 224 Completion Certificate, at the expense of the consent holder.
2. That the subdivision shall proceed in accordance with the attached approved subdivision plan (marked SDC215150) and details included with the application, except where varied by the following conditions of consent.
3. That all required easements shall be duly created and granted or reserved.

Consent Notices

4. That pursuant to Section 221 of the Resource Management Act 1991 a consent notice shall be registered on the Computer Freehold Register for Lot 1, 2 and 3 recording the following restrictions in perpetuity:
This site is located within the Lake Ellesmere/Te Waihora Flood area. Any new dwelling or other principal building shall not be erected unless a minimum building floor level of 3m above mean sea level (Lyttelton Datum 1937) is identified and the building floor level is at or above that level.
This site has been assessed as Technical Category 2 under Ministry of Business, Innovation and Employment (MBIE) December 2012 guidelines. The shallow soils do not meet NZS3604 criteria for "good ground", and further geotechnical assessment will be required at building consent stage.
That unless a project-specific geotechnical assessment has been undertaken by a suitably qualified and experienced geotechnical engineer and its recommendations complied with, no dwelling or principal dwelling shall be erected on this site.
5. In order to maintain the required density for subdivision consent RC215150:
 - (a) No dwelling is permitted within proposed Lot 4, Area D of Lot 2 DP418337 and Area E of Lot 2 DP 387788;
 - (b) Proposed Lot 4, Area D of Lot 2 DP418337 and Area E of Lot 2 DP 387788 may not be utilised for the purpose of contributing to any future calculation of dwelling density and/or lot size calculation and/or any future boundary adjustment under the rules of the Operative District Plan.

Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the Record of Title to issue for Proposed Lot 4, Area D of Lot 2 DP418337 and Area E of Lot 2 DP 387788. The consent notice shall be prepared and registered by Council's solicitor at the request and expense of the consent holder.

6. That consent notice 11382629.3 as it applies to Lot 2 DP 532948, RT874025 shall be cancelled.
7. That pursuant to Section 221 of the Resource Management Act 1991 a consent notice shall be registered on the Computer Freehold Register for proposed Lot 4 recording the following restrictions in perpetuity:
This site is affected by zones of influence from existing septic tank systems that are marked on the survey plan as Areas "A", "B", and "C" on DP 532948. No potable water abstraction or wells/bores shall occur within the zones of influence".

Amalgamation

8. That proposed Lot 4 shall be amalgamated with Lot 2 DP 387788 (RT 351354) and that one Record of Title be issued to include both parcels LINZ Ref: 1715010.

Engineering

9. The proposed development shall not discharge run off onto adjacent properties unless via a controlled outlet approved as part of the Engineering Design Approval.

10. In the event that an adjacent neighbour's historical stormwater drainage was onto the site, the proposed development must maintain or mitigate the historical discharge.
11. and adoption.

Power and Telephone Services

12. The consent holder shall provide evidence in writing from the relevant Authorities that existing electrical and telephone reticulation has the capacity to provide a service connection to all the lots.

Attachments

1. Approved subdivision plan, now stamped 215150 and 215151.

Development Contributions (Subdivision Consents)

Development contributions are not conditions of this resource consent and there is no right of objection or appeal under the Resource Management Act 1991. Objections and applications for reconsideration can be made under the Local Government Act 2002.

The consent holder is advised that pursuant to the Local Government Act 2002 and the Council's Development Contribution Policy the following contributions are to be paid in respect of this subdivision before the Council will issue its certificate pursuant to section 224(c) of the Resource Management Act 1991.

Note: The amounts set out in the attached table are applicable at the time of the granting of this consent. If the time between the date the resource consent is granted and the time which the Council would normally invoice for the development contributions (usually the time an application is made for the issue of Council's section 224(c) certificate for the subdivision) is more than 24 months, the development contributions will be reassessed in accordance with the development contributions policy in force at the time the consent was submitted. To avoid delays, the consent holder should seek the reassessed amounts prior to the application for the section 224(c) Resource Management Act 1991 certificate. Please contact our Development Contributions Assessor on 03 347 2800 or at development.contributions@selwyn.govt.nz.

Activity	Demand Post Development (HUE)	Credits for Existing Demand (HUE)	Additional Demand (HUE)	Development Contribution per HUE (\$)	Development Contribution (\$ Excl. GST)	GST (\$)	Development Contribution (\$ Incl. GST)
Water Supply	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Wastewater	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Stormwater	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Reserves	3.00	0.50	2.50	10,647.00	26,617.50	3,992.63	30,610.13
Roading	3.00	1.00	2.00	1,769.00	3,538.00	530.70	4,068.70
Roading ODP	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Contribution					30,155.50	4,523.33	34,678.83

Notes to the Consent Holder

Lapse Period (Land Use Consents)

- a) Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this resource consent shall lapse five years after the date of this decision unless a longer period is specified by the Council upon application under section 125 of the Act.

Lapse Period (Subdivision Consents)

- b) Under section 125 of the RMA, this subdivision consent lapses five years after the date it is granted unless:
 - (i) A survey plan is submitted to Council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or
 - (ii) An application under section 125 of the RMA is made to the council before the consent lapses (five years) to extend the period after which the consent lapses and the council grants an extension.

Monitoring

- c) In accordance with section 36 of the Resource Management Act 1991, the Council's basic monitoring fee has been charged.
- d) If the conditions of this consent require any reports or information to be submitted to the Council, additional monitoring fees for the review and certification of reports or information will be charged on a time and cost basis. This may include consultant fees if the Council does not employ staff with the expertise to review the reports or information.
- e) Where the conditions of this consent require any reports or information to be submitted to the Council, please forward to the Council's Compliance and Monitoring Team, compliance@selwyn.govt.nz
- f) Any resource consent that requires additional monitoring due to non-compliance with the conditions of the resource consent will be charged additional monitoring fees on a time and cost basis.

Vehicle Crossings

- g) Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Assets Department prior to installation. For any questions regarding this process please contact transportation@selwyn.govt.nz. You can use the following link for a vehicle crossing information pack and to apply online: <https://www.selwyn.govt.nz/services/roads-And-transport/application-to-form-a-vehicle-crossing-entranceway>

Building Act

- h) This consent is not an authority to build or to change the use of a building under the Building Act. Building consent will be required before construction begins or the use of the building changes.

Accessible Carparking Spaces

- i) The District Plan and the Building Code have different requirements for accessible carparking. Therefore, the carparking plan approved as part of this resource consent may not comply with the Building Code. Early engagement with the building consent team is recommended to ensure all requirements can be met.

Regional Consents

- j) This activity may require resource consent from Environment Canterbury. It is the consent holder's responsibility to ensure that all necessary resource consents are obtained prior to the commencement of the activity.

Impact on Council Assets

- k) Any damage to fixtures or features within the Council road reserve that is caused as a result of construction or demolition on the site shall be repaired or reinstated and the expense of the consent holder.

Water Supply, Stormwater and Sewer

- l) Onsite wastewater and stormwater treatment and disposal system(s) must comply with the requirements the Canterbury Regional Council. Where compliance via a Certificate of Compliance cannot be provided, then a resource consent must be obtained.
- m) The consent holder is reminded of the need to transfer all water take, use and discharge permits to new owners.
- 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.
- o) Where the collection and discharge of roof/surface water is to a watercourse or drain, the discharge shall be managed in terms of both water quality and quantity. The system shall be designed by a suitably qualified person/engineer who confirms that the downstream system has capacity to accept the additional flow without causing nuisance. Evidence of results is to be provided at the time of engineering approval. The applicant should consult with Environment Canterbury regarding the discharge.

- p) The discharge of roof stormwater must not arise from unpainted galvanised sheet materials or copper building materials. The use of these materials is prohibited in accordance with the conditions of Selwyn District Council's global stormwater consent.

Power and Telephone Services

- q) The Council does not require physical connections to power and telephone services in the rural area and all prospective purchasers should investigate likely costs.

Drain

- r) There is an ECan classified drain running through Lot 4 of this development. The applicant is advised to contact ECan directly to seek advice on if ECan now require an easement.

RC215151 – Land Use

- A. Resource consent 215151 be processed on a **non-notified** basis in accordance with sections 95A-F of the Resource Management Act 1991; and
- B. Resource consent 215151 be **granted** pursuant to sections 104, 104B and 104D of the Resource Management Act 1991 subject to the following conditions imposed under section 108 of the Act:
1. The proposal shall proceed in general accordance with the information and further information submitted with the application and the attached approved plan.

Attachments

1. Approved subdivision plan, now stamped 215150 and 215151.

Notes to the Consent Holder

Lapse Period (Land Use Consents)

- a) Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this resource consent shall lapse five years after the date of this decision unless a longer period is specified by the Council upon application under section 125 of the Act.

Monitoring

- b) In accordance with section 36 of the Resource Management Act 1991, the Council's basic monitoring fee has been charged.
- c) If the conditions of this consent require any reports or information to be submitted to the Council, additional monitoring fees for the review and certification of reports or information will be charged on a time and cost basis. This may include consultant fees if the Council does not employ staff with the expertise to review the reports or information.
- d) Where the conditions of this consent require any reports or information to be submitted to the Council, please forward to the Council's Compliance and Monitoring Team, compliance@selwyn.govt.nz
- e) Any resource consent that requires additional monitoring due to non-compliance with the conditions of the resource consent will be charged additional monitoring fees on a time and cost basis.

Vehicle Crossings

- f) Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Assets Department prior to installation. For any questions regarding this process please contact transportation@selwyn.govt.nz. You can use the following link for a vehicle crossing information pack and to apply online: <https://www.selwyn.govt.nz/services/roads-and-transport/application-to-form-a-vehicle-crossing-entranceway>

Building Act

- g) This consent is not an authority to build or to change the use of a building under the Building Act. Building consent will be required before construction begins or the use of the building changes.

Regional Consents

- h) This activity may require resource consent from Environment Canterbury. It is the consent holder's responsibility to ensure that all necessary resource consents are obtained prior to the commencement of the activity.

Impact on Council Assets

- i) Any damage to fixtures or features within the Council road reserve that is caused as a result of construction or demolition on the site shall be repaired or reinstated and the expense of the consent holder.

Yours faithfully

Selwyn District Council

Kate Bonifacio

Resource Management Planner



EXISTING OF EASEMENTS			
NATURE	SERVIENT TENEMENT (BURDENED LAND) LOT NO SHOWN	DOCUMENT	
RIGHT TO CONVEY WATER	Lot 2 DP 532948	D	E.I. 11382629.4

Lot 2 DP 532948
RT: 874025
Owner(s): Fawltly Tussocks Limited
Area: 86.7170ha
Lot 2 DP 532948 is subject to:
- Section 8 Mining Act 1971
- Section 5 Coal Mines Act 1979
- Consent Notice **11382629.3**
- a right to convey water over part marked D on DP 532948 created by Easement Instrument 11382629.4

Lot 2 DP 418337
RT: 470352
Owner(s): Fawltly Tussocks Limited
Area: 50.9856ha
Lot 2 DP 418337 is subject to:
- Section 8 Mining Act 1971
- Section 5 Coal Mines Act 1979
- Consent Notices **8166675.2** and **8166675.3**

Lot 2 DP 387788
RT: 351354
Owner(s): Fawltly Tussocks Limited
Area: 32.3050ha
Lot 2 DP 387788 is subject to:
- Section 8 Mining Act 1971
- Section 5 Coal Mines Act 1979
- Consent Notice **7725458.2**

Lot 4 and Areas D and E are each to be subject to a "no build" consent notice.
Existing Consent Notice on Instrument 11382629.4 is to be cancelled.

Lots 1, 2 and 3 are to be subject to a Consent Notice providing for minimum floor levels for future dwelling and principal buildings and shall have specific foundation design by a chartered engineer or appropriately qualified geotechnical engineer.

CAD ref: 40634 - Scheme Plan (300a).dwg