

# PROPERTY INFORMATION

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**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** **519943**  
**Land Registration District** **Canterbury**  
**Date Issued** 16 November 2010

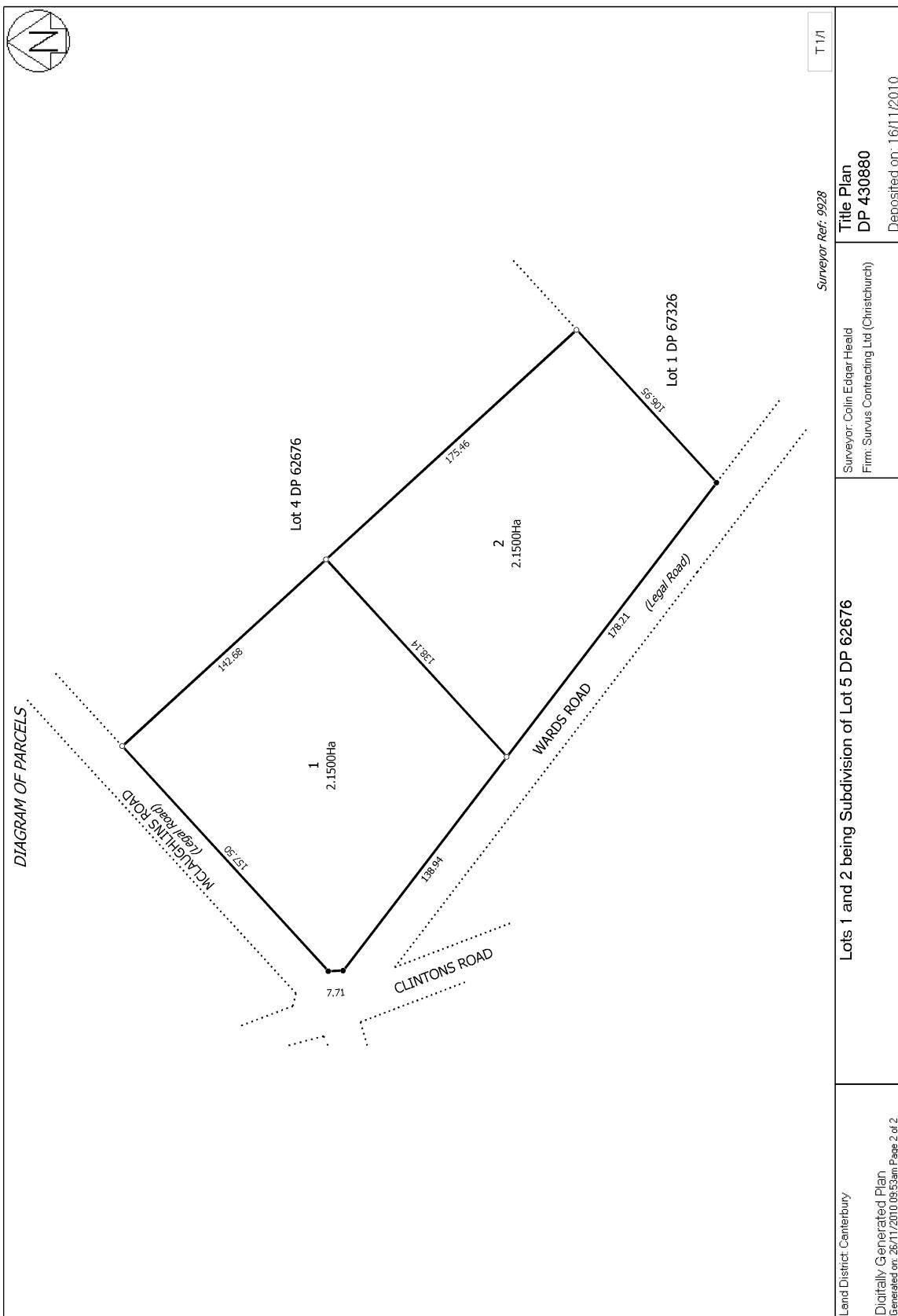
**Prior References**  
CB36D/1212

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**Estate** Fee Simple  
**Area** 2.1500 hectares more or less  
**Legal Description** Lot 2 Deposited Plan 430880  
**Registered Owners**  
Richard Edward James Ball

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**Interests**  
13460392.2 Mortgage to Bank of New Zealand - 8.12.2025 at 4:16 pm



# RESOURCE CONSENTS

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## **Resource Management Act 1991**

### **Decision and Planning Report**

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

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

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

<b>APPLICATION NUMBER(S)</b>	RC246035 & RC246065
<b>APPLICANT</b>	Richard Ball & Katherine Robinson
<b>BRIEF DESCRIPTION OF THE APPLICATION</b>	To undertake a subdivision to create 4 residential lots, and to retain two sheds on lot 3 that are within the internal boundary setbacks of lots 1 & 2
<b>ADDRESS</b>	2612 Wards Road, Darfield
<b>LEGAL DESCRIPTION</b>	Lot 2 DP 430880
<b>TITLE REFERENCE</b>	519943
<b>AREA</b>	2.149 ha
<b>ZONING / OVERLAYS</b>	<b>Operative Selwyn District Plan (2016), Township Volume</b> Large Lot Residential Zone Plains Flood Management Overlay Liquefaction Damage Unlikely Overlay <b>Partially Operative Selwyn District Plan (Appeals Version)</b> Living 2A1 Zone
<b>OVERALL ACTIVITY STATUS</b>	Non-Complying

### **The Application**

1. This application was formally received by the Selwyn District Council on 11 December 2024.
2. The application proposes to undertake a subdivision to create 4 residential lots, and to retain two sheds on lot 3 that are within the internal boundary setbacks of lots 1 & 2. An extract of the subdivision plan can be seen below in **figure 1**.



Figure 1: extract of subdivision plan (source: application plans)

## The Existing Environment

3. The application site is currently a large semi-rural allotment of 2.149ha with flat topography. The proposed new sites are currently one large open paddock, with the two small sheds on what is proposed to be lot 3. The site as it currently sits can be seen below in **figures 2 & 3**.



Figure 2: application site (source: site visit)

Figure 3: application site (source: site visit)

4. The surrounding sites are of a similar size and use.

5. I visited the site on 3 February 2025.

## Activity Status

### Partially Operative Selwyn District Plan (Appeals Version) ("the Partially Operative Plan")

6. The application site is zoned Large Lot Residential. The site is also subject to the Plains Flood Management and Liquefaction Damage Unlikely Overlays.

7. The Council released the Appeals Version of the Partially Operative Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act). Those subject to appeal continue to have legal effect pursuant to s 86B.

#### Subdivision

8. The proposed type of subdivision does not meet the following rules:

#### *Operative/treated as operative:*

RULE	TOPIC	NON-COMPLIANCE	STATUS
SUB-R1	Subdivision in LLRZ	Subdivision not subject to any of SUB-R12, SUB-R13, SUB-R14, or SUB-R15 is proposed.	Restricted Discretionary (SUB-R1.1)
SUB-R17	Subdivision in Natural Hazards	Subdivision within the Plains Flood Management Overlay where every site is outside a high hazard area.	Restricted Discretionary (SUB-R17.4)
SUB-REQ10	Wastewater Disposal	Every site created in a township with a Council reticulated wastewater network shall be supplied with a separate connection to that network.	Non-Complying SUB-REQ10.2

9. The minimum average net site area is met as the average net site area of the total area being subdivided (2.15ha) equals an average net site area of 5,295.75m<sup>2</sup>, excluding area A of approximately 317m<sup>2</sup>, which will be used for access lots 2, 3 and 4 and is not part of calculating net site area.

10. Areas B (36m<sup>2</sup>), C (472m<sup>2</sup>), D (278m<sup>2</sup>), and E (274m<sup>2</sup>) approximately, will cover the water races at the front of lots 1, 2 and 4, with area B being over the Right of Way easement.

11. Therefore, the subdivision proposal is a Non-Complying activity under the Partially Operative Plan.

#### Land use

12. The proposed land use activity does not meet the following rules:

#### *Operative/treated as operative:*

RULE	TOPIC	NON-COMPLIANCE	STATUS
LLRZ-R2/REQ5.1.b	Internal boundary setback	A 5m internal boundary setback is required for structure. The existing sheds on lot 3 are proposed to be setback 1.2m from the northeastern internal boundary of lot 2, and 1m from the southeastern internal boundary of lot 1.	Restricted Discretionary (LLRZ-REQ5.3)

13. A global Flood Assessment Certificate will be required prior to the issuing of a s224(c) certificate. Unless a Flood Assessment Certificate has already been obtained for any allotments that are subject to an approved building consent or land use consent.

14. Therefore, the land use proposal is a Restricted Discretionary activity under the Partially Operative Plan.

## **Status – Partially Operative Plan Only**

15. Overall, the bundled proposal is a Non-complying activity under the Partially Operative Plan.

## **Operative Selwyn District Plan (2016), Township Volume (“the Operative Plan”)**

16. The application site is zoned Living 2A1.
17. The Council released the Appeals Version of the Partially Operative Selwyn District Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act), and the corresponding provisions in the Operative Plan are treated as inoperative.
18. The proposal complies with all relevant rules of the Operative District Plan.

## **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)**

19. The NES-CS manages activities which involve the disturbance of land which may be contaminated. This is determined by whether activities listed in the Hazardous Activities and Industries List (HAIL) have or are likely to have occurred on the site.
20. As the site has been used as a HAIL Activity, the NES-CS applies to activities on the site.
21. A Preliminary Site Investigation was undertaken by Momentum Environmental to determine any historical and/or existing potentially contaminating land use activities listed on the Ministry for the Environment (MfE) HAIL. The report issued on the 26th of August 2024 has been provided in support of this resource consent application. The investigation of the site identified potential burn areas, a soil bund and an area that potentially had been used to store treated timber that could pose a risk to human health in a residential use. Furthermore, a site investigation identified three additional burn areas and a mound of soil as additional sources of soil contamination. Note that these four burn areas are all located within the proposed lot 1, close to the existing dwelling. The four burn areas have been identified as being contaminated with arsenic exceeding the rural residential guidelines. While the extent of the contaminated areas has not been delineated, it is likely to be limited to shallow surface soils (0-150mm deep). No evidence of heavy metal contamination that would pose a risk to human health was found in the area potentially used to store treated timber. In addition, no evidence of contamination was found within the soil mound.
22. The investigation concluded that the contaminated areas be remediated by excavation and disposal of potentially contaminated soils to an appropriate off-site facility.
23. A Site Validation Report has been undertaken by Momentum Environmental on the 31st of October 2024. The report has highlighted that site remediation by excavation and disposal to an appropriate off-site facility began in September 2024 and concluded in October. The four contaminated burn areas and the adjacent ash contaminated compost/manure pile were excavated. Overall, 19.98 tonnes of soils were excavated from the site and disposed of at the Canterbury EnviroSolutions Ltd remediation facility at Temuka. Momentum Environmental visited the site on the 11 of September, the 16th of October and the 23rd of October to undertake validation testing of excavated areas. Heavy metal concentrations in the contaminated areas were found to be below the residential produce Soil Guideline Values in the final validation samples. As such, Momentum Environmental have concluded that the contaminated areas have been successfully remediated and the site is now considered suitable for rural residential use and no further investigations are required. Furthermore, as contaminant levels are now at or below background levels, the NES-CS no longer applies to the subject site.
24. Therefore, resource consent is not required under the NES-CS.

# Notification Assessment

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

### Receiving Environment

25. The receiving environment for this proposal includes the existing environment and the future environment as it could be, i.e. as modified by non-fanciful permitted activities and unimplemented resource consents. In this case, the receiving environment is a large semi-rural allotment.

### Restrictions on Matters Considered

26. The status of the activity is **Non-Complying**. As such, the Council's discretion is unrestricted and all adverse effects must be considered.

### Effects

#### ***Subdivision in the Large Lot Residential Zone (LLRZ)***

27. The application proposes to undertake a subdivision to create 4 residential lots, and to retain a shed on lot 3 that is within the internal boundary setbacks of lots 1 & 2.

28. Although the proposal is a Non-Complying activity, the SUB-Matters of Control or Discretion provide a useful guide of which to assess this proposal.

- SUB-MAT1 – Size and Shape
- SUB-MAT2 – Context
- SUB-MAT4 – Telecommunications and Electricity
- SUB-MAT6 – Stormwater Disposal
- SUB-MAT7 – Wastewater Disposal
- SUB-MAT8 – Solid Waste Disposal
- SUB-MAT9 – Movement Networks
- SUB-MAT10 – Reserves
- SUB-MAT11 – Easements
- SUB-MAT12 – Development Constraints

#### ***SUB-MAT1 - Size and Shape***

29. The application proposes to undertake a subdivision to create 4 residential lots. All four proposed allotments meet the minimum required site sizes for the Large Lot Residential Zone. One allotment of 1ha and 5060m<sup>2</sup> have been proposed, as well as two allotments of 3035m<sup>2</sup>.

#### ***SUB-MAT2 - Context***

30. In regard to context, I consider that the proposed subdivision is consistent with what is anticipated for the Large Lot Residential Zone. The proposal is not of a large enough scale where the integration of transport networks or green spaces is relevant. The site is also not subject to any consent notices lodged on the record of title.

#### ***SUB-MAT4 - Telecommunications and Electricity***

31. The proposed lots can be connected to telecommunications and electricity from Wards Road.

#### ***SUB-MAT5 - Water***

32. The proposed lots will be connected to the reticulated water supply along Wards Road.

#### **SUB-MAT6 - Stormwater Disposal**

33. The discharge of stormwater to land from any future buildings are hardstand areas on the proposed lots can be addressed at the building consent stage.

#### **SUB-MAT7 - Wastewater Disposal**

34. The applicant applied to Environment Canterbury (ECan) for a resource consent to discharge treated wastewater to land on proposed lots 1 and 2 (Resource Consent CRC251566). This was granted on 27 November 2024 and is subject to conditions of consent.

#### **SUB-MAT8 - Solid Waste Disposal**

35. With respect to solid waste disposal, it is anticipated that the site will continue to be serviced as part of the wider Darfield Urban Area.

#### **SUB-MAT9 - Movement Networks**

36. Given the scale of the subdivision, no new roads being proposed, and all sites having access to a legal road that is maintained by Council, I do not consider that further assessment is required. The proposed accessway also meets the required width requirements for the zone.

#### **SUB-MAT10 - Reserves**

37. No reserves have been proposed as part of this application.

#### **SUB-MAT11 - Easements**

38. The application proposes a right of way easement that is identified as area 'A' which will be required to be created and granted or reserved as a condition of consent. Easements B, C, D and E cover the culverts to be installed in the water race for each allotment, including the accessway.

#### **SUB-MAT12 - Development Constraints**

39. The site is not subject to any development constraints.

#### **Subdivision in Natural Hazards**

40. Although the overall status of the application is Non-complying, this as a sole non-compliance would have been a Restricted Discretionary activity. The following matters set out in NH-MAT1 provide a useful guide:

1. *The extent of any adverse effects of natural hazards on people and property.*
2. *The potential for the location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure to increase or exacerbate natural hazard risk.*
3. *The clearance or retention of vegetation or other natural features to mitigate natural hazard risk.*
4. *The timing, location, scale and nature of any earthworks in relation to natural hazard risk.*
5. *The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site.*
6. *Any adverse effects on the environment of any proposed mitigation measures.*
7. *The effectiveness of any proposed mitigation measures.*

41. As per the Selwyn District Council flood map GIS model, the site is subject to very minor ponding (<0.32m) in 200-year Annual Recurrence Interval (ARI) rainfall event, and on Lot 2 is only located in the centre of the site that stretches from the northwestern boundary of lot 1, to the southeastern boundary of lot 4.

42. The site has a flat topography other than a couple of small earth mounds in the south-eastern and north-western corners of the site. There is no vegetation other than grasses. The existing sheds are very small, and the applicant has indicated that these can be removed in the future, regardless, I do not consider that these sheds will cause any significant displacement of water or any undue risk.

43. A global Flood Assessment Certificates will be required prior to the issuing of a s2249(c) certificate. Unless a Flood Assessment Certificate has already been obtained for any allotments that are subject to an approved building consent or land use consent.

#### ***Wastewater Disposal - SUB-REQ10***

44. SUB-REQ10.1 requires that every site created in a township with a Council reticulated wastewater network shall be supplied with a separate connection to that network. When compliance with SUB-REQ10.1 is not met, the proposal becomes a Non-complying activity.

45. There is currently not an available reticulated wastewater network for the proposed lots to connect to, the sites are also not within the proposed growth area of the Darfield Wastewater Pipeline Project. An ECan discharge consent to discharge treated wastewater from the new proposed vacant allotments (2, 3 and 4) has been granted (CRC251566). It is noted that there is an existing consent to discharge treated wastewater to land from the existing residential unit.

#### ***Internal Boundary Setback***

46. The proposal does not comply with LLRZ-REQ5.1.b under the Partially Operative Plan, which requires a 5m internal boundary setback for buildings and structures, as the existing sheds on lot 3 are proposed to be setback 1.2m from the northeastern internal boundary of lot 2, and 1m from the southeastern internal boundary of lot 1. As a lone non-compliance this would be a Restricted Discretionary activity, and the matters of discretion in RESZ-MAT6 provide useful guidance for this assessment:

1. *Effects on the amenity of adjoining residential properties with regard to privacy, outlook and shading.*
2. *The extent to which the reduction in the setback provides for the protection of any notable tree (not protected trees) listed in TREE-SCHED2 Notable Trees, heritage item listed in HH-SCHED2 Heritage Buildings, Structures and Items, or sites and areas of significance to Māori listed in SASM-SCHED1 Wāhi Taonga and Wāhi Tapu.*
3. *The extent to which the reduction in the setback provides for the mitigation of the effects of natural hazards.*
4. *Reverse sensitivity effects.*
5. *Whether a reduced setback from boundaries with the rail corridor will enable the construction and maintenance of buildings, balconies, or decks to be undertaken without requiring access above, on, or over the railway corridor.*
6. *Effects on the accessibility of the space between buildings and the affected boundary for cleaning and maintenance, access for emergency services personnel, storage, and to keep the area free of vermin.*

47. There is not considered to be any effects on the privacy or dominance of adjoining sites, as the sheds that are remaining are all windowless and non-habitable. Outlook and shading are also not considered to be affected in this case, as the sheds are relatively small in size as they are used for storing wood and lawnmowers, see **figure 4** below. In addition, the written approval of the applicant is considered inherent with the application.



*Figure 4: existing sheds (source: site visit)*

48. RESZ-MAT6.2, RESZ-MAT6.3 and RESZ-MAT6.5 are not considered to be relevant in this case. The reduction in the setback is not necessarily considered to mitigate the effects of natural hazards. Due to the sheds small size, they will not actively displace water in the event of heavy rain. There will also be no effects on the accessibility of the space for cleaning and maintenance.

#### **Positive Effects**

49. Positive effects are not relevant to the consideration of notification and will be considered as part of the s 104 assessment later in this report.

#### **Conclusion**

50. Any adverse effects are considered to be no less than minor, in terms of adjacent persons and the wider environment.

#### **Public Notification (Section 95A)**

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

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

<b>STEP 2: PUBLIC NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES (SECTIONS 95A(4) AND 95A(5))</b>	
Are all activities in the application subject to one or more rules or national environmental standards that preclude public notification?	No

Is the application for one or more of the following, but no other types of activities: A controlled activity? A boundary activity only (as per the definition of “boundary activity” in s 87AAB of the Act)?	No
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<b>STEP 3: PUBLIC NOTIFICATION REQUIRED IN CERTAIN CIRCUMSTANCES (SECTIONS 95A(7) AND 95A(8))</b>	
Is the activity subject to a rule or national environmental standard that requires public notification?	No
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	No

<b>STEP 4: PUBLIC NOTIFICATION IN SPECIAL CIRCUMSTANCES (SECTION 95A(9))</b>	
Do special circumstances exist in relation to the application that warrant public notification?	No

## Conclusion

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

### Limited Notification (Section 95B)

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

<b>STEP 1: CERTAIN AFFECTED GROUPS AND AFFECTED PERSONS MUST BE NOTIFIED (SECTIONS 95B(1)-(4))</b>	
Are there any affected protected customary rights groups, as defined in s 95F?	No
Are there any affected customary marine title groups, as defined in s 95G (in the case of an application for a resource consent for an accommodated activity (as defined in the Act))?	No
Is the proposed activity on or adjacent to, or may it affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and is the person to whom that statutory acknowledgement is made an affected person under s 95E?	No

<b>STEP 2: LIMITED NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES (SECTIONS 95B(5) AND 95B(6))</b>	
Are all activities in the application subject to one or more rules or national environmental standards that preclude limited notification?	No
Is the application for a controlled activity under the district plan only and not a subdivision of land?	No

<b>STEP 3: CERTAIN OTHER AFFECTED PERSONS MUST BE NOTIFIED (SECTIONS 95B(7)-(9))</b>	
In the case of a “boundary activity”, is an owner of an allotment with an infringed boundary an affected person?	No
For any other activity, are there any affected persons in accordance with section 95E of the Act (as assessed in the Assessment of Adverse Environmental Effects above)?	No

<b>STEP 4: LIMITED NOTIFICATION IN SPECIAL CIRCUMSTANCES</b>	
Do any special circumstances exist in relation to the application that warrant notification to any other persons not already determined to be eligible for limited notification (excludes persons assessed under section 95E as not being affected)?	No

## Conclusion

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

## Notification Recommendation

55. I recommend that the application(s) RC246035 & RC246065 be processed on a **Non-notified** basis in accordance with sections 95A-E of the Resource Management Act 1991.

<b>Report by:</b> Andre Salvador Graduate Resource Management Planner	Date: 18 March 2025
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## Notification Decision

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

 Commissioner O'Connell	Date: 18 March 2025
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## Section 104 Assessment

57. Section 104 of the Act sets out the matters the Council must have regard to when considering an application for resource consent.
58. Section 104(1), in particular, states as follows:

### **104 Consideration of applications**

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M [Effect of incorporation of MDRS in district plan], have regard to—*
  - (a) *any actual and potential effects on the environment of allowing the activity; and*
  - (b) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
  - (c) *any relevant provisions of—*
    - (i) *a national environmental standard;*
    - (ii) *other regulations;*
    - (iii) *a national policy statement;*
    - (iv) *a New Zealand coastal policy statement;*
    - (v) *a regional policy statement or proposed regional policy statement;*
    - (vi) *a plan or proposed plan; and*
  - (d) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

...

59. Section 104(2) states that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan, i.e. the operative plan, permits an activity with that effect.
60. Section 104B applies to discretionary and non-complying activities. It allows that the consent authority may grant or refuse the application, and, if granted, it may impose conditions under s 108.
61. Section 104D applies an additional, particular restriction to non-complying activities. A consent authority may grant consent for a non-complying activity **only if** it is satisfied that either the adverse effects on the environment will be minor or the activity will not be contrary to the objectives and policies of the plan and proposed plan.

## Section 104(1)(a) - Effects on the Environment

62. An assessment of the adverse environmental effects of the proposal was completed above as part of the notification section of this report. That assessment is equally applicable to section 104 and is applied as such. Again, it is noted that the permitted baseline is relevant (section 104(2)), and regard must not be had to any person who has given written approval (section 104(3)(ii)).
63. It is also appropriate to consider the positive effects of the proposal at this section 104 stage. The proposal will enable the development of three additional sites, increasing the housing supply in Darfield.
64. As concluded in my notification assessment, I consider that the adverse effects on the environment resulting from the proposal will be no more than minor. Taking the positive effects into account, on balance and overall, I conclude that the adverse effects of the proposal will be no more than minor.

## Section 106 - Natural Hazards and Access

65. Section 106 of the Act states as follows:

**106 Consent authority may refuse subdivision consent in certain circumstances**

(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—

- (a) there is a significant risk from natural hazards; or
- (b) [Repealed]
- (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

(1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—

- (a) the likelihood of natural hazards occurring (whether individually or in combination); and
- (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and
- (c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).

(2) Conditions under subsection (1) must be—

- (a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and
- (b) of a type that could be imposed under section 108.

66. The application site is not at significant risk from natural flood hazards, nor will the proposed subdivision exacerbate any existing hazards. I note that a flood assessment certificate has not been lodged yet and will be required prior to s224 being issued, and any future proposed residential unit on Lots 2, 3 and 4 will need to comply with the specified minimum FFL. This requirement will be addressed at building consent stage.

67. Access for lot 1 will remain as it currently is, while access to lots 2, 3 and 4 will be via Right of Way easement 'A'.

68. I therefore do not consider that there is any risk from natural hazards that would cause the site to be unsuitable for subdivision, and the new lots will have legal and physical access.

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

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

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

69. The Operative Plan objectives and policies that I consider relevant relate to subdivision, character and amenity.

70. In Chapter B4, Objectives B4.2.2 and B4.2.3 and Policies B4.2.2, B4.2.3 and B4.2.5 are most relevant to the application. These seek that amenity values are maintained and enhanced through a practical and well thought out subdivision design. These also seek to encourage a subdivision design with a variety of section sizes and avoiding rear allotments where practical. The subdivision does not avoid rear allotments, but in this instance it is most practical as it reduces the number of vehicle crossings onto Wards Road. The subdivision also ensures a design that is consistent with what is sought for this zone. There are a variety of section sizes that can accommodate a variety of typologies and the overall design is practical for the area. Policy B3.4.4 (b) seeks for appropriate subdivision layouts and household numbers that allow easy and safe movement through and between neighbourhoods, and which in terms of their scale, density and built form achieves a degree of openness and rural character. While residential units are not proposed yet for lots 2, 3 and 4, the size of the sites will allow for a sense of openness and the maintaining of rural character.

71. In relation to the internal boundary non-compliances; objective B3.4.1 seeks to ensure the District's townships are pleasant and safe places to live in. Policy B3.4.3 supports this objective by also encouraging the Living Zones to be pleasant and safe places to live, while ensuring there is a balance between built form and open spaces that complements the existing character and amenity of the surrounding environment.

72. Overall, I consider the proposal to be generally in keeping with the Operative Plan.

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

73. The Partially Operative Plan objectives and policies that I consider relevant relate to subdivision, natural hazards and character and amenity.
74. Objective SUB-O1 and associated Policy SUB-P1 seek to ensure that a proposed subdivision design and layout is compatible with the role, function and planned urban form of the zone. Objective SUB-O2 and associated Policy SUB-P3 seeks to ensure that each site has the characteristics, infrastructure and facilities for the intended use of the land.
75. Objective SUB-O3 and associated SUB-P4 seeks to ensure that the site sizes are in keeping with those anticipated in the zone. As all proposed sites meet the minimum net site area for subdivision in LLRZ, I consider the proposal to be consistent with this policy.
76. NH-O1 and NH-P10 seeks to avoid subdivision in areas where the risks from natural hazards are unacceptable and in areas outside of high hazard areas, subdivision shall ensure that the risks from natural hazards are appropriately mitigated. The application site is not at significant risk from natural hazards and I consider that the proposal will be consistent with the above provisions relating to natural hazards.
77. Objective RESZ-O5 seeks to ensure that built form provides for quality residential amenity and achieves attractive and safe streets. Supporting policy RESZ-P3 requires that new buildings are scaled and sited appropriately and retain open space. LLRZ-O1 aims to provide for residential activities on large sites, in a manner that is compatible with the retention of an open and spacious peri-urban character and rural interface. While LLRZ-P1 looks to provide low density and spacious character by managing the density of development, and managing the height, bulk and form of development.
78. Overall, I consider the proposal to be generally in keeping with the Partially Operative Plan.

### **Plan Weighting**

79. Section 104(1)(b)(vi) requires the consent authority to have regard to an [operative] plan or proposed plan. Where there is conflict between the provisions of an operative and proposed plan, a weighting assessment is required to determine which plan may be afforded more weight.
80. Case law indicates that the extent to which the provisions of the proposed plan are relevant should be considered on a case-by-case basis and might include:
  - how far through the plan making process the proposed plan is, and the extent to which it has been tested and undergone independent decision making;
  - any circumstances of injustice if the provisions are given more or less weight;
  - the extent to which a new provision, or the absence of a provision, implements a coherent pattern of objectives and policies;
  - whether the new provisions represent a significant shift in Council policy; and
  - whether the new provisions are in accordance with Part 2 of the Act.
81. The appeal against part of the Partially Operative Selwyn District Plan by Orion is not considered relevant to this proposal. The appeal relates to tree setbacks from Significant Electricity Distribution Lines (SEDLs) and navigation aids. There are no Significant Electricity Distribution Lines near the property nor does the application seek to establish or expand a navigation aid, therefore, it is considered that the appeal does not impact the proposal. As such, more weight can be afforded to the Partially Operative District Plan.

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

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

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

**National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)**

83. The NES-CS was discussed earlier in this report, with my conclusion being that resource consent is not required under NES-CS.

**Section 104(1)(c) – Other Matters**

84. Given the non-complying status of this application, it is appropriate to have regard to the issue of precedent, as well as the effect of granting consent upon the integrity of the District Plan. These are not mandatory considerations but are matters that decision makers may have regard to, depending on the facts of a particular case including:

- Whether a proposal is contrary to the objectives and policies of the plan; and if so
- Whether it can be seen as having some distinct or unusual qualities that would set it aside from the generality of cases.

85. Although the overall activity status of the proposal is non-complying, as I have assessed the proposal to be consistent with the objectives and policies of both plans, I do not consider there to be any issues regarding precedent.

86. The Non-Complying activity status is due to a technical non-compliance.

**Section 104(3)(d) – Notification consideration**

87. Section 104(3)(d) states that a consent authority must not grant a resource consent if the application should have been notified and was not. This consideration under s 104 does not raise any issues that would lead me to the conclusion that the application should have been notified. Therefore, it is my view that section 104(3)(d) does not preclude the granting of consent in this case.

**Section 104D ‘Threshold Test’ – Non-complying activities**

88. Section 104D states that a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that *either* the adverse effects on the environment will be minor *or* the application is for an activity that will not be contrary to the objectives and policies of *both* the operative and proposed district plans.

89. I have concluded that the adverse effects of the proposal on the environment will be no less than minor.

90. I have also concluded that the proposal will be in accordance with the relevant objectives and policies of both plans.

91. Therefore, the proposal passes both limbs of the 104D threshold test.

**Part 2 – Purpose and principles**

92. The consideration under section 104 is subject to Part 2 of the Act – Purpose and principles.

93. The purpose of the Act is contained within section 5 and it is to promote the sustainable management of natural and physical resources. *Sustainable management* means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while: sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.

94. The other sections of Part 2, sections 6, 7 and 8, address matters of national importance, other matters and Te Tiriti o Waitangi (the Treaty of Waitangi) respectively.

95. The relevant District Plans have been prepared having regard to Part 2, with a coherent set of policies designed to achieve clear environmental outcomes; therefore, taking into account relevant case law, I consider that assessment under Part 2 is unlikely to be necessary. For the sake of completeness, however, Part 2 is briefly assessed below.

96. In addition to section 5, I note that the following clauses of Part 2 would be particularly relevant:

#### **7 Other matters**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

- (c) the maintenance and enhancement of amenity values;
- (f) maintenance and enhancement of the quality of the environment;

97. Based on my assessment of the proposal in this report, I conclude that the proposal will be consistent with Part 2 of the Act, as the proposal will maintain the existing quality of the environment.

## **Conclusions**

98. The application is for the following consents:

- RC246035 & RC246065 - Subdivision (s11) - Subdivision to create 4 residential lots and to retain two sheds on lot 3 that are within the internal boundary setbacks of lots 1 & 2

99. The overall status of the application is Non-complying.

100. Any adverse effects are considered to be no less than minor, in terms of adjacent persons and the wider environment.

101. I therefore do not consider that there is any risk from natural hazards that would cause the site to be unsuitable for subdivision.

102. Overall, I consider the proposal to be generally in keeping with both the Operative and Partially Operative Plans, with more weight being given to the Partially Operative Plan.

103. I do not consider there to be any issues regarding plan integrity or precedent.

104. The proposal passes both limbs of the 104D threshold test.

105. Having considered all relevant matters, on balance and overall, I conclude that the application may be granted, subject to conditions of consent.

## **Recommendation**

106. I recommend that subdivision consent RC246035 is **granted**, pursuant to sections 104, 104B, 104D and 106 of the Resource Management Act 1991, subject to the conditions of consent below pursuant to sections 108, 108AA and 220 of the Act.

107. I recommend that land use consent RC246065 is granted, pursuant to sections 104 and 104C of the Resource Management Act 1991, subject to the conditions of consent below pursuant to sections 108 and 108AA of the Act.

<b>Report by:</b> Andre Salvador Graduate Resource Management Planner	Date: 18 March 2025
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## Decision

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

 Commissioner O'Connell	Date: 18 March 2025
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## Condition(s) of Consent

### RC246035 Subdivision Consent Conditions

1. The subdivision shall proceed in general accordance with the information formally received with the application on **11 December 2024**, and the attached stamped Approved Plan entitled "*Richard Ball – 2612 Wards Road, Darfield*" and dated 12 November 2024, except where another condition of this consent must be complied with.
2. The following conditions of consent shall be met prior to the issue of a section 224(c) Completion Certificate at the expense of the consent holder.
3. All required easements must be created and granted or reserved.

### Flooding Assessment

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

### General Engineering Requirements

#### *General requirement*

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

#### *Commencement of physical works*

7. Works on Council infrastructure or vested assets must not commence until Engineering Acceptance has been confirmed in writing. Any subsequent amendments to the plans and specifications must be submitted to the Development Engineering Manager for acceptance.
8. On-site construction must commence within 12 months of the issue of Engineering Acceptance. If construction on site does not commence within 12 months of the issue of Engineering Acceptance letters, the Consent Holder must re-submit plans for Engineering Acceptance prior to works commencing.

#### *Review and acceptance process*

9. Plans and specifications for all works required by this consent must be submitted to the Council via [Development.Engineer@selwyn.govt.nz](mailto:Development.Engineer@selwyn.govt.nz) at least 20 working days prior to the granting of engineering acceptance and once accepted, will thereafter form part of the Approved Consent Document. This process applies to all documentation submitted to the Council for engineering acceptance.
10. The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 20 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused.
11. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the consent holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition.

## *Commencement of physical works*

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

## **Engineering Acceptance**

### *Suitably qualified designer*

13. An Engineer's Design Certificate for all civil designs from the principal civil designer who is a suitably qualified person with suitable experience must be submitted to Council ([development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz)) as part of Engineering acceptance.

### *Contractor Produced Statements*

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

### *Designer Producer Statements*

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

## **Vehicle Crossings and Accessways**

### *Rural vehicle crossings (where formed prior to s224)*

16. A vehicle crossing to service Lot(s) 2, 3 and 4 must be formed in accordance with the requirements of SDC District Plan and the approved consent documents.

The vehicle crossing must be sealed/metalled to match the existing road surface for the full width of the crossing and for the first ten metres (as measured from the edge of the existing formed carriageway towards the property) or to the property boundary, whichever is the lesser.

### *Vehicle crossings over water races and drains – culvert*

17. The vehicle crossing to Lot(s) 2, 3 and 4 must have precast concrete headwalls. Engineering plans and details specifying the concrete headwalls with RCRRJ Z piping must be submitted to [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) for acceptance at least 20 working days prior to the granting of engineering associated with the vehicle crossing.

### *Testing standards*

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

### *S224 document requirement*

19. Prior to the issuing of s224(c) certificate the consent holder must provide accurate 'as built' plans of the vehicle crossings installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and the Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.
20. Prior to the issuing of s224(c) certificate the consent holder must provide a comprehensive electronic schedule of any vehicle crossings to be vested in the Council that meets the requirements set out in the Engineering Code of Practice and the Engineering Approval letter.

## **Water Supply**

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

21. Engineering plans and details for all works associated with the following proposed works that will vest to Council:
  - Provision of Council maintained points of supply

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

#### *Council maintained Water Supply Points*

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

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

23. Water restrictors must be fitted with appropriate backflow prevention must be installed in the road reserve in accordance with the Engineering Code of Practice and the accepted engineering plans.

#### *Council maintained Water Supply Points – restricted connection*

24. Pursuant to section 221 Resource Management Act 1991 a consent notice must be registered on the Record of Title for all lots to ensure ongoing compliance with this condition.

#### *Design requirement – Fire Fighting rural*

25. Prior to the occupation of any new residential unit or principal building, domestic water and firefighting storage must be provided. A minimum of 20,000 litres must be maintained at all times as a static firefighting reserve within a 30,000-litre tank. Alternatively, an 11,000-litre firefighting reserve is to be provided for the dwelling in association with a domestic sprinkler system installed to an approved standard. A firefighting connection in accordance with Appendix B - SNZ PAS 4509:2008 is to be located within 90 metres of the dwelling. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling.
26. The Fire Service connection point/coupling must be located so that it is not compromised in the event of a fire. The connection point/coupling must have a hardstand area adjacent to it that is suitable for parking a fire service appliance. The hardstand area must be located in the centre of a clear working space with a minimum width of 4.5 metres. The access must be trafficable in all weathers and be capable of withstanding a laden weight of up to 25 tonnes with an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Access must be maintained at all times to the hardstand area.
27. Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank whereby couplings are not required. A hardstand area adjacent to the tank is required in order to allow a fire service appliance to park on it and access to the hardstand area must be provided as above. Firefighting water supply may be provided by means other than the above if the New Zealand Fire Service has accepted the alternative method. Acceptance must be confirmed in writing and provided to the Council. Pursuant to section 221 Resource Management Act 1991 a consent notice must be registered on the Record of Title for all lots to ensure ongoing compliance with this condition.

#### *Connection to Council's infrastructure*

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

#### *Testing standards*

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

#### *S224 document requirement*

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

31. Prior to the issuing of s224(c) certificate the consent holder must provide accurate AMIS schedules of the water reticulation installed as part of this consent that meet the requirements set out in the Engineering Code of Practice and Engineering Acceptance letter. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.
32. Prior to the issuing of s224(c) certificate the consent holder must provide a comprehensive electronic schedule of any water reticulation assets to be vested in the Council that meets the requirements set out in the Engineering Code of Practice and the Engineering Acceptance letter.

## Stormwater

### *Design Requirement – Discharge to ground*

33. 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, must be determined by a suitably qualified person/engineer and evidence of results must be provided at engineering acceptance.

### *Design Requirement – Hydraulic Neutrality*

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

## Water Races

### *Easement – open channel water race*

35. Easements in gross in favour of Council to a width that is the greater of:
  - 1.5 x the width of the water race + 6m
  - 8m

Must be established over the water race. Access to all parts of the water race must be made available at any time to Council. Easements in gross in favour of Council must be provided at the stage of section 223 certification.

## Power and Telecommunications Services

### *S224 Requirement – TA Acceptance outside township boundary*

36. The consent holder must provide evidence in writing from the relevant Authorities that existing electrical, and telecommunications reticulation has the capacity to provide a service connection to all the lots.

## Consent Notice – Firefighting water supply

37. The Consent Holder shall install a storage tank (or demonstrate there is a suitable alternative firefighting supply) for the purposes of providing firefighting water supply on Lots 2, 3 and 4. Any storage tank is required on the downstream side of the pump supply unit to store water for distribution to the serviced property and to store water for firefighting purposes. The tank is to be fitted with a fire hose connection. An all-weather access and a hard stand area is to be provided suitable for Fire Appliance use. The tank must be located in an area the firefighting service can gain access to it during a fire (i.e. not within close proximity to the house, or behind the house).
38. At the time a building consent application is lodged to Council for a dwelling on Lots 2, 3 & 4, the consent holder shall provide information to demonstrate compliance with SNZ PAS 4509:2008.
39. The storage tank shall only be used for firefighting water supply and not domestic residential use.

## RC246035 Land Use Consent Condition

1. The proposal shall proceed in general accordance with the information submitted with the application on 19 December 2024, and the attached stamped Approved Plans entitled "Richard Ball – 2612 Wards Road, Darfield" and dated 12 November 2024.

## Attachments

1. RC246035 Subdivision Approved Plan - "Richard Ball – 2612 Wards Road, Darfield"
2. RC246065 Land Use Approved Plan - "Richard Ball – 2612 Wards Road, Darfield"

## Development Contributions

### Subdivision Consent

2. Development contributions are not conditions of this resource consent and there is no right of objection or appeal under the Resource Management Act 1991. Objections and applications for reconsideration can be made under the Local Government Act 2002. Any objection or request for reconsideration must be made in writing in accordance with the Development Contribution Policy in place at the time of application.
3. 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.
4. Note: The amounts set out in the attached table are applicable at the time the application for resource consent is formally received. If the time between the date the resource consent is formally received and the time which the Council would normally invoice for the development contributions (usually the time an application is made for the issue of Council's section 224(c) certificate for the subdivision) is more than 24 months, the development contributions will be reassessed in accordance with the development contributions policy in force at the time the consent was formally received. To avoid delays, the consent holder should seek the reassessed amounts prior to the application for the section 224(c) Resource Management Act 1991 certificate.
5. Please contact our Development Contributions Assessor on 03 347 2800 or at:
6. [development.contributions@selwyn.govt.nz](mailto: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	4.00	1.00	3.00	9,721.00	29,163.00	4,374.45	33,537.45
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	4.00	1.00	3.00	4,114.00	12,342.00	1,851.30	14,193.30
Community Infrastructure	4.00	1.00	3.00	3,779.00	11,337.00	1,700.55	13,037.55
Roadings	4.00	1.00	3.00	3,067.00	9,201.00	1,380.15	10,581.15
Roadings ODP	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Contribution</b>					<b>62,043.00</b>	<b>9,306.45</b>	<b>71,349.45</b>

## Selwyn District Council Advice Notes for the Consent Holder

### Lapse Period (Subdivision Consent)

- (a) Pursuant to section 125 of the Resource Management Act 1991, this subdivision consent lapses five years after the date of issue of the decision, i.e. the date of receipt of the Notice of Decision email, unless:
  - (i) A survey plan is submitted to Council for approval under section 223 of the Act before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the Act; or
  - (ii) Before the consent lapses an application is made to the Council to extend the period after which the consent lapses and the Council decides to grant an extension.

## **Lapse Period (Land Use Consent)**

- (b) Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this land use consent shall lapse five years after the date of issue of the decision, i.e. the date of receipt of the Notice of Decision email, unless before the consent lapses an application is made to the Council to extend the period after which the consent lapses and the Council decides to grant an extension.

## **Section 224 Certificate Issuing Requirements (Subdivision)**

- (c) A Section 224 Certificate will not be issued until all Council invoices, including engineering fees and any other related costs associated with the Resource Consent have been paid in full.

## **Resource Consent Only**

- (d) This consent is a Selwyn District Council resource consent under the Resource Management Act. It is not an approval under any other Act, Regulation or Bylaw. Separate applications will need to be made for any other approval, such as a water race bylaw approval or vehicle crossing approval.

## **Building Act**

- (e) 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**

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

## **Monitoring**

- (g) In accordance with section 36 of the Resource Management Act 1991, a basic monitoring fee has been charged.
- (h) 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.
- (i) Where the conditions of this consent require any reports or information to be submitted to the Council, please forward to the Council's Compliance Team, [compliance@selwyn.govt.nz](mailto:compliance@selwyn.govt.nz).
- (j) Any resource consent that requires additional monitoring due to non-compliance with the conditions of the resource consent will be charged additional monitoring fees at a time and cost basis.

## **Vehicle Crossings**

- (k) Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Infrastructure Department prior to installation. For any questions regarding this process please contact [transportation@selwyn.govt.nz](mailto:transportation@selwyn.govt.nz). Use the following link for a vehicle crossing information pack and to apply online: Selwyn District Council - Application to Form a Vehicle Crossing (Entranceway)

## **Accessible Carparking Spaces**

- (l) 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.

## **Impact on Council Assets**

- (m) Any damage to fixtures or features within the Council road reserve that results from construction or demolition on the site shall be repaired or reinstated at the expense of the consent holder.

## **Vehicle Parking During the Construction Phase**

(n) Selwyn District Council is working to keep our footpaths safe and accessible for pedestrians, including school children. The Council also seeks to avoid damage to underground utility services under footpaths, e.g. fibre broadband. During the construction phase (and at all other times), please:

- (i) park only on the road or fully within your property – it is illegal to obstruct or park on a footpath; and
- (ii) arrange large deliveries outside of peak pedestrian hours, e.g. outside school start/finish times.

## **General Engineering Requirements**

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

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

- Suitable time for pre-start meeting to meet with contractor on site and discuss Council construction requirements.
- Any infrastructure requirements associated with the development.
- Council approvals necessary for future connections.

## **Engineering Acceptance**

### *Engineering Acceptance – additional information*

(p) Copies of any consents required and granted in respect of this subdivision (ECan Consents and Waka Kotahi approval) must be supplied to the Development Engineer via [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz).

(q) If multiple civil contractors are used, instead of a principal contractor, to install vested assets each contractor will be required to supply producer statements for their contribution to the physical works.

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

1. Water Reticulation
2. Wastewater Reticulation
3. Roading Network – new and alterations to existing and streetlighting.
4. Stormwater, water races, and land drainage
5. Walking and cycling infrastructure provision and connection.
6. Future Public Transport provision accessibility (in consultation with Environment Canterbury Regional Council)

Please note that pedestrian linkages through proposed reserves are considered to be part of the roading infrastructure and will require engineering acceptance prior to construction.

## **Vehicle Crossings and Accessways**

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

(t) Any new or upgraded vehicle crossing requires approval from Council's Infrastructure and Property Department prior to installation. Applications to install a new vehicle crossing or upgrade an existing one can be made online via the SDC website (Selwyn District Council - Application to Form a Vehicle Crossing (Entranceway)). For any questions regarding the process please contact the Roading Team via email at [transportation@selwyn.govt.nz](mailto:transportation@selwyn.govt.nz).

## **Property numbering**

(u) Street numbering must be requested from Council in accordance with Council Policies N101 as part of Engineering Acceptance.

## **Water Supply**

- (v) For supervision purposes a minimum of 5 working days' notice is required. Please note a connection fee being the actual cost quoted by Council's Five Waters maintenance contractor will apply.
- (w) Applications for new water connections can be made online via SDC's website ([Selwyn District Council - New Water Connection approval form](#)). Applications should be made at least 8 working days prior to commencement of work (allow a minimum of 10 working days for watermain shutdowns).
- (x) The vested assets schedule must cover all vested asset types and include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.
- (y) Lot 1 must surrender their existing 3,500 litres per day supply.

All lots must be restricted to 2,000 litres of water per day. Individual water storage tanks will be required for each lot with a minimum tank size of 3 days' supply. The tanks must be established at the Landowner's expense prior to the occupation of any residential unit or principal building.

## Stormwater

### *Discharge Consent Requirement – Permitted Activity under the LWRP (3-5 lots)*

- (z) Where stormwater discharges are to be undertaken as a permitted activity, confirmation in writing of permitted status must be submitted to Council from Canterbury Regional Council in the form of a certificate of compliance prior to the granting of section 224(c).
- (aa) Where the Consent Holder cannot demonstrate the stormwater infrastructure to be installed within the development site is a permitted activity, a resource consent from the Canterbury Regional Council will be obtained by the consent holder.
- (bb) Where a specific discharge consent is issued by Canterbury Regional Council, any consent or associated conditions will be subject to Selwyn District Council acceptance, where these obligations will be transferred to Selwyn District Council.
- (cc) Draft CRC consent conditions must be submitted to Council for acceptance via [development.engineer@selwyn.govt.nz](mailto:development.engineer@selwyn.govt.nz) prior to section 224(c) Completion Certificate being granted, once accepted, will thereafter form part of the Approved Consent Document.

## Water Races

- (dd) The landowner is responsible for cleaning and maintenance of water races within the property boundary in accordance with Council Policy W103 - Water Race Cleaning and Maintenance Policy.
- (ee) The Council Water Race Bylaw and the Council Policy Manual set out the rights and responsibilities of both the Council and landowners in relation to water races. More information can be found at <https://www.selwyn.govt.nz/services/water/water-race>.  
If the water race is to be fenced off from the property, a 'cyclone' type gate must be installed to provide unrestricted access for Selwyn District Council personnel and agents.
- (ff) The width of the water race must be measured bank to bank. All easements a building setbacks must be measured from the water race banks.

## Power and Telecommunications Services

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

# DRAFT COVENANTS

A  
+ S

**AMY + SHAR**  
021 077 9945 / 027 555 0654  
[amy@asrealestate.co.nz](mailto:amy@asrealestate.co.nz)  
[shar@asrealestate.co.nz](mailto:shar@asrealestate.co.nz)

**SCHEDULE 3 (Draft Restrictive Covenants) – (5 pages)**

**Covenant Instrument to note land covenant**

(Section 116(1)(a) &amp; (b) Land Transfer Act 2017)

**Covenantor****Richard Edward James Ball****Covenantee****Richard Edward James Ball****Grant of Covenant**

**The Covenantor**, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covenantee** the covenants set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule.

**Schedule A**

Purpose of covenant	Shown reference (plan)	Burdened Land (Record of Title)	Benefited Land (Record of Title)
Land Covenant	DP	Lots 2-4 DP x (Title-x, Title)	Lots 1-4 DP x (Title-x, Title)

**Covenant rights and powers (including terms, covenants and conditions)****ANNEXURE SCHEDULE****SCOPE AND DEFINITIONS**

1. The Covenantor covenants and agrees with the Covenantee in the manner set out below so that such covenants shall burden and run with each of the burdened lands, and be for the benefit of each of the benefited lands.
2. For the purposes of this instrument, the following terms have the following meaning (unless the context otherwise requires):
  - (a) **“developer”** means Richard Edward James Ball and Katherine Karen Lynne **Robinson** or their nominee;
  - (b) **“fence”** includes a wall; and
  - (c) **“land”** means each of the burdened lands.

## RESTRICTIONS ON DEVELOPMENT AND USE OF THE LAND

3. The Covenantor shall, in respect of any of the burdened land:

### Dwelling Construction

- (a) Not use, or permit to be used, any exterior cladding on the dwelling other than kiln fired or concrete brick, stucco textured finish, stone, timber weatherboards, linea weatherboards, metal laminate on timber, new painted metal clad roofing on the exterior walls or any other cladding material which the developer consents to in writing. The use of board and batten cladding, and second hand materials, is specifically prohibited.
- (b) Not use metal clad roofing for any building on the land unless it has been pre-painted or copper building materials for roofing or spouting and downpipes.

### Restrictions on Improvements

- (c) Without limiting any other covenant, not permit any building to be erected on the land other than a single storey, single new dwelling that does not exceed 5m in height from slab to the gutter line (excluding the chimney) and has a floor area of not less than 120m<sup>2</sup> exclusive of attached garage.
- (d) Not erect, transport or place on the Lot any second-hand, relocatable or kitset dwelling, or second hand or relocatable appurtenant building unless that building is a newly built sleep-out or tiny home constructed out of the materials approved in clause 3(a).

### Restriction on further Subdivision

- (e) For Lots 2, 3, and 4 only, not further subdivide, cross lease or unit title the Lot or any part of it. For the avoidance of doubt, this clause does not apply to Lot 1.

### Fencing

- (f) Without limiting any other of these covenants, not erect or permit to be erected on the land a fence:
  - (i) that does not comply with the Selwyn District Council requirements (as set out in the Selwyn District Plan or any consent notices registered against the record of title for the land), unless authorised by a resource consent;
  - (ii) that is higher than 1.8 metres above natural ground level at any point (subject to the remainder of this clause);
  - (iii) that is higher than 1.2 metres above natural ground level at any point within 5 metres of any legal road or private right of way or shared access over which the land has legal access.
- (g) Not call upon the developer to pay for or contribute towards the cost of erection or maintenance of any boundary fence between the land and any adjoining land owned by the developer, provided that this covenant will not continue for the benefit of any subsequent registered proprietor of such adjoining land.

### Timeframes

- (e) Ensure that:

- (i) any building is completed within twelve months of laying down the foundations for such building and no building once under construction shall be left without substantial work being carried out for a period exceeding 3 months;
- (ii) all earthworks and landscaping on the Lot within the earlier of either nine months after practical completion of the dwelling or the issue of the code compliance certificate.

#### **Maintenance of Appearance**

- (f) Not permit any caravan, temporary building or other temporary structure to be erected on the land for any kind of permanent or temporary residential use, except any building that may be used in conjunction with the construction of permanent buildings and which will be removed from the land upon completion of the construction work. For the avoidance of doubt the parking and / or storage of a touring caravan or a motorhome is permitted.
- (g) Not allow the accumulation or housing of any rubbish, noxious substances, noxious birds or animals which may be likely to cause nuisance or annoyance to the neighbouring occupiers or permit grass or weeds to grow to such a height as to become unsightly.
- (h) Not bring onto the property any vehicle which is in a poor state of repair, unsightly, damaged or without a current warrant of fitness unless such vehicle is, for the duration of its time on the property, kept in a garage constructed in accordance with these covenants with the effect that such vehicle is not visible from the road or to any neighbouring occupier.

#### **Satellite Dishes and Aerials**

- (i) Not erect or allow to be erected any tower, radio, television, communication aerial or satellite dish on the land other than the standard broadcast radio or TV reception aerials or dishes. Any attachment to the dwelling and / or garage including, but not limited to TV aerials, solar hot water panels and masts shall be constructed in such a way as to be discreetly integrated with the design of such buildings so that they are not highly visible from the road frontage, right of way or any neighbouring lot.

#### **Signs and Use of the Lot**

- (j) Not erect or allow to be erected on any part of the property or dwelling any advertisement, sign or hoarding or a commercial nature (excluding a professionally made "For Sale" sign not exceeding 2 square metres in size).
- (k) Not use the Lot for any commercial or business activity save that a home office is permissible.
- (l) Not permit the placement of a shipping container on the Lot unless that shipping container has been fully screened by trees or wooden panelling.

#### **ENFORCEMENT**

4. The developer shall not be required or obligated to enforce all or any of the foregoing covenants, stipulations and restrictions, nor will the developer be liable to any other party for any breach thereof by any Covenantor.
5. If there should be any breach or non-observance of any of the foregoing covenants, then, without prejudice to any other liability which the Covenantor may have to any Covenantee, the Covenantor will, upon written demand being made by any Covenantee:

- (a) Pay to such Covenantee as liquidated damages the sum of two hundred and fifty dollars (\$250.00) per day for every day that such breach or non-observance continues after the date being two working days upon which written demand has been made, provided that if more than one person is making such demand, then such sum shall be shared between those persons;
- (b) If applicable, remove or cause to be removed from the Covenantor's land any second hand or used dwelling, garage, carport, building or other structure erected on the Covenantor's land in breach or non-observance of the foregoing covenants; and
- (c) If applicable, replace any building materials used or permitted to be used in breach or non-observance of the foregoing covenants.

6. The Covenantor covenants that the Covenantor will, at all times, indemnify the Covenantee from all proceedings, costs, claims and demands in respect of breaches by the Covenantor of any of the stipulations, restrictions and covenants in this instrument.

## **GENERAL**

- 7. The covenants in this instrument will immediately cease to apply to any land (or part thereof) which is intended to vest in the Crown or any territorial authority as a road or reserve, upon any survey plan relating to such vesting being approved as to survey and being accepted for deposit by Land Information New Zealand.
- 8. The covenants in this instrument will all expire 7 years from the date of registration.
- 9. If any of these covenants are held by any court or administrative body of competent jurisdiction to be illegal, void or unenforceable, such determination shall not impair the enforceability of the remaining parts of these covenants, which shall remain in full force.
- 10. Despite any other provision of this instrument, if the written consent of the developer is obtained to any action or omission, that action or omission will be deemed to not constitute a breach of any covenant within this instrument.

# HEAD LIM

A  
+ S

**AMY + SHAR**  
021 077 9945 / 027 555 0654  
[amy@asrealestate.co.nz](mailto:amy@asrealestate.co.nz)  
[shar@asrealestate.co.nz](mailto:shar@asrealestate.co.nz)

# Land Information Memorandum

**L253046**

## Application

A + S Real Estate Limited  
A + S Real Estate Limited  
41E South terrace  
Darfield 7510

<b>No.</b>	L253046
<b>Application date</b>	17/12/2025
<b>Issue date</b>	6/01/2026
<b>Phone</b>	02040801668

## Property

<b>Valuation No.</b>	2420011429
<b>Location</b>	2612 Wards Road
<b>Legal Description</b>	LOT 2 DP 430880
<b>Area (hectares)</b>	2.1500

## Rates

### Rateable Value

The date of Selwyn's last General Revaluation was 1/09/24. For further information please contact Council's Rates Department.

<b>Revaluation Year</b>	2024
<b>Land</b>	\$ 550,000
<b>Capital Value</b>	\$ 930,000
<b>Improvements</b>	\$ 380,000

### Current Rates Year 2025 to 2026

<b>Annual Rates</b>	\$ 5,512.75
<b>Current Instalment</b>	\$ 1,378.20
<b>Current Year - Outstanding Rates</b>	\$ 6.00-
<b>Arrears for Previous Years</b>	\$ 0.00
<b>Next Instalment Due</b>	15/03/26

Next Revaluation Due 2027.

The rates listed for this property are correct as at the date of this report being issued.

If this property is vacant land, and the applicant intends building a house or making other improvements, additional rates and charges will be added. Such rates and charges are for the operation of the District libraries, local community centre and recreation reserves, sewerage and water systems and refuse collections and recycling.

If a ratepayer in the district purchases additional properties, that ratepayer maybe eligible for certain rating exemptions due to multiple ownership. The exemptions would only apply to uniform library charges on bare land blocks and an exemption from the uniform annual general charge if contiguous or same use land is purchased.

Please contact the Councils rates team if you require clarification on 0800 SELWYN (735 996).

Note: Rates are charged in four equal instalments for the period commencing 1 July and ending 30 June each year.

## Planning/Resource Management

## Partially Operative District Plan: LLRZ

Operative District Plan Zoning: Darfield Living 2A1

The Council has undertaken a review of the Operative District Plan and through this process it has developed a New District Plan ('The Partially Operative District Plan') which provides clear objectives, policies and rules to manage the effects of land use activities on the environment, but also sets a clear direction for our district's development and reflects our communities' needs and expectations. It also incorporates any changes in legislation, national and regional policy statements, environmental standards and other regulations.

The period for lodging appeals against decisions on the Partially Operative District Plan closed on the 6<sup>th</sup> of October 2023 and the Council released the Appeals Version of the Partially Operative District Plan on 27<sup>th</sup> November 2023. Many provisions in Partially Operative District Plan are now beyond challenge and are operative/treated as operative (pursuant cl 103 of Schedule 1 and s86F of the Resource Management Act (1991). The Operative District Plan now only applies where a relevant provision in the Partially Operative District Plan remains subject to appeal. For more information visit <https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/selwyn-district-plan-review>

10/12/24      Resource Consent 246035  
To Undertake A Subdivision To Create 4 Residential Lots.  
Decision Notified 18/03/25  
Granted By Independent Commissioner(S) 18/03/25

## Planning Notes

The information provided on this LIM has come from the information lodged against the property file/information and GIS at the time of processing. Please note that the resource consents, fill certificates and other relevant property files listed are based on what is available on our general property information, and that there may be other documents for the property which have not yet been added to the property record.

Resource Consents often contain a multitude of information and reports that are not ordinarily separately referenced or included in the LIM itself. Information identifying each (if any) special feature or characteristic of the land concerned, including but not limited to potential erosion, falling debris, subsidence, slippage, alluvion, or inundation, or likely presence of hazardous contaminants.

Preliminary Site Investigation Reports, Detailed Investigation Site Reports and Geotechnical Reports are submitted as part of the subdivision Resource Consent Process it is not likely to be currently of relevance in relation to the "land concerned", otherwise it would be elsewhere noted on the LIM to the extent any issues still apply following subdivision).

Any resource applications or consents that may contain information relating to the land which is not otherwise included in the LIM, including Geotechnical, Environmental and other expert reports, can be obtained via Selwyn District Council Information Management team on [information.management@selwyn.govt.nz](mailto:information.management@selwyn.govt.nz)

# Building

15/05/18 Building Consent 180735  
Farm Building  
Code Compliance Certificate Issued 05/09/18

6/07/16 Building Consent 161212  
Domestic Garage  
Code Compliance Certificate Issued 26/10/16

14/03/16 Building Consent 160194  
3 Bedroom Domestic Dwelling  
Code Compliance Certificate Issued 06/09/16

Buildings erected prior to 1965 may not have a building permit record or had inspections carried out.

All building products and materials have a designed life, and must be maintained in accordance with the manufacturer's specifications.

In the case of building permits and building consents no further inspections have been carried out by the council since these structures were completed.

Any concerns of this nature should be referred to an organization that carries out property checks or the product manufacturers.

## Schedule 1 Exempt Building Work

Under section 42A of the Building Act 2004 building owners can carry out certain types of building work specified in Schedule 1 of the Building Act 2004 without need to obtain building consent approval. Where Council holds any information provided by a property owner in relation to exempt works undertaken on the property it is important to note that Council do not check or review the documentation for compliance, it is simply filed for record keeping purposes and not to satisfy any statutory obligation. Any information held of this nature has been provided at Councils discretion under Section 44A (3) of the Local Government Official Information and Meetings Act 1987 without any representation or warranty.

## Services

### Water

Council water scheme is available and connected.

This property has a restricted water supply connected to the Darfield Water Supply Scheme. For any further information, please contact [water.services@selwyn.govt.nz](mailto:water.services@selwyn.govt.nz).

The Selwyn District Council Water Bylaw 2008 is applicable. A copy can be found at <http://www.selwyn.govt.nz/your-council/bylaws/current-bylaws>

The water supply for this property is restricted and rated at 3.5 Units. As a restricted supply you are required to have a minimum of 3 days on property tank storage. i.e. if you receive 2 units your minimum tank size will be 6000 litres.

Commercial properties are required to have an RPZ backflow device. This must be installed just inside the boundary of the property at the point of water supply – this backflow device will be owned by the property owner and will be maintained under the building compliance schedule in addition to any other on-site backflow devices deemed necessary by the building department.

If, during a Civil Defence emergency event the water supply is not operational, Council's immediate focus for its staff and resources will be to bring the supply back into operation. Depending on the size and scale of the event, it may be difficult to meet everyone's needs so property owners are asked to take personal responsibility for drinking water.

As a precaution, the Council would also recommend from a drinking water perspective that a property owner also has bottled water available to meet their immediate drinking water needs of all individuals living on the property for a 72hr period (the recommended amount is 4 litres of water per person per 24hrs).

For those properties not connected to a Council reticulated water supply, it is encouraged that the quality of the domestic water supply be regularly tested to ensure that it is to a potable standard. If the same water supply is also used for irrigation or stock water, check that there is a backflow protection device to prevent any contamination of water supply.

## **Sewer**

Council sewer scheme is not available.

On-site sewage treatment and disposal.

The property is not serviced through Council sewer network. Any onsite wastewater treatment or changes to it will require Environment Canterbury consent.

If there is an existing domestic onsite wastewater treatment system on this property, the owner is responsible for ensuring regular maintenance and servicing is carried to ensure it continues to function satisfactorily.

Any new or replacement of domestic onsite wastewater treatment system will need to meet the requirements of Rule 5.8 of the Canterbury Land and Water Regional Plan to be considered a permitted activity and will require a building consent from Selwyn District Council prior to installation.

Any property with onsite sewage treatment and disposal, animal effluent disposal or water extraction for irrigation may have or require consent from Environment Canterbury and may require consent from the surrounding properties for a variety of discharges. This could have an adverse effect on the neighbouring property in relation to odour, potable water supply quality, or be of a general nuisance factor.

Information regarding what consents have been granted for this or surrounding properties can be obtained by contacting the issuing authority Environment Canterbury.

Land used to dispose of waste or to spread effluent or treated sewage, may be contaminated due to the concentrations or mix of material deposited onto the land over time. If any soil tests have been carried out, please forward a copy to the Council in order for the records to be updated.

For those properties not connected to a Council reticulated sewer system, it is important that the effluent system is regularly checked and maintained. You should also be aware of the limits on what can and should not be disposed of through these systems. Any concerns should be referred to an organization that carries out checks and maintenance or to the product manufacturers.

Council have agreed to build a sewer network for Darfield and Kirwee. Property owners are encouraged to review the evolving progress. Please refer to Selwyn District Council website <https://www.selwyn.govt.nz/services/water/wastewater/darfield-wastewater> for detailed information.

Should you have any further questions please phone 0800 SELWYN (0800 735996) and ask for Water Services.

## Stormwater

Stormwater to soak hole

This property may be located within an area covered by Environment Canterbury stormwater consent. It is the responsibility of the property owner to contact Environment Canterbury customer services to ensure that any activity undertaken on site complies with the relevant consent conditions.

Note – the above describes the current roof water disposal type and does not reflect the future situation, which should be determined as part of the subdivision (if applicable). For more information please contact Council.

### **Copy of drainage plan attached.**

*If you have any questions about the Water, Sewage or Stormwater information above please contact the Selwyn District Council Water Department at 0800 SELWYN or [contactus@selwyn.govt.nz](mailto:contactus@selwyn.govt.nz)*

## Kerbside Waste Collections

The Council provides refuse and recycling collection services for most residential and rural residential properties where these properties occur alongside maintained public roads. Private roads and Right of Ways (as maybe referenced in the Transportation Notes pertaining to this LIM) will not be directly serviced as these access ways are not usually of a sufficient standard to be used safely and efficiently by the collection vehicles. This could also apply to other public roads or streets that are narrow and/or have a lack of vehicle turning facilities. Rural and high country areas and settlements are not covered by regular collection services however localised refuse drop off facilities maybe available for use in specific areas. For further details and advice on refuse collection and recycling services as they may pertain to the property please phone the Council's Asset department on phone 3472 800.

### [Selwyn District Council - Collection Days & Routes](#)

If your address shows “no results found”, this means

- your property is not serviced directly by kerbside collections, OR
- you have a new property and either:
  - o you have requested for your property to be added to the route and it is in the process of being added, OR
  - o you have not yet requested for your property to be added to the route, OR

Please contact Council for further detail.

## Land and Building Classifications

### Energy Infrastructure and Transport

None known

### Culture and Heritage

None known

### Natural Environment

None known

### District-wide matters

None known

### Area-specific matters

None known

### Land Notes

Land Notes: Central Plains Water Trust holds various resource consents to convey and apply irrigation water to land and to construct and operate a distribution network for the Central Plains Water Enhancement Scheme. Although this property is within the command area of the Scheme, it will not be directly affected by the distribution network.

Land Notes: For further information on the Central Plains Water Enhancement Scheme including relevant maps, please contact Selwyn District Council and/or Central Plains Water Limited.

Property owners can contact Central Plains Water Limited (CPW) to update their details on (03) 928 2960.

### Listed Land Use Register (LLUR):

Hazardous activities and industries involve the use, storage or disposal of hazardous substances. These substances can sometimes contaminate the soil. Environment Canterbury identifies land that is used or has been used for hazardous activities and industries. This information is held on a publicly available database administered by Environment Canterbury called the Listed Land Use Register (LLUR). The Selwyn District Council may not hold information that is held on the LLUR, therefore, it is recommended that you check Environment Canterbury's online database at [www.llur.ecan.govt.nz](http://www.llur.ecan.govt.nz).

### Residential Swimming Pool

No pool registered to this property.

## Land Transport Requirement

Wards Road is a formed and sealed local road maintained by Selwyn District Council

## Natural Hazards

This section sets out information that the Council holds relating to natural hazards, such as earthquake, tsunami, erosion, landslip, liquefaction/sedimentation and subsidence, wind and snow, or flooding/inundation.

Climate change is causing natural hazards to become more severe, occur more often, and affect a wider range of areas.

If the Property is identified below as being subject to a natural hazard, it may have been issued a building consent with a waiver or modification of the Building Code to confirm that building work will accelerate, worsen, or result in a natural hazard on the land on which the building work is to be carried out or any other property. If a waiver or modification has been issued, this will be noted in the Building section of the LIM above.

You can obtain further information about natural hazard matters from:

- The District Plan Natural Hazard chapter: [District Plan - Partially Operative Selwyn District Plan \(Appeals Version\)](#)
- [Selwyn District Council Natural Hazard Map](#) – use this map to view any of the natural hazards identified below that impact this Property or in the vicinity of the Property
- Our Duty Planner service at [planning.technical@selwyn.govt.nz](mailto:planning.technical@selwyn.govt.nz), or call 0800 SELWYN (735 996).

## Earthquake

### Earthquake Prone Buildings

If this Property has an Earthquake Prone Building, this will be noted in the Building section of this LIM under “Earthquake Prone Buildings”.

## Erosion

### District Plan information relating to erosion

None known

## Landslip and Rockfall

### Regional mapping of landslides / rock avalanches

An earthquake hazard assessment for infrastructure commissioned by Environment Canterbury in 2006 included a regional-scale map of earthquake-induced landslide susceptibility and locations of known rock avalanches. Further information can be found in the technical report: [Selwyn District Engineering Lifelines Project: Earthquake Hazard Assessment](#), Geotech Consulting Ltd

commissioned by Environment Canterbury, August 2006. The scope of this report is the Selwyn District. The purpose of the report was to assess earthquake hazards and their potential impacts on engineering lifelines (infrastructure) in Selwyn District.

Climate change may cause increased rain and storm intensity and frequency, and vegetation changes. These impacts of climate change may reduce the Property's resilience and exacerbate the landslip and rockfall hazard.

## Liquefaction and Subsidence

### Liquefaction / Geotechnical risk

The Property is within an area where liquefaction damage is possible in future earthquakes. The Selwyn District Council has mapped areas where a liquefaction assessment is required, and other areas where a liquefaction assessment is only needed for certain activities. [View Selwyn District Council's maps](#). [View Selwyn District Plan rules relating to liquefaction / geotechnical planning requirements](#). Environment Canterbury has separately identified additional areas where liquefaction is possible. [View Environment Canterbury's map showing areas where liquefaction is possible](#). Further information about liquefaction generally can be found in the following technical reports:

- [Review of liquefaction hazard information in eastern Canterbury, including Christchurch City and parts of Selwyn, Waimakariri and Hurunui Districts](#), Environment Canterbury, December 2012. This report covers the Coastal Canterbury from the Waipara River mouth to the Rakaia River mouth, including Banks Peninsula, and inland to Rangiora, Aylesbury, Selwyn and Southbridge. The purpose of this report was to collate liquefaction occurrence during the 2010/11 Canterbury earthquakes, and to determine liquefaction vulnerability.
- [Selwyn District Engineering Lifelines Project: Earthquake Hazard Assessment](#), Geotech Consulting Ltd commissioned by Environment Canterbury, August 2006. This report covers the Selwyn District. The purpose of the report was to assess earthquake hazards and their potential impacts on engineering lifelines (infrastructure) in Selwyn District and for use in infrastructure and emergency management planning.

Climate change may cause changes in groundwater and sea level rise. These impacts of climate change may reduce the Property's resilience and exacerbate the impacts of the liquefaction and subsidence hazard.

As part of any building consent application, you may need a site-specific assessment or site subsoil investigation to establish the level of susceptibility to liquefaction or to confirm that 'good ground' can be achieved for any building work. The scope and testing of any site-specific assessment must be carried out by a CPEng Geotechnical engineer. The ground bearing capacity in this area may not achieve the requirements of the NZ Building Code Clause B1, and specific design may be required. The definition of 'good ground' can be found in the Definitions section of the [NZ Building Code Handbook](#), and appropriate test methods are detailed in either NZS3604, or NZBC B1/VM4.

### Previous Reports

The Council holds the following geotechnical report(s) from previous consent processes. The reports may be specific to this Property, or if this Property was created through subdivision, the reports may relate to the subdivision as a whole. You can access these reports by making a [Property File request](#) from the Council:

- Wards Road Residency, Darfield. Powell Fenwick commissioned by Versatile Homes and Buildings 16 December 2015. This report affects only 1 property. Purpose of the report: building consent.
- Good Ground Justification Building Consent for Garage Shed commissioned by Selwyn District Council 20 May 2015. This report affects only 1 property. Purpose of the report: building consent.

Areas where there was evidence of liquefaction were mapped following the 2010/11 Canterbury earthquakes by Tonkin & Taylor for the Earthquake Commission (urban areas) and by a group of researchers for Environment Canterbury (rural, commercial and industrial areas). These are available on [Environment Canterbury's liquefaction map](#). Further information can be found in the technical report: [Review of liquefaction hazard information in eastern Canterbury, including Christchurch City and parts of Selwyn, Waimakariri and Hurunui Districts](#), Environment Canterbury, December 2012. This report covers Coastal Canterbury from the Waipara River mouth to the Rakaia River mouth, including Banks Peninsula, and inland to Rangiora, Aylesbury, Selwyn and Southbridge. The purpose of this report was to collate liquefaction occurrence during the 2010/11 Canterbury earthquakes, and to determine liquefaction vulnerability.

## Tsunami

None known

## Flooding and Inundation

### District Plan information relating to flooding and inundation

This Property is within the following flooding or inundation overlay(s) or areas in the District Plan. Information and reports about the relevant overlay are included below. Climate change may cause increased rain and storm intensity and frequency, and sea level rise. These impacts of climate change may reduce the Property's resilience and exacerbate any flooding and inundation hazard.

### Plains Flood Management Overlay

The Plains Flood Management Overlay in the Council's District Plan identifies areas where flooding from a 200-year Average Recurrence Interval (ARI) flood event needs to be managed. [View a map of the overlay](#). [View the rules relating to the overlay](#). Further information can be found in the following technical reports:

[Selwyn River/Waikirikiri floodplain investigation](#), ECAN report, September 2019

[Regional Policy Statement Modelling for Selwyn District Council – District Plan](#), DHI Water and Environment Limited report, November 2019

### Environment Canterbury information regarding flooding and inundation

#### Historic Flooding Photographs

Photographs showing the property during or following past flood events may be available. Flood photographs are available on Environment Canterbury's [flood imagery register](#).

### *Other flooding and inundation information*

Climate change may cause increased rain and storm intensity and frequency, and sea level rise. These impacts of climate change may reduce the Property's resilience and exacerbate any flooding and inundation hazard.

### **Flood modelling**

This Property may be susceptible to flooding from the Selwyn River and/or in heavy rainfall events. [View the flood model results](#). More detail can be found in the technical report: [Selwyn District Flood Model - Hydraulic Model Build Report](#), Tonkin + Taylor commissioned by Selwyn District Council, August 2025.

### **Ground Water Level**

The ground water level at this Property is less than 30m below ground for this Property. A high ground water level may exacerbate any flooding at this Property, or the impact of any flooding at this Property.

### **Exposure Zones**

	<b>NZS3604:2011</b>	<b>AS/NZS1170:2002</b>
<b>Wind Region</b>	A	A7
<b>Snow Zone</b>	N4	N4 Sub-alpine
<b>Earthquake</b>	Zone: 2	Z Factor: 0.3
<b>Approximate Altitude (Amsl)</b>	189m	-
<b>Exposure Zone</b>	B	-

### **Exposure Zone Descriptions**

Zone B: Low

Inland areas with little risk from wind blown sea-spray salt deposits

Zone C: Medium

Inland coastal areas with medium risk from wind blown sea-spray salt deposits. This zone covers mainly coastal areas relatively low salinity. The extent of the affected area varies significantly with factors such as winds, topography and vegetation.

Zone D: High

Coastal areas with high risk wind blown sea-spray salt deposits. This is defined as within 500 m of the sea including harbours, or 100 m from tidal estuaries and sheltered inlets.

## Special Land Features

### Soil Type

Eyre stony silt loam and shallow silt loam

### Land Fill

None known

## Licences/Environmental Health

No information located.

## Network Utility Operators

Information related to the availability of supply, authorisations etc. (e.g. electricity or gas) can be obtained from the relevant Network Utility Operator.

## Other Information

1. The applicant is advised that the Environment Canterbury may have other information in relation to this property including, but not limited to:
  - a) Discharge consents.
  - b) Well permits.
  - c) Consents to take water.
  - d) The existence of contamination and/or hazardous sites.
  - e) Flooding.
  - f) Clean air discharge compliance.

Further information may be obtained from Environment Canterbury by requesting a Land Information Request (LIR). To find out more contact the Environment Canterbury on 0800 ECINFO (0800 324 636) or at <http://www.ecan.govt.nz/>

2. The following further information is supplied on the basis set out in note 2 below.

## Notes

1. The information supplied in the sections of this report, other than 'Other Information', is made available to the applicant pursuant to Section 44A(2) of the Local Government and Official Information Act 1987 by reference to Council files and records. No property inspection, or title search, has been undertaken. To enable the Council to measure the accuracy of this LIM document based on our current records we would appreciate your response should you find any information contained herein which may be considered to be incorrect or omitted. Please telephone the Council on 0800 SELWYN (375 996).

2. The information or documents supplied to the applicant and referred to in the 'Other Information' section of this report has been supplied to the Council by property owners, their agents and other third parties. That information is made available pursuant to section 44A(3) of the Local Government and Official Information Act 1987 on the basis that:
  - a) The information may be relevant to the purposes for which this report is obtained;
  - b) The Council does not warrant or represent the accuracy or reliability of the information. If the subject matter of that information is important to the applicant it is recommended that relevant professional advice should be taken before reliance is placed upon that information.
3. The information included in the LIM is based on a search of Council records only and there may be other information relating to the land which is unknown to the Council. Council records may not show illegal or unauthorised building or works on the property. The applicant is solely responsible for ensuring that the land is suitable for a particular purpose.
4. Schedule 1 Exempt Building Work

Building owners can carry out certain types of building work without needing to obtain a building consent. This exempt building work is listed in Schedule 1 of the Building Act 2004.

It is the owners' responsibility to ensure that any exempt building work done complies with the Building Code and fits within the provisions of the schedule before they carry out the work.

Please note that Council do not check or review documentation for compliance where information on exempt work has been provided by a property owner to Council. This information is simply filed for record keeping purposes and not to meet any statutory obligation.

Any information of this nature held by Council has been provided at Council's discretion under Section 44A (3) of the Local Government Official Information and Meetings Act 1987 without any representation or warranty.

5. The Council has used its best endeavors to ensure that all information provided in this LIM report is correct and complete in all material respects. In the event that a material error or omission can be proven the Council's liability, whether in contract or in tort shall be limited to the fee paid to Council to obtain this report.
6. This information reflects the Selwyn District Council's current understanding of the site, which is based only on the information thus far provided to it and held on record concerning the site. It is released only as a copy of those records and is not intended to provide a full, complete or totally accurate assessment of the site. As a result the Council is not in a position to warrant that the information is complete or without error and accepts no liability for any inaccuracy in, or omission from, this information.
7. The information contained in this Land Information Memorandum is current at the date the memorandum is issued. Further relevant information may come into the Council's possession subsequent to the date of issue.
8. This Land Information Memorandum includes natural hazard information deemed by Selwyn District Council and Environment Canterbury to be the most up-to-date, useful, and relevant, and is provided in accordance with the Local Government (Natural Hazard Information in Land Information Memoranda) Regulations 2025. All due care has been taken to ensure current information required to be provided under the regulations is presented below.
9. Selwyn District Council and Environment Canterbury may hold superseded or less reliable natural hazards information relating to the land that has not been included in this Land

Information Memorandum. Please contact Selwyn District Council or Environment Canterbury if you would like to enquire about this information.

Information Management Team

Date: 06 January 2026

# LIM Report Legend

## Base Layers

### Road

— Road

### Railway

—+ Railway

### District Boundary

 District Boundary

### Township Boundary

 Township Boundary

### Ratepayer Information

 Ratepayer Information

### Parcels

 Parcels

## PODP - Zones and Precincts

### Precincts

 Commercial Precincts

 Industrial Precincts

 Airfield Precincts

 Rural Precincts

## Zones

- Large lot residential zone
- Low density residential zone
- General residential zone
- Medium density residential zone
- Settlement zone
- General rural zone
- Neighbourhood centre zone
- Local centre zone
- Large format retail zone
- Town centre zone
- General industrial zone
- Special purpose zone

## Water\_In

- DIM LINE
- DUCT
- IRRIGATION
- NON SDC SERVICE
- OBsolete
- OUTLINE
- PIPE - TREATED
- PIPE - UNTREATED
- PIPE - SEWER
- SITE\_BOUNDARY

## Sewer\_pt

- CHAMBER
- EQUIPMENT
- FACILITY
- MANHOLE
- NODE
- VALVE

## Water\_pt

- EQUIPMENT - BORE
- EQUIPMENT - GENERATOR
- EQUIPMENT - SAMPLE
- TAP
- EQUIPMENT - OTHER
- FACILITY
- FIRE PLANT
- HYDRANT
- IRRIGATION
- NODE
- OBsolete
- SUPPLY POINT
- TANK
- VALVE

## Storm\_pt

- CHAMBER
- EQUIPMENT
- FACILITY
- INLET/OUTLET
- MANAGEMENT
- MANHOLE
- NODE
- SOAKHOLE
- SUMP
- VALVE

## Storm\_In

- CHANNEL
- DIM LINE
- MANAGEMENT
- NON SDC SERICE
- OBsolete
- OUTLINE
- PIPE
- SITE\_BOUNDARY

## Storm\_py

- CATCHMENTS
- CONSENT AREA
- GROUNDWATER LESS 6M
- OUTLINE OF BASIN
- RATED AREA

## Stormwater Management Area

- Stormwater Management Area

## West Melton Observatory Zone

 West Melton Observatory Zone

## Planning Zones

- High Country
- Port Hills
- Existing Development Area

## Living 1

## Living 2

## Living 3

## Living X

## Living West Melton (North)

## Living Z

## Deferred Living

## Business 1

## Business 2

## Business 3

## Inner Plains

## Outer Plains

## Malvern Hills

## Key Activity Centre

## Living West Melton (South)

## Liquefaction Drains and Water Race

## CDrain\_pt

- GATE
- Site
- WEIR

## CDrain\_In

- DRAIN
- ECan
- OUTLINE
- StopBank
- Site Boundary

## WRace\_pt

- DISCHARGE
- DIVIDE
- EQUIPMENT
- GATE
- GRILL
- HEADWALL
- MANHOLE
- NODE
- POND
- SITE
- SHAFT
- SOAKHOLE

## WRace\_In

- AQUEDUCT
- CULVERT
- DIM LINE
- EMERGENCY DISCHARGE
- INTAKE
- LATERAL
- LOCAL
- MAIN
- OBsolete
- OUTLINE
- SIPHON
- TUNNEL

## SDC Cleaned

- SDC Cleaned

## Project Extent

 Project Extent

## Boundary Between Liquefaction Assessment Zones

 Boundary Between Liquefaction Assessment Zones

## Liquefaction Susceptibility

- DBH TC Zoned Area
- Damaging liquefaction unlikely
- Liquefaction assessment needed

## Ecan River Protection Scheme

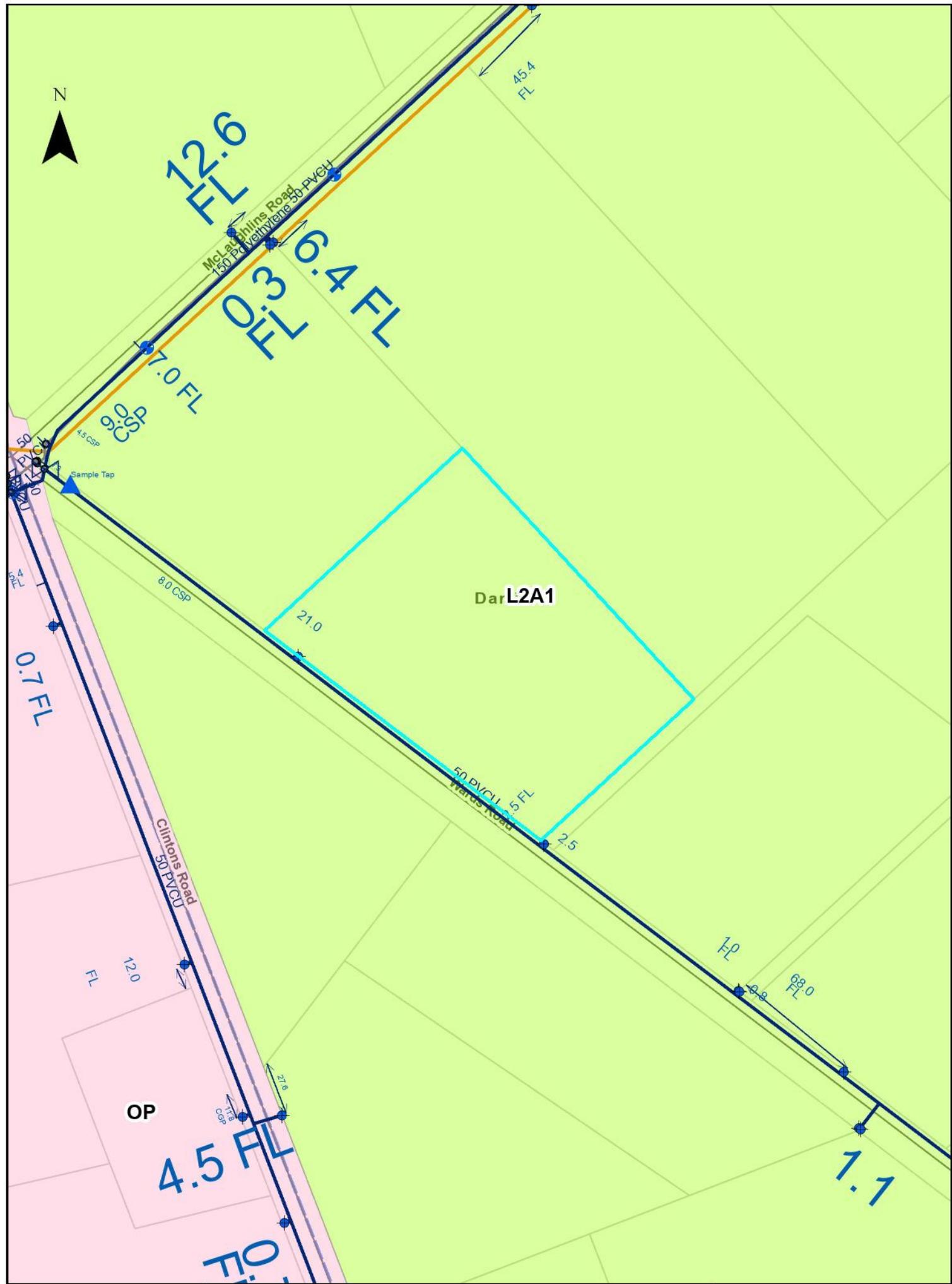
- Properties Beside Rivers
- Halswell Staff Gauges
- Halswell Floodgates
- Halswell Drainage

## Greendale Fault

- Greendale Fault 50m Buffer
- Fault Lines (GNS 2013)
- Folds (GNS 2013)

## Biodiversity

- Canterbury Plains SDC AB and C Classes
- Endangered Flora and Fauna
- Potentially Significant Sites
- Confirmed SNA Sites
- Significant Natural Areas (Final 115)



# LIM REPORT - Liquefaction, Drains and Water Races



McLaughlins Road

12/15/08

**Darfield**

Clinton's Road

Wards Road

# LIM REPORT - PODP Zone and Precinct

N  


McLaughlins Road

DarLLRZI

Wards Road

Clinton's Road

GRUZ

0 30 60 90 120  
Metres

## RESOURCE CONSENT INFORMATION

This document is one of three pages titled “Resource Consent Information” which should be read together.

- Because of the large number of resource consents only consents which fall within the red buffer as identified on the map have been included with this report.
- If further information is required please contact the Council’s Planning Department – Phone Direct 03 3472 868.
- Every effort is made by the Council to identify resource consent in proximity to the property subject to this LIM application. However, it is suggested that a site inspection be undertaken by prospective purchasers to identify any land uses of interest. These may include uses which have existing use rights or other uses which are permitted under the Council’s District Plan.

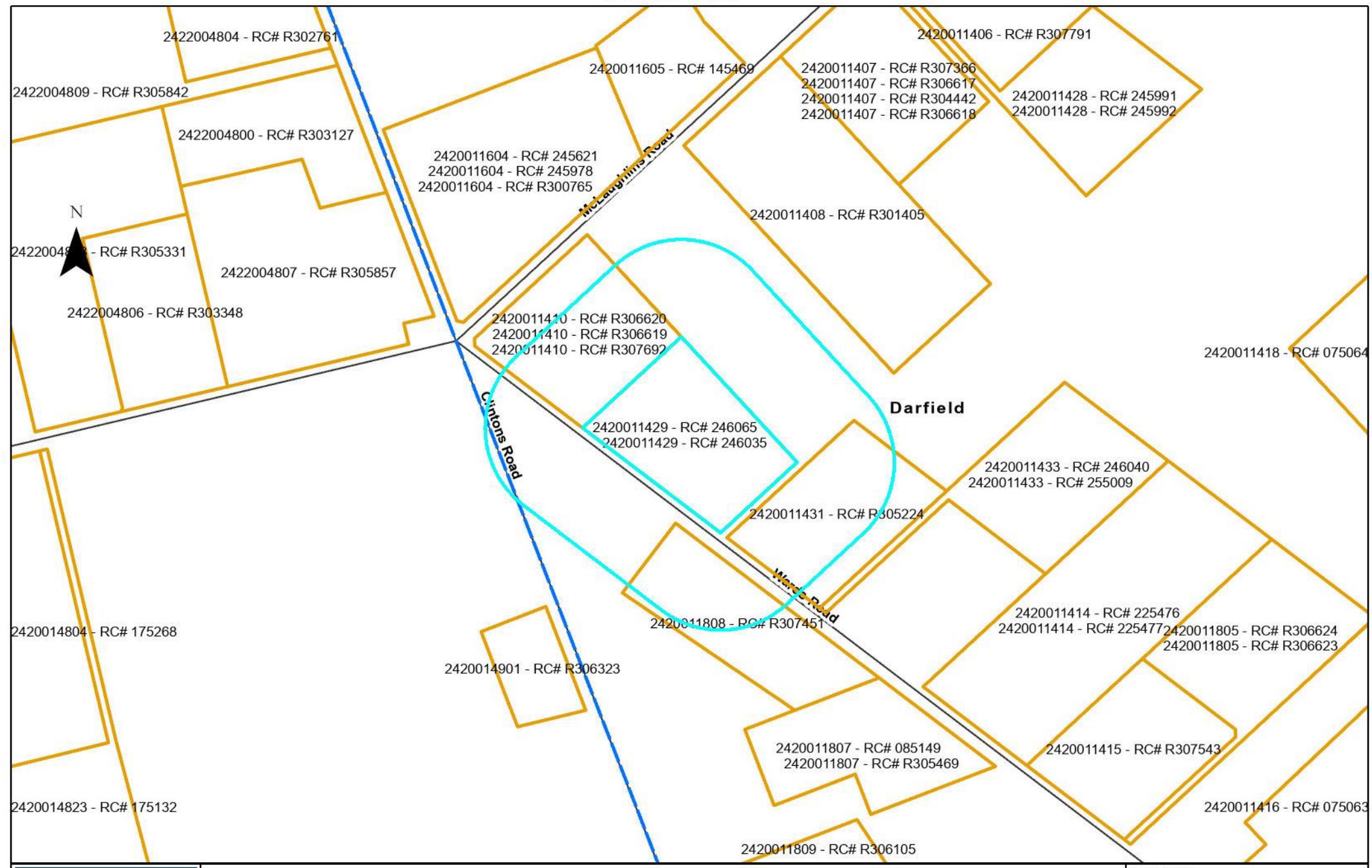
### Resource Consent Status Codes:

GHP	Granted by Hearing
GEC	Granted by Environment Court
GDEL	Granted by Delegation
GCOM	Granted by Commissioner
DCOM	Declined by Commissioner
DHP	Declined by Hearing
WD	Withdrawn application
AP	Approved
DC	Declined
Blank	No decision issued
DN	Decision Notified

ADN	Appeal Decision Notified
AE	Appeal expiry
AEC	Appeal Heard by Environment
AN	Abatement Notice
AR	Appeal received
ARI	Application returned incomplete
AWD	Appeal withdrawn
CC	Cancelled
CCI	Certificate Compliance Issued
D37	Deferred under s.37
D37E	s.37 deferral ends
D91	Deferred under s.91
D91E	s.91 deferral ends
ECDN	Environment Court Decision notified
FI	Further Information
FICR	Further Information request - no clock restart
FR	Formally received
HD	Hearing Date
HH	Hearing held
INV	Invoiced
IR	Information received
LAPS	Lapsed
LD	Lodged
LN	Limited Notified
LS	Lapsed
ODN	Objection decision notified
OH	On Hold
OR	Objection received

PA	Pre- application
PN	Publically notified
PS	Process suspended
RAD	Recommendation adopted by Council
RRA	Recommendation to required authority
S223	Section 223
S224	Section 224
SC	submissions closed
WAR	Written Approval Requested
WARE	Written Approvals Received

2420011429



Assessment_ID	RC Number	Proposal	Decision Date
2420011410	R306619	TO CREATE 2 LOTS OF APPROX 2 HA	2004-07-07
2420011410	R306620	TO RETAIN DWG ON LOT 3 & ERECT DWG ON LOT 4 CREATED FROM R306619	2004-07-07
2420011410	R307692	SUBDIVISION INTO 2 X 2 HA LOTS	2005-11-10
2420011429	246035	To undertake a subdivision to create 4 residential lots.	2025-03-18
2420011429	246065	To erect a shed on Lot 3 within the required setbacks from Lot 2 and 3.	2025-03-18
2420011431	R305224	TO ERECT WORKSHOP WITH N/C SITING	2001-11-23
2420011808	R307451	TO CREATE 2 LOTS OF APPROX. 2 HA	2005-06-27

# Code Compliance Certificate

## Section 95, Building Act 2004

### The Building

**Street address of building:** 2612 Wards Road , Darfield

**Legal description of land where building is located:** LOT 2 DP 430880

**Building name:** N/A

**Location of building within site/block number:** N/A

**Level/unit number:** N/A

**Current, lawfully established, use:** 2.0 Housing: 2.0.2 Detached Dwelling

**Number of Occupants:** N/A

**Year first constructed:** 2016

### The Owner

**Name of owner:** P C & R M Molloy

**Contact person:** P C & R M Molloy

**Mailing address:** 366 West Melton Road, RD 5, Christchurch

**Street address/registered office:** N/A

**Phone number:** 3479896

**Mobile:** 0274357451

**Facsimile number:** N/A

**Email address:** molloypc@xtra.co.nz

**First point of contact for communications with the council/building consent authority:** Jane Mayo

### Building Work

**Building consent number:** BC160194

**Description:** 3 Bedroom Domestic Dwelling

**Issued by:** Selwyn District Council

## **Code Compliance**

The building consent authority named below is satisfied, on reasonable grounds, that -

- the building work complies with the building consent.

Dave Gemmell

Building Inspector

On behalf of: Selwyn District Council

Issue Date: 06 Sep 2016

# Code Compliance Certificate

## Section 95, Building Act 2004

### The Building

**Street address of building:** 2612 Wards Road, Darfield

**Legal description of land where building is located:** LOT 2 DP 430880

**Building name:** N/A

**Location of building within site/block number:** 2612 Wards Road

Darfield

**Level/unit number:** N/A

**Current, lawfully established, use:** 7.0.1 Outbuildings

**Number of Occupants:** N/A

**Year first constructed:** 2016

### The Owner

**Name of owner:** P C & R M Molloy

**Contact person:** Peter Molloy

**Mailing address:** 366 West Melton Road, RD 5, Christchurch

**Street address/registered office:** N/A

**Phone number:** N/A

**Mobile:** N/A

**Facsimile number:** N/A

**Email address:** molloypc@xtra.co.nz

**First point of contact for communications with the council/building consent authority:** Jane Mayo

### Building Work

**Building consent number:** 161212

**Description:** Domestic Garage

**Issued by:** Selwyn District Council

## **Code Compliance**

The building consent authority named below is satisfied, on reasonable grounds, that -

- the building work complies with the building consent.

Chris Westwood

Building Inspector

On behalf of: Selwyn District Council

Issue Date: 26 Oct 2016

**Form 7**  
**Code compliance certificate**

*Section 95, Building Act 2004*

**The building**

Street address of building: 2612 Wards Road, Darfield  
Legal description of land where building is located: LOT 2 DP 430880  
Building name: N/A  
Location of building within site/block number: 2612 Wards Road  
Darfield  
Level/unit number: N/A  
Current, lawfully established, use: IA (Intermittent Low)  
Number of occupants: N/A  
Year first constructed: Unknown

**The owner**

Name of owner: P C & R M Molloy  
Contact person: P C & R M Molloy  
Mailing address: 2612 Wards Road, R D 1, Darfield  
Street address/registered office: N/A  
Phone number: Landline: N/A Mobile: 0273179617  
Daytime: Landline: N/A Mobile: 0273179617  
After hours: Landline: N/A Mobile: 0273179617  
Facsimile number: N/A  
Email address: molloypc@xtra.co.nz  
First point of contact for communications with the council/building consent authority:

**Building work**

Building consent number: BC180735  
Description: Farm Building  
Issued by: Selwyn District Council

**Code compliance**

The building consent authority named below is satisfied, on reasonable grounds, that -

- the building work complies with the building consent.

Signature: Carl Petersen

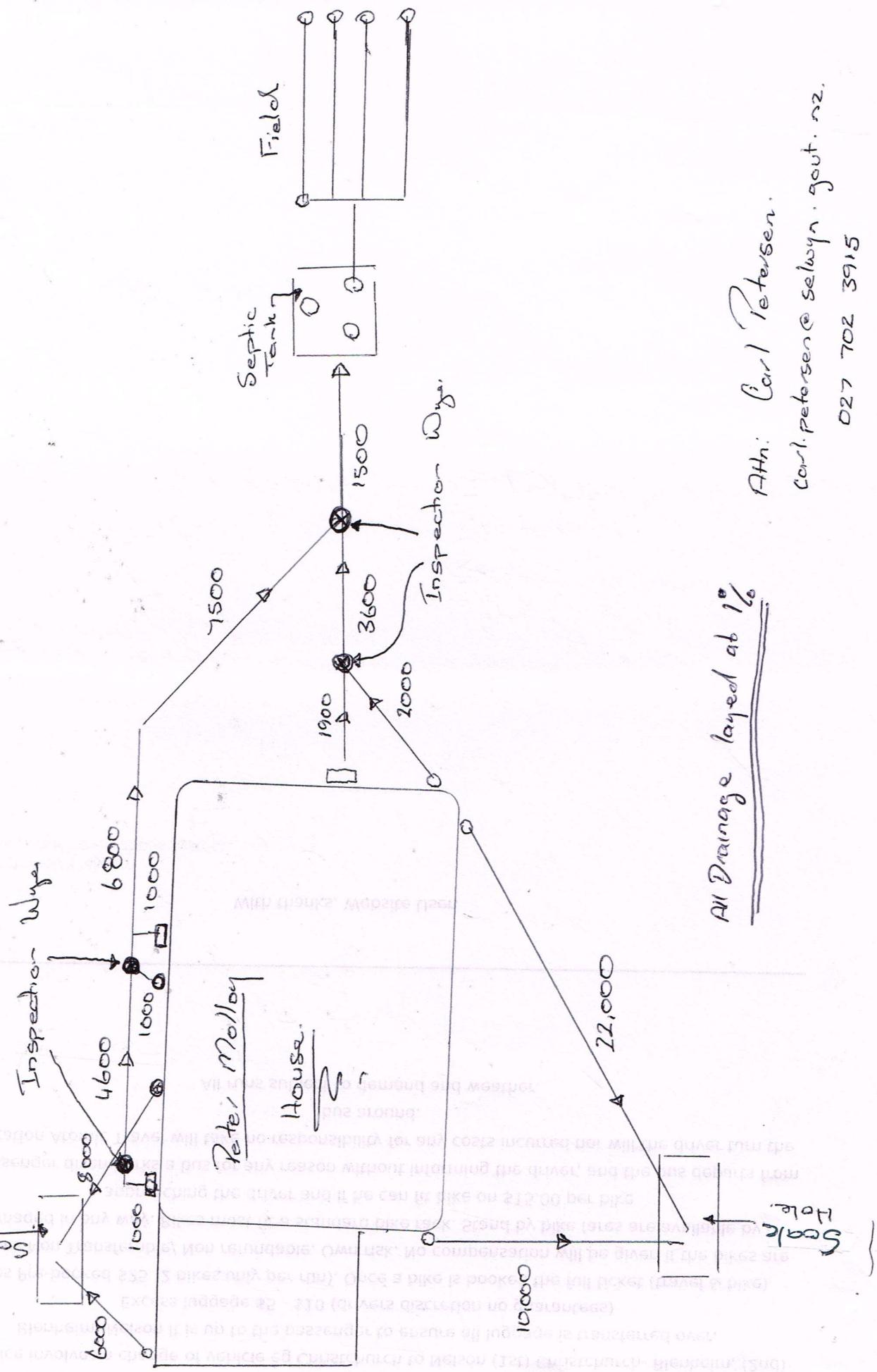
Position: Building Control Officer

On behalf of: Selwyn District Council

Date: 05 September 2018

## COUNSELL CONTRACTS LETTERS.

Drainage Certificate No 25447.





## **IMPORTANT INFORMATION TO ALL NEW HOME/LAND OWNERS**

### **STREET TREES AND IRRIGATION**

The Selwyn District Council would like to make all new home/land owners and their contractors aware of the process of gaining approval to relocate/remove street trees, or alter Council irrigation systems.

In some areas of the Selwyn District, various types of linked dripper irrigation systems are installed to water establishing street trees. In some cases, the system has not been installed very deep in the ground. It is particularly important that any contractors who are going to be excavating within road berms are aware of this and excavate carefully to locate irrigation lines or drippers, or seek assistance from Council as to their presence/location before excavating. Similarly, care should be taken when excavating near street trees to avoid damage to tree roots.

The developer has put a lot of effort into enhancing the streetscape and providing an attractive environment within your subdivision. It is accepted that in some cases when a new home is built, a planted street tree and associated irrigation system may need to be shifted or removed to facilitate vehicle access to the site. Upon formal request, Council will consider giving approval for such changes to the initial planting plan or irrigation system on a case by case basis, after exploring all alternative options available.

Where it has been qualified that trees can be removed or relocated and/or an irrigation system needs to be shifted, then these works are to be organised by Council and/or the Developer and carried out by one of their approved contractors. All costs associated with these works are to be borne by the requesting land owner.

Please be aware, that in some situations, street trees can be removed and landscaping in a subdivision might still be under the management of the developer. In such cases, Council should still be contacted in the first instance, who will forward the request onto the developer for a response.

The following procedure is to be followed by a land owner who is wanting to request removal or relocation of a street tree and/or associated irrigation systems, in order to facilitate vehicle access to their property.

Requests for the removal or shifting of a tree must be made in writing to the Council Reserves Department stating:

- Street address of the property and the lot number;
- Name of the contact person;
- Contact details;
- Reason for the tree to be removed

On receipt of this formal request, Council staff will assess the following:

- Quality of the tree and whether or not the tree can successfully be moved;
- Whether an irrigation system is present and also needs shifting or decommissioning;
- Any conditions of sale by the developer;
- Any Resource Consent conditions;
- Streetscape theme and amenity value contribution of the tree.

If a tree is not able to be shifted and has to be removed, the landowner may also be required to pay for the cost to plant another tree of the same species and of similar size within the road berm as a replacement.

If an agent of the land owner makes the request to Council, then the agent is deemed to be the person responsible for the payment of all expenses relating to this procedure.

#### CARE FOR ESTABLISHING STREET TREES

Although the Developer and/or Council endeavours to water in newly planted street trees during their initial establishment years, the public is encouraged to assist with watering trees on your road berm. Establishing a tree in an urban environment faces many challenges so give your tree the best chance of reaching its full potential and value.

Council implements an annual programme of street tree inspections and maintenance throughout the district. Street tree maintenance is the responsibility of the Council, who employs a contractor to provide arboricultural services. It is critical that any other tree maintenance required is undertaken by our appointed contractor to ensure consistency in both quality and tree form.

Please contact us by lodging a Service request if your tree requires any tree maintenance.

Thank you for your assistance and co-operation

Reserves Maintenance Staff  
**Selwyn District Council**

# Be water wise



Reducing water use is important as Selwyn households tend to be high users of water. Residential properties connected to a Council supply used an average of 1,470 litres of water per day in 2012/13 and 1,386 litres per day in 2011/12. As a comparison, typical household use in New Zealand is around 675 litres per day.

Part of the reason why Selwyn households have higher water consumption is because properties tend to have large sections and over dry summers water use can increase

significantly. Additional bores can be added to increase the capacity of Council water supplies, but this is costly and unsustainable.

Over summer, demand for water is much higher than in winter, as people use more water to maintain their lawns. When demand for water is very high during dry summers, water restrictions can be introduced if necessary.

Demand is especially high at the peak times of 6–9am in the morning and 4–9pm in the evening, when people

use water for cooking, washing and dishwashers, and often water their lawns at the same time.

We are asking everyone to be careful about how they use water, especially in summer when there is more demand for water. Some areas like Rolleston and Darfield also pay for their water based on metered use so reducing your water consumption will mean you spend less on water bills.

## How much water do you use?

This chart shows the amount of water typically used for different household activities. Once you know where your water is going, you can think about how you could reduce your water use. If your water is metered and billed this will help reduce how much you spend on water.

Kitchen—Activity		Water used	Buckets
Dishwashing by Hand		12 to 15 litres per wash	1–1½
Dishwasher		20 to 60 litres per wash	2–6
Drinking, Cooking, Cleaning		8 litres per person	¾–1
Bathroom—Activity		Water used	Buckets
Toilet		4.5 to 11 litres per flush	½–1
Bath		50 to 120 litres (half full)	5–12
Shower (8 minutes)		70 to 160 litres per 8 minutes	7–16
Handbasin		5 litres	½
Tap Running (Cleaning teeth, washing hands)		5 litres	½
Leaking Tap		200 litres	20
Laundry—Activity		Water used	Buckets
Washing Machine (Front loading)		23 litres per kg of dry clothing	4–5
Washing Machine (Top Loading)		31 litres per kg of dry clothing	5–6
Outside—Activity		Water used	Buckets
Hand Watering by Hose		600 to 900 litres per hour	60–90
Garden Sprinkler		Up to 1500 litres per hour	150
Car Wash with Hose		100 to 300 litres	10–30
Filling Swimming Pool		20,000 to 50,000 litres	2,000–5,000
Leaking Pipe (1.5mm hole)		300 litres per day	30



## Tips for managing your water use

You can help manage your water consumption wisely by following these tips:

### Your garden and lawn

- Water your garden and lawn every few days rather than every day. Wetting the soil surface every day encourages roots to develop at the surface, making them more vulnerable to hot dry spells.
- Water your garden and lawn outside of peak water usage hours (avoid 6am–9am, and 4pm–9pm). Watering in the early morning (before 6am) or late evening (after 9pm) will minimise evaporation loss. Also avoid watering in a Nor' West wind as the water will quickly evaporate.
- Using a watering can or hand watering plants by hose often uses far less water than a sprinkler.
- Use a timer to avoid overwatering as it makes plants more susceptible to fungus diseases and will leach out soil nutrients.
- Use mulch or cover the soil with a layer of organic matter to keep the soil moist. Mulches help protect plant roots from drying effects of sun and wind and also reduce weed growth.
- Check if the soil needs watering by digging down with a trowel and having a look. This is a more accurate way to see if watering is needed than looking at the surface.
- Check you have the right head for your sprinkler. Sprinklers should apply water gently so that it seeps into the soil. Some sprinklers apply water faster than the soil can absorb.
- When planting choose drought resistant plants that don't require a lot of water.



### Outdoors

- Wash your car with a bucket of water rather than a hose.
- Use a broom rather than hosing down paths and driveways.
- Inspect hoses and taps both indoors and outdoors to check for leaks which waste water.
- Collect rainwater for use watering gardens and lawns.
- If you have a swimming pool, keep it covered to stop the water evaporating.

### Indoors

- Reduce your water consumption at the peak times of 6-9am and 4-9pm. Easy ways to do this include using your washing machine after 9pm at night, and putting your dishwasher on just before you go to bed.
- Take a short shower instead of a bath.
- Don't switch on the dishwasher or washing machine until you have a full load.
- Use a half flush when using the toilet.

# Buying or selling your property?



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New Zealand Residential Property  
Sale and Purchase Agreement Guide





## This guide tells you...

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what a sale and purchase agreement is

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what's in a sale and purchase agreement

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what happens after you sign the sale and purchase agreement

---

what happens if you have a problem

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where to go for more information

### Where to go for more information

This guide is available in other languages. You can find translated copies of this guide on [rea.govt.nz](http://rea.govt.nz) and [settled.govt.nz](http://settled.govt.nz).

The New Zealand Residential Property Agency Agreement Guide is also available on [settled.govt.nz](http://settled.govt.nz). The guide tells you more about the agreement you sign with the agency helping to sell your property.

We welcome any feedback you have on this publication.

The information in this guide was accurate when published. However, the requirements this information is based on can change at any time. Up-to-date information is available at [rea.govt.nz](http://rea.govt.nz).

# Key things to know about sale and purchase agreements

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- A sale and purchase agreement is a legally binding contract between you and the other party involved in buying or selling a property.
- You must sign a written sale and purchase agreement to buy or sell a property.
- You need to read and understand the sale and purchase agreement before you sign it.
- Even if a standard sale and purchase agreement is being used, you should always get legal advice before you sign the agreement and throughout the buying and selling process.
- You can negotiate some of the terms and conditions in a sale and purchase agreement.
- You can include additional clauses, such as what to do if there are special circumstances. Your lawyer plays an important role in providing advice on what the sale and purchase agreement should say.
- A sale and purchase agreement becomes unconditional once all the conditions are met.
- In most cases, the real estate professional is working for the seller of the property, but they must treat the buyer fairly.
- If your real estate professional or anyone related to them wants to buy your property, they must get your written consent to do this. They must also give you a valuation of your property by an independent registered valuer.
- The sale and purchase agreement is only available in English. You may need assistance interpreting it if English is not your primary language.

## What a sale and purchase agreement is

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A sale and purchase agreement is a legally binding contract between you and the other party involved in buying or selling a property. It sets out all the details, terms and conditions of the sale. This includes things such as the price, any chattels being sold with the property, whether the buyer

needs to sell another property first or needs a property inspection and the settlement date.

A sale and purchase agreement provides certainty to both the buyer and the seller about what will happen when.



# What's in a sale and purchase agreement

Your sale and purchase agreement should include the following things.

## Basic details of the sale

Different sale methods like tender or auction might mean the sale and purchase agreement can look different, but all sale and purchase agreements should contain:

- the names of the people buying and selling the property
- the address of the property
- the type of title, for example, freehold or leasehold
- the price
- any deposit the buyer must pay
- any chattels being sold with the property, for example, whiteware or curtains
- any specific conditions you or the other party want fulfilled
- how many working days you have to fulfil your conditions (if there are any conditions)
- the settlement date (the date the buyer pays the rest of the amount for the property, which is usually also the day they can move in)
- the rate of interest the buyer must pay on any overdue payments (such as being late on paying the deposit or the remaining amount at the settlement date).

## General obligations and conditions you have to comply with

The sale and purchase agreement includes general obligations and conditions that you will need to comply with. For example, these may include:

- access rights – what access the buyer can have to inspect the property before settlement day
- insurance – to make sure the property remains insured until the settlement date and outline what will happen if any damage occurs before settlement day
- default by the buyer – the buyer may have to compensate the seller if they don't settle on time, for example, with interest payments
- default by the seller – the seller may have to compensate the buyer if they don't settle on time, for example, by paying accommodation costs
- eligibility to buy property in New Zealand – people who have migrated to New Zealand may not be permitted to immediately buy property or may need to get consent from the Overseas Investment Office.

Your lawyer will explain these clauses to you.

## Check...

Always check your sale and purchase agreement with a lawyer before signing.

Buying or selling a property where the owner isn't able to participate, like a mortgagee sale or deceased estate, can mean the real estate professional has limited information about the property. It pays to allow for this when deciding what conditions the buyer and seller might need.

## Remember...

Before you sign a sale and purchase agreement, whether you're the buyer or the seller, the real estate professional must give you a copy of this guide. They must also ask you to confirm in writing that you've received it.

## Specific conditions a buyer may include

Some buyers will present an unconditional offer, which means there are no specific conditions to be fulfilled. Some buyers will include one or more conditions (that must be fulfilled by a specified date) in their offer such as:

- title search – this is done by the buyer's lawyer to check who the legal owner of the property is and to see if there are any other interests over the property such as caveats or easements
- finance – this refers to the buyer arranging payment, often requiring bank approval for a mortgage or loan
- valuation report – a bank may require the buyer to obtain a valuation of the property (an estimate of the property's worth on the current market) before they agree to a loan
- Land Information Memorandum (LIM) – provided by the local council, this report provides information about the property such as rates, building permits and consents, drainage, planning and other important information
- property inspection – a buyer paying for an inspection provides an independent overview of the condition of the property rather than relying on an inspection that has been arranged by the seller

- engineer's or surveyor's report – similar to the above but more focused on the entire section and the structure of the property
- sale of another home – the buyer may need to sell their own home in order to buy another.

The real estate professional helps the buyer and the seller to include the conditions they each want. Even though the real estate professional works for the seller, they also have to deal fairly and honestly with the buyer. While they're not expected to discover hidden defects, they can't withhold information and must tell the buyer about any known defects with the property. If a buyer needs time to check a property for defects, including a property inspection condition may be important.



# What happens after you sign the sale and purchase agreement

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Signing the sale and purchase agreement is not the end of the sale or purchase process.

## Both parties work through the conditions until the agreement is unconditional

A conditional agreement means the sale and purchase agreement has one or more conditions that must be met by a specified date and before the sale goes through.

The buyer pays the deposit. Depending on what the sale and purchase agreement says, the buyer may pay the deposit when they sign the agreement or when the agreement becomes unconditional. If the deposit is made to the real estate agency, it must be held in their agency's trust account for 10 working days before it can be released to the seller.

## An agreement for sale and purchase commits you to buy or sell

Once you've signed the sale and purchase agreement and any conditions set out in it have been met, you must complete the sale or purchase of the property.

The length of time between the conditions being met and the settlement date varies. Settlement periods can be lengthy if the property hasn't been built yet or the sale and purchase agreement includes conditions for one party to buy or sell another property. The real estate professional has obligations to keep you informed of important updates that come up during this time.

## Pre-settlement inspection

This is the chance for the buyer to check the property and chattels are in the same condition they were when the sale and purchase agreement was signed and to check that the seller has met any conditions, for example, there is no damage to walls or chattels haven't been removed from the property.

It's important to raise any concerns you find at the pre-settlement inspection with your lawyer and the real estate professional as soon as possible to allow enough time for an issue to be resolved. If it's less than 24 hours before settlement, the vendor may not be obligated to set things right.

## Payment of a commission

Once the sale is complete, the seller pays the real estate professional for their services. The real estate agency usually takes the commission from the deposit they're holding in their trust account. The seller should make sure the deposit is enough to cover the commission. The real estate professional cannot ask the buyer to pay for their services if they have been engaged by the seller.

## The buyer pays the rest

The buyer pays the remainder of the amount for the property on the day of settlement, usually through their lawyer.

## Buying a tenanted property

If the property is tenanted, the agreement for sale and purchase should specify this. It may also contain a specific date for possession that may differ from the settlement date.

If the buyer requires the property to be sold with 'vacant possession', it is the seller's responsibility to give the tenant notice to vacate in accordance with the tenant's legal rights.

It is recommended that you seek legal advice if you are buying a property that is currently tenanted.

# What happens if you have a problem

If something has gone wrong, first discuss your concern with the real estate professional or their manager. All agencies must have in-house procedures for resolving complaints.

If you can't resolve the issue with the real estate agency or you don't feel comfortable discussing it with them, you can contact the Real Estate Authority (REA). We can help in a number of ways if your complaint is about the real estate professional. For example, we can help you and the real estate professional or agency to resolve

the issue and remind them of their obligations under the Real Estate Agents Act 2008. When you contact us, we'll work with you to help you decide the best thing to do.

Call us on **0800 367 7322**, email us at [info@rea.govt.nz](mailto:info@rea.govt.nz) or visit us online at [rea.govt.nz](http://rea.govt.nz)

## About settled.govt.nz



### Settled.govt.nz guides you through home buying and selling.

Buying or selling your home is one of the biggest financial decisions you will make. It's a complex and sometimes stressful process with potentially significant emotional and financial impacts if things go wrong.

**Settled.govt.nz** provides comprehensive independent information and guidance for home buyers and sellers. You can find information about the risks and how they can impact you and get useful tips on how to avoid some of the major potential problems.

**Settled.govt.nz** will help to inform and guide you through the process from when you're thinking of buying or selling right through to when you're moving in or out. You'll find valuable information, checklists, quizzes, videos and tools. From understanding LIMs, to sale and purchase agreements, to when to contact a lawyer, **settled.govt.nz** explains what you need to know.

**Settled.govt.nz** is brought to you by the Real Estate Authority – Te Mana Papawhenua (REA).

### For more information

For more information on home buying and selling, visit **settled.govt.nz** or email [info@settled.govt.nz](mailto:info@settled.govt.nz)



# About the Real Estate Authority – Te Mana Papawhenua (REA)

REA is the independent government agency that regulates the New Zealand real estate profession.

Our purpose is to promote and protect the interests of consumers buying and selling real estate and to promote public confidence in the performance of real estate agency work.

## What we do

Our job is to promote a high standard of conduct in the real estate profession and protect buyers and sellers of property from harm.

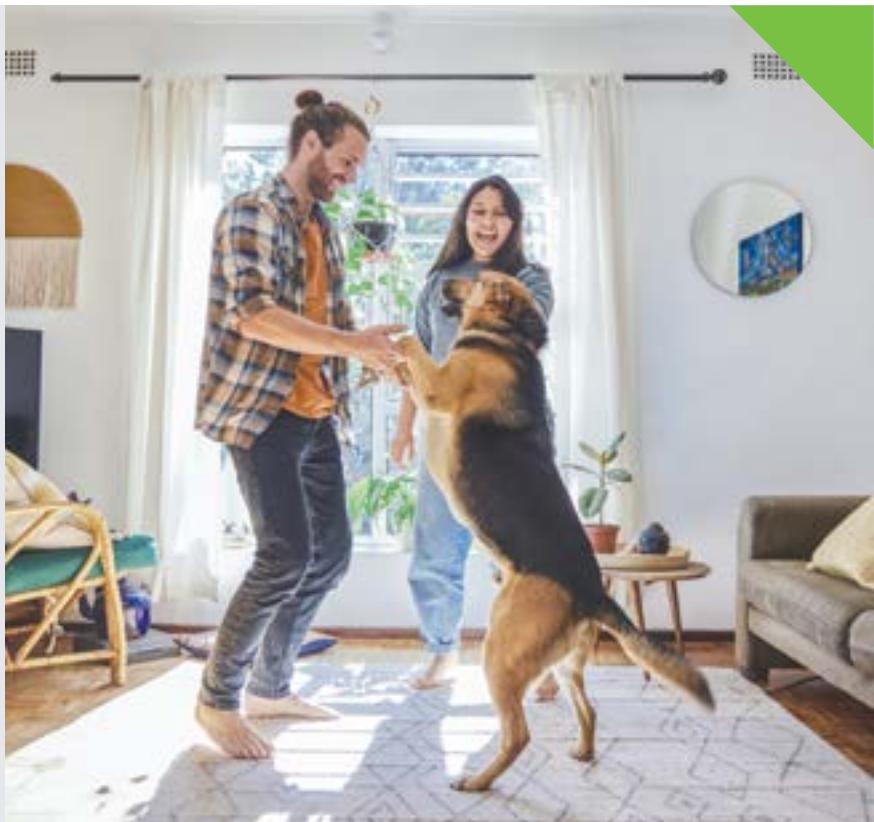
- We provide independent information for people who are buying and selling property through our [settled.govt.nz](https://settled.govt.nz) website.
- We provide guidance for real estate professionals and oversee a complaints process.
- We license people and companies working in the real estate industry.

- We maintain a Code of Conduct setting out the professional standards real estate professionals must follow.
- We maintain a public register of real estate professionals that includes information about disciplinary action taken in the last 3 years.

The Real Estate Agents Authority is a Crown agent, established under the Real Estate Agents Act 2008. The Real Estate Authority is the operating name of the Real Estate Agents Authority.

## For more information

To find out more about REA, visit [rea.govt.nz](https://rea.govt.nz), call us on **0800 367 7322** or email us at [info@rea.govt.nz](mailto:info@rea.govt.nz)



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