

Sections 95, 95A-E, 104, 104B, 106, 106A, 108, 108AA, 220



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

APPLICATION NUMBERS	RC265385, RC265414
APPLICANT	D Devine
BRIEF DESCRIPTION OF THE APPLICATION	This is a joint application for subdivision and land use consent (including consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS). The following consents are sought: • To undertake a two lot rural subdivision • To construct a principal dwelling with a non-complying internal setback • Consent under the NES-CS
ADDRESS	904 Waterholes Road, Rolleston
LEGAL DESCRIPTION	RS 7636
TITLE REFERENCE	CB32K/748
AREA	8.271 ha
ZONING / OVERLAYS	Partially Operative Selwyn District Plan (Appeals Version) General Rural Zone Plains Flood Management Overlay Noise Control Overlay - State Highway Noise Control Noise Control Overlay - Airport 50 dB Ldn Noise Control Overlay Rural Density Overlay - SCA-RD1 Inner Plains/ Te Urumanuka ki Ana-ri
OVERALL ACTIVITY STATUS	Discretionary

The Application

1. This application was formally received by the Selwyn District Council on 11 May 2026. Further information was received on 9 June, 11 June, 18 June and 29 June 2026, and this information now forms part of the application.
2. The application proposes to undertake a two-lot rural subdivision as follows:



- Lot 1 was created as a 4.035 hectare vacant lot with access via Devine Drive
- Lot 2 was created as a 4.133 hectare lot with an existing dwelling with access via the existing vehicle access from Waterholes Road

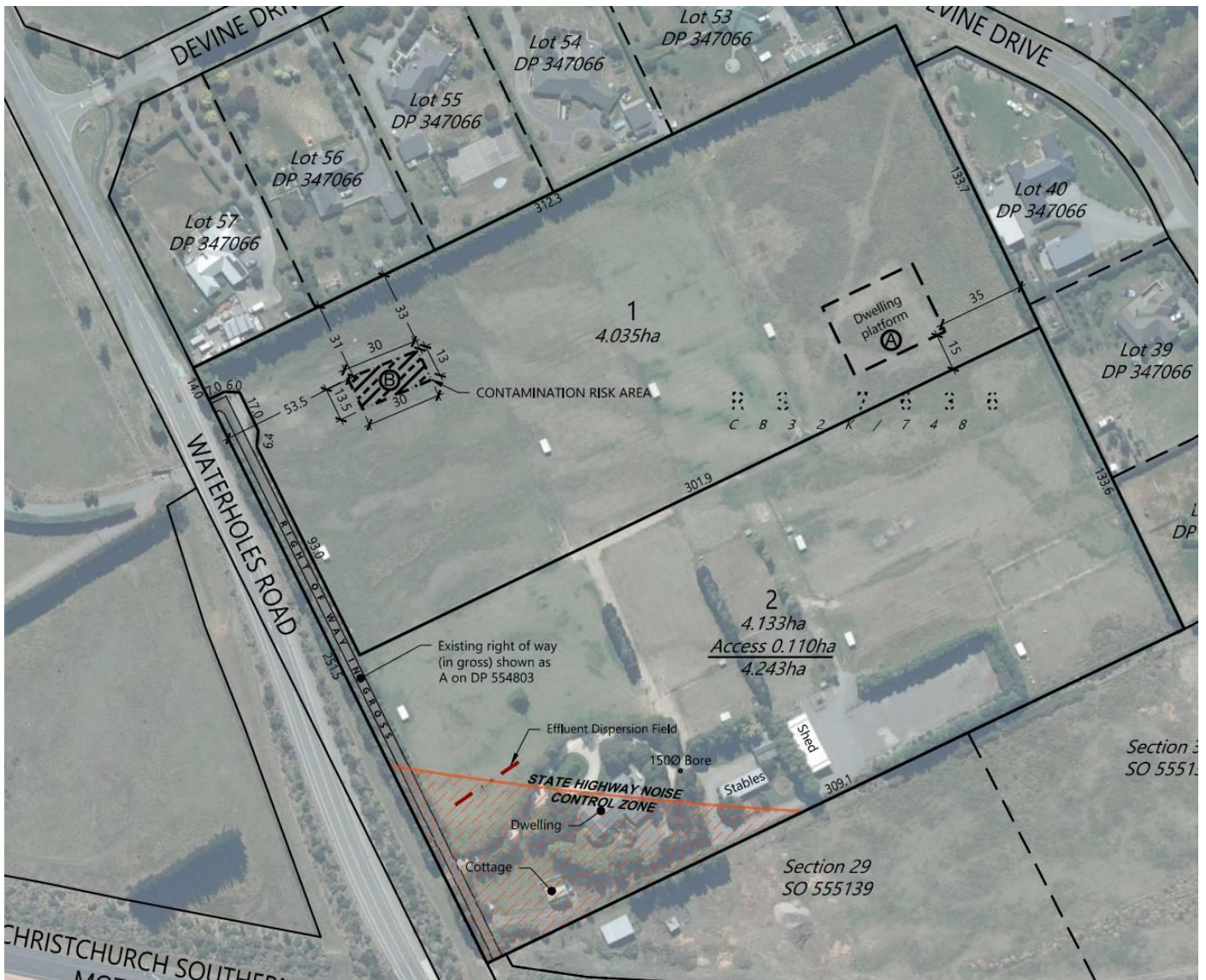


Figure 1. Proposed subdivision plan

3. The subdivision and land use aspects have been bundled in one application and will be processed as such, given that there is an overlap between the two such that consideration of one may affect the outcome of the other, and it would not be appropriate to separate them. This enables an integrated and holistic assessment of the proposal as a whole.

The Existing Environment

4. The application site contains an existing singly storey principal dwelling, a minor dwelling and associated accessory buildings, as shown in **Figure 2** below.

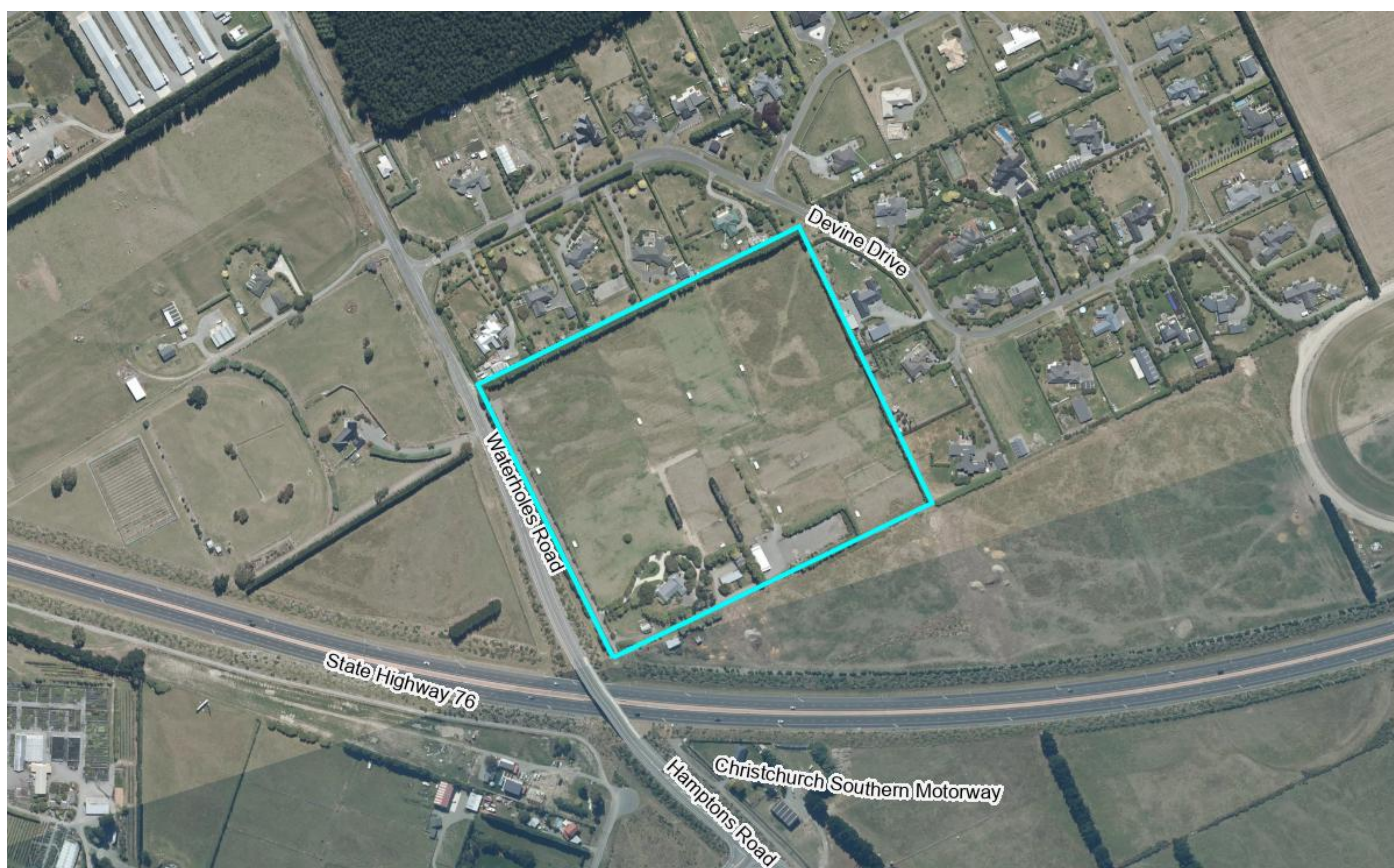


Figure 2. Aerial image of locality. Source: Toitū Te Whenua (LINZ)

5. The application site is bounded to the north and east by smaller rural lots of between 5000m² and 6000m² lots with access from Devine Drive. Larger rural-residential lots are located to the west of the site. The Christchurch Southern Motorway is located immediately to the south of the site.
6. Waterholes Road is identified in the PODP as an Arterial Road in this location.

Activity Status

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

7. The application site is zoned General Rural Zone. The site is also subject to Plains Flood Management Overlay, Noise Control Overlay - State Highway Noise Control, Noise Control Overlay - Airport 50 dB Ldn Noise Control Overlay, Rural Density Overlay - SCA-RD1 Inner Plains/ Te Urumanuka ki Ana-ri.
8. 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

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

RULE	TOPIC	NON-COMPLIANCE	STATUS
SUB-R2	Subdivision in the General Rural Zone	1. Subdivision not subject to any of SUB-R12, SUB-R13, SUB-R14, or SUB-R15 is a controlled activity.	

		Where: 1. Every site created contains a net site area not less than that specified in GRUZ-SCHED2 Residential Density. Any site that is, or that is proposed to be as part of the application, subject to a legal mechanism restricting the number of residential units which may be erected on the site shall be of sufficient size to comply with the minimum net site area, excluding any area which cannot be used to erect a residential unit. The minimum net site area shall not apply to sites used exclusively for access, reserves, or infrastructure, or which are wholly subject to a designation. - complies And this activity complies with the following rule requirements: SUB-REQ2 Building Square - complies SUB-REQ3 Outline Development Plan - not applicable SUB-REQ5 Number of Sites - not applicable SUB-REQ6 Access - does not comply SUB-REQ8 Corner Splays - not applicable	
SUB-REQ6		1. Every site created, including any balance site, has legal access to a road, and that access is not obtained by crossing a railway line - complies. 3. Every site created, including any balance site, has legal access to a formed road maintained by Council - complies 6. Every site created, including any balance site, has legal access to a road that is not an Arterial Road listed in APP2 – Roading Hierarchy where the posted speed limit is 60km/hr or greater - does not comply 11. Every site created, including any balance site, has legal access to a road that is not a State Highway where the posted speed limit is 60km/h or greater - not applicable The proposal seeks to provide Lot 2 with access to Waterholes Road	Restricted Discretionary (Rule SUB-REQ6.7)
SUB- R17	Subdivision and Natural Hazards	4. Subdivision within the Plains Flood Management Overlay. This rule does not apply to any subdivision under SUB-R15 is a restricted discretionary activity. Where: 1. Every site created is outside a high hazard area - complies	Restricted Discretionary (Rule SUB-17.4)

10. There are suitable building sites on Lot 2. A Flood Assessment Certificate (FAC) does not need to be applied for in association with this subdivision application. A consent notice is recommended that the finished floor level of any residential building shall be set in accordance with the requirements of the Flood Assessment Certificate process outlined in NH-SCHED1 of the Selwyn District Plan, and that prior to the issue of a building consent, the owner must provide evidence to the Selwyn District Council that the finished floor level complies with the approved FAC for the site.
11. Therefore, the subdivision proposal is a Restricted Discretionary activity under the Partially Operative Plan.

Land use

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

RULE	TOPIC	NON-COMPLIANCE	STATUS
GRUZ-R3	Residential Unit	1. The establishment of a new, or alteration, or expansion of an existing residential unit, where the activity complies with GRUZ-SCHED2 - Residential Density - Specific Control Areas. And this activity complies with the following rule requirements: GRUZ-REQ1 Building Coverage - can comply GRUZ-REQ2 Structure Height - can comply GRUZ-REQ4 Structure Setbacks - does not comply GRUZ-REQ4B Landscaping - not applicable GRUZ-REQ10 Sensitive Activity Setback from Intensive Primary Production - not applicable GRUZ-REQ11 Sensitive Activity Setback from Mineral Extraction - not applicable GRUZ-REQ16 Springfield Airfield Height Restriction - not applicable EI-REQ23 West Melton Aerodrome Height Restriction - not applicable	
GRUZ-REQ4	Structure Setbacks	All structures, excluding public amenity structures, shall comply with the minimum setbacks listed in GRUZ-TABLE1 - Structure Setbacks. Residential Unit - 30m from internal boundary The proposal includes a building platform that is located 15m from the southern internal boundary	Restricted Discretionary (Rule GRUZ-REQ4.1)
TRAN-R4	Vehicle Crossing	The establishment of a vehicle crossing Where: 1. the vehicle crossing is located no closer to an intersection with a State Highway or arterial road than: a. 60m to the departure side of any intersection; and b. 30m to the approach side of any intersection; and - not applicable 2. the vehicle crossing does not service any: a. service station; or b. truck stop; or c. activity that generates more than: i. in PREC11 - Rural Services Precinct, 250vm/d ii. elsewhere, 40vm/d. - not applicable And this activity complies with the following rule requirements:	

		TRAN-REQ2 Vehicle Crossing Access Restrictions - does not comply TRAN-REQ3 Number of Vehicle Crossings - complies TRAN-REQ4 Siting of Vehicle Crossings - does not comply TRAN-REQ5 Vehicle Crossing Design and Construction - can comply TRAN-REQ6 Vehicle Crossing Surface - can comply	
TRAN-REQ2	Vehicle crossing access restrictions	Where a vehicle crossing is formed within an arterial road it shall comply with the following: 1. no alternative legal access is available from a collector road or local road; and - does not comply 2. sufficient on-site manoeuvring is available so reversing onto the arterial road shall not occur. - will comply	Restricted Discretionary (Rule TRAN-REQ2.15)
TRAN-REQ4	Siting of Vehicle Crossings	Vehicle crossing(s) shall: 1. comply with TRAN-TABLE4 - Vehicle Crossing Distances from Intersections as illustrated in TRAN-DIAGRAM1 - Accessway Separation from Intersections; and - will comply 2. be located a minimum distance of 10m from the end of any splitter or approach island to a roundabout; and - not applicable 3. comply with TRAN-TABLE5 - Vehicle Crossing Sight Distances as illustrated in TRAN-DIAGRAM2 - Sight Distance Measurements and Values; and - does not comply 4. not be formed within a State Highway. - not applicable	Restricted Discretionary (Rule TRAN-REQ1.2)

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

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

14. The NES-CS manages activities that 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.
15. The applicant has provided a Preliminary Site Investigation and an OSMP to support the application. The conclusions of the PSI is that the application is permitted under the NES-CS.
16. The Contaminated Land Team at Environment Canterbury has peer reviewed the PSI and OSMP and disagrees with the conclusions of the PSI, noting that the contaminant concentration exceeds the tier 1 soil guideline value by a factor of 17.
17. The proposal is therefore a discretionary activity in terms of the NES-CS.

Notification Assessment

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

Restrictions on Matters Considered

18. The overall status of the activity is **Discretionary**. As such, the Council's discretion is unrestricted and all adverse effects must be considered.
19. However, it is considered that the relevant matters in Rule SUB-REQ6, and SUB – Matters for Control or Discretion and the matters of discretion for GRUZ-REQ4 provide a useful framework for assessing the application, as discussed below.

Effects

Subdivision

SUB-REQ6 - Access

20. The application seeks to provide Lot 2 with access to Waterholes Road, an arterial road. Therefore, the application has a restricted discretionary status in accordance with SUB-REQ6.
21. The design and location of the existing vehicle crossing for proposed Lot 2 have been reviewed and assessed by Amie Johnson, Development Engineer, who has confirmed that the vehicle crossing is acceptable in this location.

Subdivision - Matters for Control or Discretion

SUB-MAT1 - Size and Shape

22. The proposed lots reflect the natural and physical boundaries of the site .

SUB-MAT2 Context

23. There are no relevant consent notices memoranda of encumbrance, or other development constraints on the site.

SUB-MAT3 - Infrastructure

24. The proposal does not seek to vest any infrastructure in the Council.

SUB-MAT4 (Telecommunications and Electricity)

25. It is considered that there is sufficient information to ensure that proposed Lot 1 can be connected to telecommunications and electricity at the building consent stage.

SUB-MAT5 (Water)

26. The applicant proposes to provide a new bore within Lot 1 for potable water supply.

SUB-MAT6 (Stormwater Disposal)

27. Not applicable

SUB-MAT7 (Wastewater Disposal)

28. The existing dwelling on proposed Lot 2 has an existing on-site wastewater treatment and disposal system. Mr Graham Fowler has provided further information and a detailed assessment of the existing wastewater management system in the RFI Response of 29 June. I accept Mr Fowler's assessment.

SUB-MAT 9 - Movement Networks

29. The applicant advises that the existing vehicle access for proposed Lot 2 was constructed by NZTA and that the vehicle crossing for proposed Lot 1 will be constructed at the building consent stage in accordance with TRAN-DIAGRAM5.

SUB-MAT10 - Reserves

30. Not applicable

SUB-MAT11 - Easements

31. Proposed easements have been shown on the scheme plan.

SUB-MAT12 - Development Constraints

32. Not applicable

SUB-MATA - Highly Productive Land

33. The NZLRI Land Use Capability maps indicate that the site has Class 3 versatile soils located in the southern portion of the site, as detailed in **Figure 4** below, and therefore the NPS-HPL is relevant to the proposal.

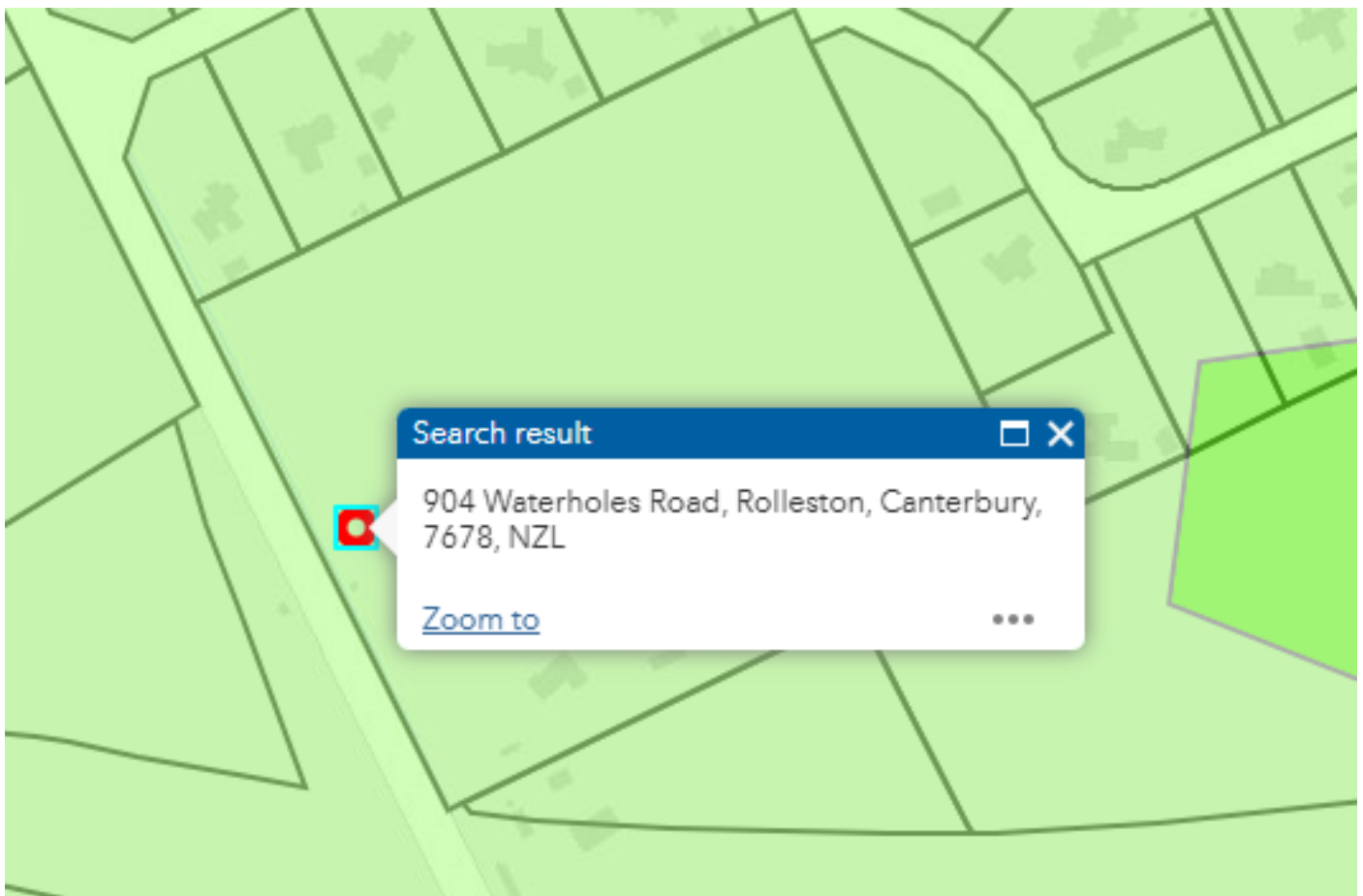


Figure 3. NZLRI Land Use Capability Map

34. It is considered that the proposal does not alter the physical characteristics of the site and that the soils and land properties remain unchanged. Further, no legal constraints are proposed, and no land is being removed from productive use. It is considered that the proposal will meet the three tests in Clause 3.8. It is considered

that any adverse effects on the availability and productive capacity of highly productive land will be less than minor.

Land Use

Structure Setback

35. GRUZ-REQ4 requires that all principal dwellings are set back a minimum of 30m from all internal boundaries. The application has identified a building platform 15m from the southern internal boundary, and is therefore a restricted discretionary activity, subject to the matters of discretion outlined in GRUZ-MAT3. These matters have been assessed as follows:
1. *Effects on privacy or dominance of adjoining sites*
36. The proposal will result in a principal dwelling being located within the 30m setback requirement with proposed Lot 2. The location of the dwelling has the potential to have adverse effects on privacy or dominance for the owners/occupiers of proposed Lot 2.
2. *Whether the reduced setback would result in the site remaining compatible with the surrounding character when viewed from neighbouring sites*
37. The proposed building platform is setback a considerable distance from Waterholes Road. It is considered that the distance to other adjacent rural lots and public spaces to the west will ensure that any adverse effects associated with the non-compliant setback of the dwelling to the southern internal boundary will be less than minor.
38. The proposed building platform meets the internal boundary setbacks with the adjacent smaller rural-residential lots located to the north and east of the site. This, combined with intervening mature shelterbelts along these property boundaries, will ensure that any adverse effects associated with the non-compliant setback of the dwelling to the southern internal boundary will be less than minor for the adjacent properties.
3. *The necessity to enable more efficient or practical use of the remainder of the site or the long term protection of listed trees, heritage items, cultural sites, or natural features on the site.*
39. Not applicable.
4. *The extent to which the reduced setback is to facilitate practical use of the building or day to day management of the site, including the need to align with existing buildings in the vicinity and their associated use.*
 5. *The degree to which the topography, location, design, landscaping, screening, and appearance of the building mitigates the visual effects of the reduced setback.*
40. The proposed building platform is located on an elevated mound within the site, where "a dwelling should desirably be erected to avoid potential flood risk from extreme flood events".
6. *Whether a reduced setback from boundaries with the rail corridor will enable buildings, balconies, or decks to be constructed or maintained without requiring access above, on, or over the railway corridor.*
41. Not applicable
7. *The extent to which any reduced setback will result in reverse sensitivity effects on primary production or activities that directly support primary production.*
42. The non-compliant setback is internal to the development.
43. It is considered that any adverse effects associated with the non-compliant internal setback will be less than minor.

Transport

44. The application seeks to provide access to Lot 2 from Waterholes Road via an existing vehicle crossing and accessway. The design and location of this vehicle crossing have been reviewed by Ms Amie Johnson, Development Engineer, who has advised that the vehicle crossing is acceptable for Lot 2 only, subject to the existing right of way to be appropriately transferred onto the title of Lot 2.

45. Noting the arterial status of Waterholes Road, Ms Johnson also notes that no further vehicle crossings should be established, and seeks that a consent notice and LIM note is placed on Lot 1 stating that the future owners are advised that no access can be established through Waterholes Road.
46. The application seeks to provide access to Lot 1 from Devine Drive. Ms Amie Johnson has reviewed the potential locations of the vehicle crossing and confirmed that due to the low traffic environment, any adverse effects associated with the reduced sight lines will be less than minor.
47. The road reserve adjacent to Devine Drive includes a wide berm that includes a large grassed area with mature trees. In the RFI response of 11 June, the applicant has provided a sketch of the proposed vehicle crossing (**Figure 5** below). Ms Johnson has recommended that a consent notice is placed on the title to ensure that this area is suitably maintained.
48. It is considered that any adverse transport effects will be less than minor.

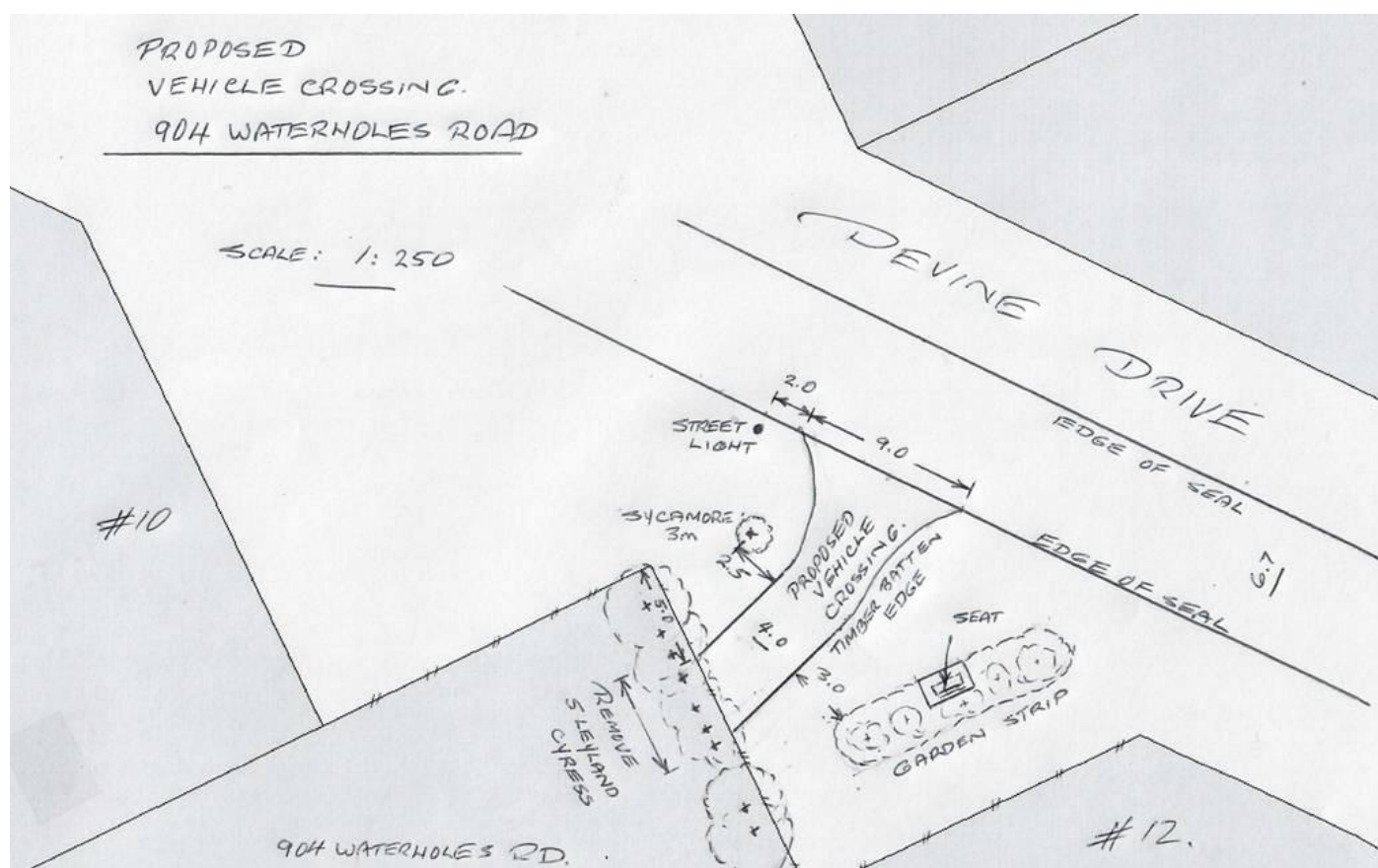


Figure 4. Draft sketch of proposed vehicle crossing (source: RFI response 11 June 2026)

Natural Hazards Effects

49. The application site is located within the Plains Flood Management Overlay but is not within a high-hazard area. Assessment is restricted to NH-MAT1, and any additional information required to enable a Flood Assessment Certificate to be issued for every site created in accordance with NH-SCHED1 Flood Assessment Certificates.
50. The application site is located within the Plains Flood Management Overlay. As detailed in **Figure 5** below, the existing building on proposed Lot 2 is located outside of flow paths, and proposed Lot 1 has a number of flow paths reaching approximate depths of 0.2m - 0.3m across the site. It is noted that the dwelling platform is located in an area outside of the flow paths; however, any accessway will be located within these flow paths.
51. The existing residential activity on proposed Lot 2 will continue unchanged, and the proposed subdivision will provide the potential for a principal dwelling to be erected on Lot 2. No physical work is proposed that would

modify land levels, overland flow paths, flood storage capacity, or displace flood waters in a manner likely to cause an effect on an adjacent site.

52. It is recommended that a consent notice be imposed on proposed Lot 1 requiring that the finished floor level of any residential building is set in accordance with the requirements of the Flood Assessment Certificate process outlined in NH-SCHED1 of the Selwyn District Plan, and that prior to the issue of a building consent the owner must provide evidence to the Selwyn District Council that the finished floor level complies with the approved Flood Assessment Certificate for the site.
53. Overall, the adverse effects of natural hazards are considered less than minor.

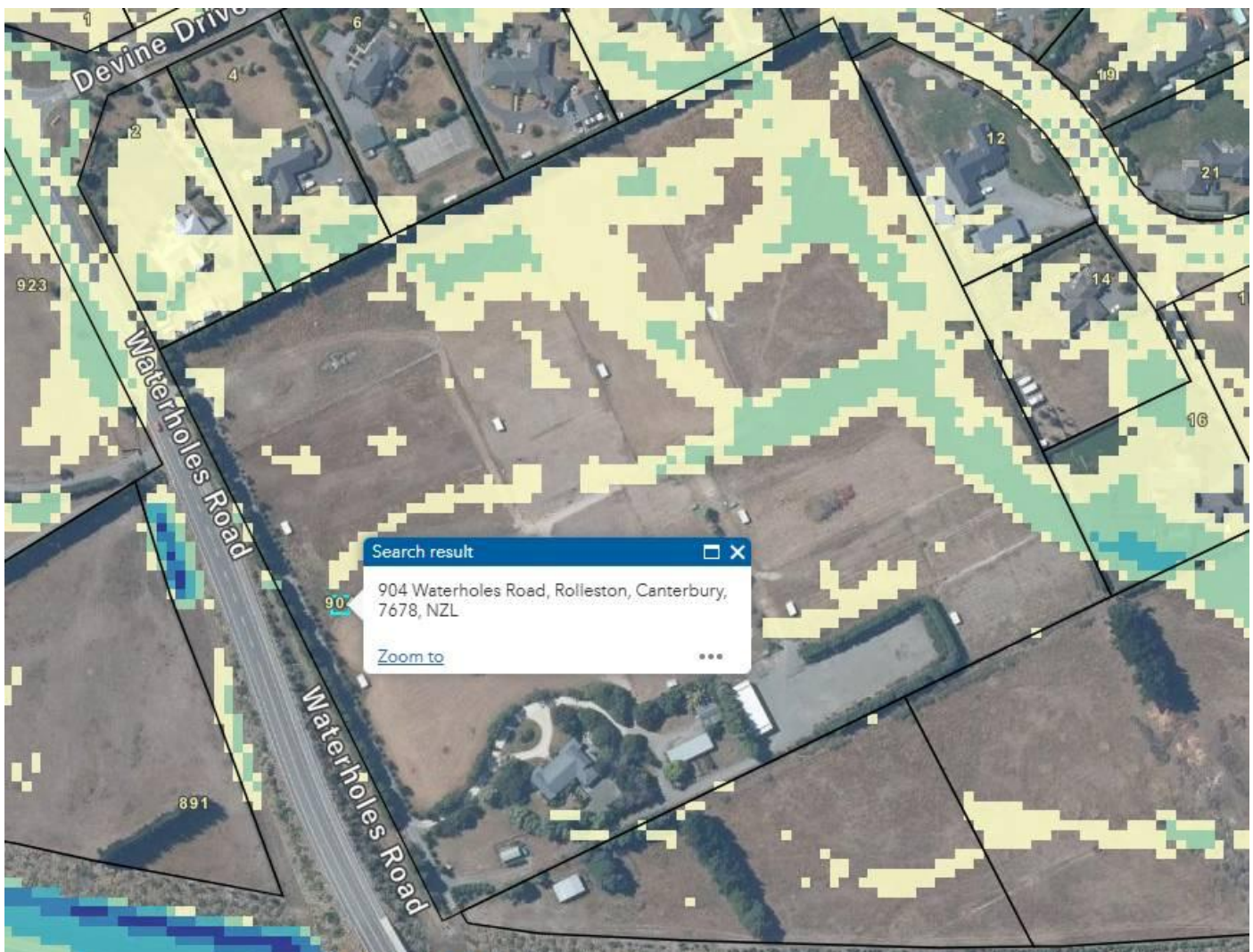


Figure 5. Flood model results for application site (source: Canterbury Maps)

Contaminated Land

54. The NES-CS manages activities that involve the disturbance of land that 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.
55. The applicant has provided a Preliminary Site Investigation and an OSMP to support the application. The conclusions of the PSI is that the application is permitted under the NES-CS.
56. As noted above, the Contaminated Land Team at Environment Canterbury has peer reviewed the PSI and OSMP and disagrees with the conclusions of the PSI, noting that the contaminant concentration exceeds the tier 1 soil guideline value by a factor of 17. It is noted that the “potentially contaminated existing burn area”

has not been specifically sampled but rather assumed to be contaminated at a similar level to the contaminated former burn area.

57. As part of the RFI response dated 9 June 2026, the applicant confirmed that the applicant intends to continue to use the burn-pile area. An application for consent under the NES-CS was received on 18 June 2026, and included an On-going Site Management Plan (OSMP).
58. This information has been peer-reviewed by the Contaminated Land Team, who have noted that the provided results exceed the applicable land use standard by a significant degree, which is incongruent with the conclusion required for regulation 8(4), as proposed by the Momentum report. Noting that the applicant has not provided a DSI as required by regulation 10(2)(a), Mr Michael Massey, Contaminated Land Officer, notes that while the PSI is “*not a full DSI, the results are not something a responsible practitioner could ignore. However, I also consider that a full DSI is not necessarily a proportional recommendation for the proposed activity.*” On this basis, Mr Massey has accepted the substance of the report and recommended the following consent notice and condition of consent to manage contaminated land:

Consent Notice

The following consent notice pursuant to s221 of the Act will be issued by the Council for Lot 1:

1. Contaminated Land

- *Any future owners of Lot 1 are informed that contamination is present on this site and all activities must abide by the OSMP*
- *Any future owners of Lot 1 are informed that future activities will require a Detailed Site Investigation to delineate contamination and recommend remediation or mitigation measures in accordance with the NES-CS due to the presence of contaminated soils on site.*

Resource Consent Condition

All activities on site must be undertaken in accordance with the Ongoing Site Management Plan from Momentum Environmental and dated May 2026

59. Subject to acceptance of the consent condition and consent notice, it is considered that any adverse effects will be less than minor.

Positive Effects

60. 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

61. Any adverse effects are considered to be less than minor, in terms of adjacent persons and the wider environment.

Public Notification (Section 95A)

62. 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.

STEP 1: MANDATORY PUBLIC NOTIFICATION IN CERTAIN CIRCUMSTANCES (SECTIONS 95A(2) AND 95A(3))	
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 been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?	No
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STEP 2: PUBLIC NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES (SECTIONS 95A(4) AND 95A(5))	
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

STEP 3: PUBLIC NOTIFICATION REQUIRED IN CERTAIN CIRCUMSTANCES (SECTIONS 95A(7) AND 95A(8))	
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

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

Conclusion

63. 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)

64. 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.

STEP 1: CERTAIN AFFECTED GROUPS AND AFFECTED PERSONS MUST BE NOTIFIED (SECTIONS 95B(1)-(4))	
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

STEP 2: LIMITED NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES (SECTIONS 95B(5) AND 95B(6))	
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

STEP 3: CERTAIN OTHER AFFECTED PERSONS MUST BE NOTIFIED (SECTIONS 95B(7)-(9))	
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

STEP 4: LIMITED NOTIFICATION IN SPECIAL CIRCUMSTANCES

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
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Conclusion

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

Notification Recommendation

66. I recommend that the applications RC265385, RC265414 be processed on a **non-notified** basis in accordance with sections 95A-E of the Resource Management Act 1991.

Report by: Jane Anderson Consultant Planner	Date: 7 July 2026
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Notification Decision

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

 Commissioner Tim Harris	Date: 9 July 2026
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Section 104 Assessment

68. Section 104 of the Act sets out the matters the Council must have regard to when considering an application for resource consent.

69. 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*
 - (ab) 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*
 - (b) 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*
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

...

70. 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.

71. 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.

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

72. 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)).

73. It is also appropriate to consider the positive effects of the proposal at this section 104 stage. There are no particular positive effects on the environment.

74. As concluded in my notification assessment, I consider that the adverse effects on the environment resulting from the proposal will be less than minor.

Section 106 - Natural Hazards and Access

75. 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 all of the following taken together:*

(a) *the likelihood of natural hazards occurring (whether individually or in combination);*

(b) *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards;*

(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.*

76. It is considered that, subject to a consent notice requiring the finished floor level of any residential building to be in accordance with the Flood Assessment Certificate, there are no significant natural hazard risks that would prevent the granting of consent.

77. Further, as has been discussed, it is considered that subject to the identified consent notices, the two lots will be provided with legal and physical access.

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

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

Partially Operative Plan – Objectives and Policies

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

79. SUB-O1 seeks that subdivision design and layout result in the efficient use of land and are compatible with the role, function, and planned urban form of the zone. SUB-O2 seeks that every site created by subdivision has the characteristics, infrastructure and facilities appropriate for the intended use of the land. SUB-O3 seeks that site sizes reflect the anticipated development outcomes of the zone. It is considered that the proposed lots will be consistent with the subdivision objectives and policies.

80. Objective GRUZ-O1 seeks to provide for the use and development in rural areas that supports, maintains and enhances the function and form, character and amenity values of the rural areas. Policy GRUZ-P1 seeks to maintain or enhance rural character and amenity values of rural areas by retaining a low overall building density. It is considered that the proposed location of the building platform will maintain the function, form and amenity of the General Rural Zone without significant adverse effects on rural character or visual amenity.

81. Overall, I consider the proposal to be consistent with the Partially Operative 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 required for a discretionary activity as the proposal exceeds the tier 1 soil guideline factor. The applicant has consequently sought resource consent under the NES-CS and provided an OSMP in support of this application. On balance, it is considered that subject to compliance with the proposed consent notice and consent condition, the proposal will be consistent with the NES-CS.

National Policy Statement Highly Productive Land (NPS-HPL)

84. The NZLRI Land Use Capability maps indicate that the site has Class 3 versatile soils, and therefore the NPS-HPL is relevant to the proposal.
85. Part 2 of the NPS-HPL provides an objective and policy framework relevant to the proposed development. Objective 1 seeks to protect highly productive land for use in land-based primary production. Associated Policy 4 seeks to ensure that the use of highly productive land for land-based primary production is prioritised and supported. Policy 6 seeks to ensure that the rezoning and development of highly productive land for rural lifestyle is avoided, except as provided in this National Policy Statement.
86. The proposal \complies with the rural density requirements and will retain the overall productive capacity of the subject land over the long term. The subdivision also avoids cumulative loss of HPL and, given the compliant density, avoids potential reverse sensitivity effects on surrounding land-based primary production activities.
87. I consider the proposal to be consistent with the relevant objectives and policies of the NPS-HPL.

National Policy Statement for Natural Hazards (NPS-NH)

88. The application site is located within the Plains Flood Overlay and therefore the NPS-NH applies to the proposal. The NPS requires a risk assessment of the proposed activity using the risk matrix and methods set out in the statement. In this context, the site is subject to a risk of the natural hazard during a 200-year event (0.5% AEP storm event).
89. A recommended consent notice will require that the finished floor level of any residential building is set in accordance with the requirements of the Flood Assessment Certificate process outlined in NH-SCHED1 of the Selwyn District Plan. Prior to the issue of a building consent, the owner must provide evidence to the Selwyn District Council that the finished floor level complies with the approved Flood Assessment Certificate for the site.
90. Given that the driveway to the residential unit on proposed Lot 1 will experience flood depths of up to 0.2m - 0.3m during 100-year ARI, 200-year ARI and 500-year ARI events, there is a limited loss in access leading to a minor risk.
91. Given the existing risks of natural hazards, that the existing dwelling is located outside of significant water depth, and the dwelling on Lot 1 proposed to be located in accordance with the FAC process, it is considered that the overall risk level is minor.
92. For completeness, the proposal is considered to be consistent with the objective and policies of the NPS-NH.

Section 104(1)(c) – Other Matters

93. No further matters are considered relevant to assessing this application.

Part 2 – Purpose and principles

94. The consideration under section 104 is subject to Part 2 of the Act – Purpose and principles.
95. 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.
96. 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.

97. 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.
98. In addition to section 5, I note that the following clauses of Part 2 would be particularly relevant:
- (f) maintenance and enhancement of the quality of the environment:*
99. Based on my assessment of the proposal in this report, I conclude that the proposal will be consistent with Part 2 of the Act.

Conclusions

100. The application is for the following consents:
- RC265385 - Subdivision (s11) - To undertake a subdivision to create two rural lots
 - RC265414 - Land Use (s9) - To erect a principal building with a non-complying internal setback
101. The overall status of the application is discretionary.
102. It is considered that any adverse effects will be less than minor, in terms of adjacent persons and the wider environment.
103. It is considered that the proposal will be consistent with the objectives and policies of the Partially Operative District Plan
104. Having considered all relevant matters, on balance and overall, I conclude that the application may be granted, subject to conditions of consent.

Recommendation

105. I recommend that subdivision consent RC265385 and land use consent RC265414 are **granted**, pursuant to sections 104, 104B, 106 of the Resource Management Act 1991, subject to the conditions of consent below pursuant to sections 108, 108AA and 220 of the Act.

Report by: Jane Anderson Consultant Planner	Date: 7 July 2026
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Decision

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

 Commissioner Tim Harris	Date: 9 July 2026
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Conditions of Consent

RC265385 Subdivision Consent Conditions

1. The subdivision shall proceed in general accordance with the information formally received with the application on 11 May 2026, the further information provided on 9 June, 11 June, 18 June and 29 June 2026, and the attached stamped Approved Plan entitled 904 Waterholes Road Subdivision GF-102, Sheet V060 Revision C and dated 15.04.2026, except where another condition of this consent must be complied with.
2. The following conditions of consent must 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, granted or reserved.

Consent Notices

4. The following consent notices pursuant to s 221 of the Act will be issued by the Council and must be registered on the Record of Title to ensure ongoing compliance as follows:

Contaminated Land for Lot 1

- (a) Any future owners of Lot 1 are informed that contamination is present on this site and all activities must abide by the On-going Site Management Plan (OSMP)
- (b) Any future owners of Lot 1 are informed that future activities will require a Detailed Site Investigation to delineate contamination and recommend remediation or mitigation measures in accordance with the NES-CS due to the presence of contaminated soils on site.

Vehicle Crossings for Lot 1

- (c) A vehicle crossing to service Lot 1 must be formed in accordance with the requirements of District Plan and the approved consent documents prior to the occupation of a residential unit or principal building.

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.

- (d) No access to Lot 1 shall be established via Waterholes Road
- (e) The consent holder is to be advised that the road reserve land frontage to Devine Drive through which the vehicle accessway and crossing is established for Lot 1 will be the responsibility of the consent holder for the maintenance of the lawn area.

Minimum Finished Floor Level - Lot 1

- (f) The finished floor level of any residential building shall be set in accordance with the requirements of the Flood Assessment Certificate process outlined in NH SCHED1 of the Selwyn District Plan. Prior to the issue of a building consent, the owner must provide evidence to the Selwyn District Council that the finished floor level complies with the approved Flood Assessment Certificate for the site.

Firefighting Water Supply for Lots 1 and 2

- (g) Prior to the occupation of any 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.

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.

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.

Vehicle Crossings and Accessways

5. A vehicle crossing to service Lot 1 must be formed in accordance with the requirements of the District Plan and the approved consent documents prior to the occupation of a residential unit or principal building.

Power and Telecommunications Services

6. 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.

ADVICE NOTE: The Council does not require physical connections to power and telecommunications services in the rural area and all prospective purchasers should investigate likely costs.

LIM Notes for Lot 1

No vehicular access can be established via Waterholes Road

The Consent Holder is advised that prior to the construction of the vehicle crossing to access Lot 1, consultation will be required with the Landscape Advisor (development.landscaping@selwyn.govt.nz) to determine the location of the vehicle crossing and accessway within the road reserve.

RC265414 Land Use Consent Conditions

1. The proposal shall proceed in general accordance with the information submitted with the application on 11 May 2026, the further information provided on 9 June, 11 June, 18 June and 29 June 2026, and the attached stamped Approved Plan entitled 904 Waterholes Road Subdivision GF-102, Sheet V060 Revision C and dated 15.04.2026, except where another condition of this consent must be complied with

Contaminated Land

2. All activities on site must be undertaken in accordance with the Ongoing Site Management Plan from Momentum Environmental and dated May 2026

Attachment

1. RC265385 and RC265414 Subdivision Approved Plan(s) - 904 Waterholes Road Subdivision, Sheet V060 Revision C and dated 15.04.2026

Development Contributions

Subdivision Consent

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.

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

Note: The amounts set out in the attached table are applicable at the time 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.

Please contact our Development Contributions Assessor on 03 347 2800 or at:

development.contributions@selwyn.govt.nz.

Activity	Demand Post Development (HUE)	Credits for Existing Demand (HUE)	Additional Demand (HUE)	Development Contribution per HUE (\$)	Development Contribution (\$ Excl. GST)	GST (\$)	Development Contribution (\$ Incl. GST)
Water Supply	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Wastewater	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Stormwater	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Reserves	1.00	0.50	0.50	11,663.00	5,831.50	874.73	6,706.23
Community Infrastructure	1.00	0.50	0.50	1,478.00	739.00	110.85	849.85
Roading	2.00	1.00	1.00	1,269.00	1,269.00	190.35	1,459.35
Roading ODP	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Contribution					7,839.50	1,175.93	9,015.43

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 may 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, the following monitoring programme and associated fee has been charged: Basic - No site inspection.
- (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.
- (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 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.

Street Trees and Vegetation

- (l) All proposed vehicle crossings must be located in accordance with the SDC Engineering Code of Practice and the SDC Tree and vegetation Policy. This requires vehicle crossings to be set back a minimum distance from street trees depending on the location of the street tree relative to the direction of vehicle travel over the crossing. Where the relocation of an existing street tree is necessary to enable the work provided for by this consent, approval should be sought from an SDC Landscape Development Advisor - development.landscaping@selwyn.govt.nz. The relocation of any street tree will be undertaken by an SDC approved contractor within the planting season at the consent holders' expense in accordance with the accepted plans.

Relocation of street lights

- (m) The relocation of existing streetlights to enable works proposed by this consent must be undertaken at the expense of the consent holder and be installed in accordance with the accepted engineering plans.

Provision of stormwater

- (n) Onsite stormwater treatment and disposal system(s) must comply with the requirements of the discharge consent issued by Environment Canterbury Regional Council. Where compliance via a Certificate of Compliance cannot be provided, a Resource Consent must be obtained.

Impact on Council Assets

- (o) 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

- (p) 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.