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Resource Consent Decision

RC205047

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APPLICANT:	Fulton Hogan Land Development Ltd
PROPOSAL:	RC205047 - To change conditions 2, 53 & 56 of resource consent RC185574
LOCATION:	Edward Street, Lincoln
LEGAL DESCRIPTION:	Lot 705 DP 525161 being 54.5008ha in area more or less, as contained in Record of Title 839624.
ZONING:	The property is zoned Living Z under the provisions of the Operative District Plan (Townships) Volume
STATUS:	RC205047 has been assessed as a change of conditions pursuant to section 127 of the Resource Management Act 1991 in respect of subdivision resource consent RC185574 granted on 19 December 2018 to subdivide to create 527 residential lots.
	As such the relevant provisions of the District Plan (Townships) Volume and the Resource Management Act 1991 have been taken into account

This application was formally received by the Selwyn District Council on 3 February 2020. Assessment and approval took place on 10 February 2020 under a delegation given by the Council.

Decision

- A. Resource consent 205047 be processed on a **non-notified** basis in accordance with sections 95A-F of the Resource Management Act 1991; and
- B. That the application to change condition 2, 53 & 56 of Resource Consent RC185574 granted on 19 December 2018 be granted pursuant to section 127 of the Resource Management Act 1991.

Condition 2 shall now read:

That the subdivision shall proceed in substantial accordance with the attached approved subdivision plan (now marked SDC 205047 and 205048) including any additional balance lots and utility lots required, except where varied by the following conditions of consent.

Condition 53 shall now read:

That, unless a resource consent has been granted otherwise or the District Plan rules have been amended: All development and other activities on low density lots shall proceed in accordance with the rules for permitted activities in the Living Z zone, Low Density Area. Any activity which does not comply with the rules for permitted activities will require resource consent, with the application assessed against the provisions of the Living Z zone, Low Density Area.

Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the computer freehold register to issue for residential lots not listed in condition 52 above.



Condition 56 shall now read:

That Lots 1020, 1022, 1016, 1018, 1021, 1025, 1027, 1028, 1029, 1031 and 1032 shall vest in Council as Local Purpose (Drainage Reserve).

Attachments

1. 205047 and 205048 Approved Plan

Notes to the Consent Holder

All other conditions of Resource Consent 185574 remain unchanged and in effect.

RC185574 (AS AMENDED BY RC205047)

- That the following conditions of consent shall be met prior to the issue of the Section 224(c) Completion Certificate, at the expense of the Consent Holder.
- 2. That the subdivision shall proceed in substantial accordance with the attached approved subdivision plan (now marked SDC 205047 and 205048) including any additional balance lots and utility lots required, except where varied by the following conditions of consent.
- 3. The application shall be staged as shown on the approved plan.
- 4. That a point strip (Lot 7018) shall be created at the end of Lot 7017 of the subdivision adjacent to RS6016

A point Strip agreement (to be prepared by Council's solicitors) shall be entered into between the consent holder and the Council before issue of the Section 224c certificate for the relevant stage of the development.

A Consent Notice shall be registered against the title to the land which comprises the Point Strip which provides that:

The title of the land comprising the Point Strip shall be transferred to the Council when the plan of subdivision is deposited.

The Council will not grant the owner of [add adjoining land description] (the "Adjoining Land") access to the land comprising the Point Strip except in accordance with the terms of the Point Strip Agreement between the [Consent Holder] and the Council dated on or about the date of this notice.

The agreement shall ensure the benefiting owner (i.e the owner of the Adjoining Land) pays a fair share of the cost of providing services

The agreement shall set the amount to be paid which will be updated from the date of the agreement by the movement in the Consumers Price Index. The right for the consent holder to be paid the amount set out in the agreement shall expire 20 years after the date of the agreement.

The Consent Holder shall provide a valuation of the amount to be paid to the Council. This valuation will be checked by an Independent Infrastructural Valuer appointed by the Council, with the costs of checking being met by the consent holder.

The consent holder will meet the cost of the Council's Solicitor preparing the agreement and Consent Notice.



General Engineering Conditions

- 5. That all required easements shall be duly created and granted or reserved.
- 6. All work shall adhere to the conditions set in the engineering approval letter as agreed between the applicant and Selwyn District Council at the time of approval and be constructed to the approved engineering plans.

Note: The conditions of the engineering approval cannot go beyond those set out in this consent, the requirements of the Selwyn District Plan or the Engineering Code of Practice.

- 7. All work shall comply with the Engineering Code of Practice, except as agreed with Council
- 8. That the plans and specifications of all works, including water, irrigation, sewer, roading, stormwater and landscaping, shall be submitted to the Council for approval. Engineering approval of complying documents shall be given in writing and work shall not commence until this has been received from the Council. Any subsequent amendments to the plans and specifications shall be submitted to Council for approval.
- 9. The consent holder shall forward with the engineering plans and specifications, copies of any other consents required and granted in respect of this subdivision, including any certificate of compliance or consent required by Canterbury Regional Council.
- 10. Unless specific provision is made otherwise the services to all lots shall extend from the road boundary to a point one metre inside the net area of the lot. Please note that the net area is the area excluding any right of way or accessway.
- 11. That accurate 'as built' plans of all services be provided to the satisfaction of the Asset Manager. All assets being vested in Council shall be provided in an appropriate electronic format for integration into Council's systems. Actual costs involved in provision and transfer of this data to Councils systems shall be borne by the consent holder.
- 12. That where the subdivision results in any assets being vested in Council, then a comprehensive electronic schedule of these shall be provided to Council's Asset Manager. The schedule will include but not be limited to installed material unit costs, type, diameter, class, quantity etc and include summary details.

Site stability and site works

- 13. That all site works shall be undertaken in accordance with the conditions of resource consent 185575.
- 14. That the Consent Holder ensure on a continuing basis (until Certificates of Title are available for each allotment) that dust is not generated from: consolidated material; the disturbance or transportation of material; or earthworks activities by keeping the surface of the material damp or by using another



appropriate method of dust suppression. This applies to exposed areas of earth, stockpiles and unsealed roads.

- 15. That the consent holder shall ensure on a continuing basis that dust created by the disturbance or transportation of materials is confined to within the boundaries of the application site.
- 16. That dust generating activities shall cease during times of high winds where dust suppression methods are insufficient to stop fugitive dust leaving the site.
- 17. Any filling on the site is to take into account the current land stormwater and drainage pattern and is not to divert stormwater onto adjoining properties.
- 18. The consent holder shall confirm whether any earth fill has been placed on site. All filling is to be carried out in accordance with New Zealand Standard (NZS) 4431:1989 Code of Practice for Earth Fill for Residential Development.
- At the completion of all earthworks Certificates satisfying the conditions of NZS4431: 1989 Code of Practice for Earth Fill for Residential Development, are to be provided to the Selwyn District Council. These certificates will detail the extent and nature of all earthworks undertaken.
- 20. That where evidence of a contaminated site not identified in the application is found at any stage of the subdivision development works, then work shall cease at that site until the risk has been assessed by an Appropriately Qualified Environmental Practitioner in accordance with current Ministry for the Environment Guidelines and, if required, a resource consent obtained under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (or most recent subsequent amendment). Once the risk has been assessed and any required resource consent obtained, the consent holder shall undertake all necessary work to rehabilitate the site in accordance with either the standards for permitted activities or the conditions of the resource consent (as appropriate). All works shall be undertaken at the consent holders' expense.
- 21. At the completion this subdivision, a report from a geotechnical engineer shall be provided to the Selwyn District Council (completion report). The report shall address the following matters:
 - a) The suitability of all subdivided lots, including roads and reserves, for their intended purposes;
 - b) Where the report identified that an allotment or allotments has a limitation on its intended purpose the report shall record the limitation and the nature of the works or treatments likely to be occurred to overcome the limitation.
 - c) If the completion report identifies any development limitation for any allotment, the Selwyn District Council may require that a consent notice be registered on the relevant title/s giving notice of the limitations and the type of specific development requirements to address those limitations.

Roading and access



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- 22. That all roads, cycleways and footpaths shall be constructed in accordance with the approved engineering plans.
- 23. That any vehicle crossing servicing more than one lot shall be formed in accordance with Appendix 13 of the District Plan (Townships Volume). The vehicle crossing shall be sealed/metalled to match the existing road surface for the full width of the crossing between the site boundary and sealed carriageway.
- 24. That any vehicle accessway serving more than one lot be formed in accordance with Appendix 13 of the District Plan (Townships Volume)
- 25. That street lighting shall be provided to service all parts of the subdivision, in accordance with the approved engineering plans and specifications.

Water, sewer and stormwater

26. Each residential allotment within the subdivision shall be separately serviced with water, sewer and stormwater systems.

Water

- 27. That the net area of each lot shall be provided with an individual potable high pressure connection to the Lincoln water supply in accordance with the approved Engineering Plans.
- 28. Water meters shall be installed in the road reserve only (please note that multi meter boxes may be utilised)
- 29. That the subdivision be provided with water reticulation in accordance with the New Zealand Fire Service Code of Practice, SNZPAS 4509:2003 and subsequent amendments and Policy W211. (only for townships with fire hydrants)
- 30. Connection into Council's reticulated water supply must either be carried out or supervised by Council's contractor SICON Ferguson Ltd.

Sewer

- 31. That each lot shall be provided with a sewer lateral laid to the boundary of the net area of that lot in accordance with the approved engineering plans.
- 32. All laterals shall be installed ensuring grade and capacity are provided for and in accordance with Council engineering standards, giving regard to maximum upstream development density.
- 33. All sewer reticulation to be vested shall meet Council CCTV standards.
- 34. That connection to the Council sewer be arranged by applicant, with the work to be done by a registered drainlayer.

Stormwater



- 35. The consent holder shall install stormwater reticulation treatment and disposal systems to service the subdivision in accordance with the approved engineering Plans and the requirements of Canterbury Regional Council.
- 36. The consent holder shall install stormwater reticulation, treatment and disposal systems to service the subdivision in accordance with the approved engineering plans and in compliance with Environment Canterbury Consent 122567 (or subsequent variations). Prior to 224 the consent holder shall provide a Producer Statement demonstrating that the stormwater system has been designed and constructed in accordance with global consent conditions held by Selwyn District Council. Notwithstanding the above, the applicant shall apply for their own stormwater discharge and earthworks consents from Environment Canterbury to cover construction and the first two years of operation.
- 37. The consent holder shall prepare and submit a Stormwater Design Report and Management Plan in accordance with the requirements of Selwyn District Council and Canterbury Regional Council. This plan shall be provided for Selwyn District Council's approval and sign-off at the consent holder's cost. It shall include, but not be limited to:
 - A plan showing existing ground levels on neighbouring properties along with proposed levels on the subdivision sites. Interference with pre-existing stormwater flows needs to be considered so as not to cause ponding or nuisance on neighbouring or developed land.
 - Existing and proposed drainage plan with sub catchments and flow arrows to show how the drainage will be affected.
 - Calculations to demonstrate compliance with the Engineering Code of Practice and any relevant Environment Canterbury consent conditions.
 - Ongoing operation and maintenance requirements.
- 38. The proposed development shall not discharge run off onto adjacent properties unless via a controlled outlet with Council's approval. Also, if an adjacent neighbour's historical Stormwater drainage was onto the proposed development, the proposed development must maintain or mitigate the historical discharge.
- 39. Where a specific discharge consent is issued by Canterbury Regional Council (Environment Canterbury), any consent or associate conditions imposed by them will be subject to Council acceptance where these obligations will be transferred to Selwyn District Council. The consent holder will hold, operate and maintain the stormwater consent for a minimum of two years after the S224 Completion Certificate has been issued. Council must be satisfied at the end of this period that all aspects of the system, including but not limited to compliance with consent conditions, operations and maintenance costs are acceptable to Council.
- 40. This property may be located within an area covered by an 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. No discharges shall occur under a Selwyn district council Global consent without approval from Selwyn District Council.

- 41. That a Stormwater Operations and Maintenance Manual shall be provided at S224.
- 42. Where stormwater mains in private property are to be vested, a written request shall be submitted for council approval. Easements in gross in favour of council shall be provided.

Landscaping and irrigation

- 43. The consent holder shall landscape the street frontages. The minimum standard (unless otherwise agreed through Engineering Plan approval) will include grass berms and street trees. A landscaping proposal shall be submitted to the Council for approval at the time of submission of the engineering plans and specifications, and the landscaping shall be undertaken in accordance with the approved plans.
- 44. Entrance structures shall not be placed on Council road reserve

<u>Utilities</u>

- 45. That electricity supply and telecommunications be supplied to the net area of each residential lot of the subdivision by way of underground reticulation in accordance with the standards of the relevant network utility operator.
- 46. The consent holder shall provide evidence in writing from the relevant authorities that electrical and telephone service connections have been installed to each lot.

Consent notices and covenants

- 47. The consent holder shall ensure that Council is indemnified from liability to contribute to the cost of erection or maintenance of boundary fences between reserves and adjoining lots.
 - a) This shall be ensured by way of a fencing covenant registered against the computer freehold register to issue for each adjoining lot. The covenant is to be prepared by Council's solicitor at the expense of the consent holder.
 - b) The consent holder shall procure a written undertaking from the consent holder's solicitor that the executed fencing covenant will be registered on deposit of the subdivision plan.
- 48. That a Consent Notice pursuant to section 221 of the Resource Management Act 1991 be registered allotments adjoining 514, 515, 482, 483, 593, 594, 607-610, 639, 640, 726, 750-764, 747, 805-826, 873, 874, 962, 963, 832, 827-830, 578, 625, 861-863, 884, 885, 625 and any other lot adjoining an existing or future reserve stating the following:

That only one fence shall be erected within 5.0 metres of a reserve and shall be parallel or generally parallel to that boundary. This fence shall not exceed 1.2 metres in height except that where a fence or other screening structure is over 1.2 metres in height, then the whole of that structure shall be at least 50% visually transparent. No fence or screening structure shall exceed a height of 1.8 metres. Note



that for the purposes of this condition a fence or other screening structure is not the exterior wall of a building or accessory building.

49. That any utility lot created shall be used as a utility lot only and may not be used for calculating future boundary adjustments or subdivisions.

Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the certificate of title to issue for each utility lot created.

- 50. That a consent notice be registered against all residential lots stating the following:
 - That unless a resource consent has been granted otherwise, the maximum height of any fence between the front building façade of any residential development and the street, or a private Right of Way or shared access over which the allotment has legal access, shall be 1m. For allotments with frontage to more than one road or a private Right of Way or shared access, any fencing on the secondary road boundary is to be no higher than 1.8m.
 - Any other fence shall be a maximum height of 1 metre if it is located within 3 metres of the street boundary or private right of way or shared access over which allotment has legal access.

On-going compliance with this condition shall be ensured by way of a consent notice to this effect registered on the certificate of title for all residential lots.

51. That a consent notice shall be registered on all lots with Figure 11 of the geotechnical report prepared by Aurecon and Figure 8 of the 2015 Aurecon Report (attached to this decision) stating the following:

This lot is considered to be TC2 equivalent. Specific foundation design may be required at building consent stage.

52. That, unless a resource consent has been granted otherwise or the District Plan rules have been amended: All development and other activities on medium density lots shall proceed in accordance with the rules for permitted activities in the Living Z zone, Small Lot Medium Density Area. Any activity which does not comply with the rules for permitted activities will require resource consent, with the application assessed against the provisions of the Living Z zone, Small Lot Medium Density Area.

Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the computer freehold register to issue for each of Lots 499-502, 472, 473, 475, 458-461, 548, 547, 553, 554, 557 and 558.

53. That, unless a resource consent has been granted otherwise or the District Plan rules have been amended: All development and other activities on low density lots shall proceed in accordance with the rules for permitted activities in the Living Z zone, Low Density Area. Any activity which does not comply with the rules for permitted activities will require resource consent, with the application assessed against the provisions of the Living Z zone, Low Density Area.

Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the computer freehold register to issue for residential lots not listed in condition 52 above.

Land to vest



- 54. The consent holder shall supply to the Council copies of all Certificates of Title for land, other than roads, that is vested in the Council.
- 55. That Lots 1017, 1019, 1023, 1033 and 1034 shall vest in Council as Local Reserve (Recreation Reserve).
- 56. That Lots 1020, 1022, 1016, 1018, 1021, 1025, 1027, 1028, 1029, 1031 and 1032 shall vest in Council as Local Purpose (Drainage Reserve).
- 57. That all roads shall be vested in Council as Road.

Yours faithfully

Selwyn District Council

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Richard Bigsby

Resource Management Planner



Resource Consent Decision RC205048



APPLICANT:	Fulton Hogan Land Development Ltd
PROPOSAL:	RC205048 - To change conditions 1 & 4 of resource consent RC205048
LOCATION:	Edward Street, Lincoln
LEGAL DESCRIPTION:	Lot 705 DP 525161 being 54.5008ha in area more or less, as contained in Record of Title 839624.
ZONING:	The property is zoned Living Z under the provisions of the Operative District Plan (Townships) Volume
STATUS:	RC205048 has been assessed as a change of conditions pursuant to section 127 of the Resource Management Act 1991 in respect of land use resource consent RC185574 granted on 19 December 2018 for earthworks associated with subdivision consent 185574.
	As such the relevant provisions of the District Plan (Townships) Volume and the Resource Management Act 1991 have been taken into account
This application was formally received by the Selwyn District Council on 3 February 2020. Assessment and approval took place on 10 February 2020 under a delegation given by the Council.	

Decision

- A. Resource consent 205048 be processed on a **non-notified** basis in accordance with sections 95A-F of the Resource Management Act 1991; and
- B. That the application to change conditions 1 & 4 of Resource Consent RC185575 granted on 19 December 2018 be granted pursuant to section 127 of the Resource Management Act 1991.

Condition 1 shall now read:

That the application shall proceed in general accordance with the attached approved plan (marked SDC 205047 and 205048) and details submitted with this application

Condition 4 shall now read:

That all earthworks shall be conducted in accordance with the approved engineering plans for subdivision consent 205047, the Selwyn District Council Engineering Code of Practice and NZS4404:2010 – Land Development and Subdivision Engineering.

Attachments

1. 205047 and 205048 Approved Plan



Notes to the Consent Holder

All other conditions of Resource Consent 185575 remain unchanged and in effect.

RC185575 (AS AMENDED BY RC205048)

- That the application shall proceed in general accordance with the attached approved plan (marked SDC 205047 and 205048) and details submitted with this application
- 2. Unless additional characterisation indicates otherwise all soil removed from the site shall be considered contaminated and disposed of at a facility authorised to receive such material.
- 3. In the event that visual or olfactory evidence of contamination is identified which was not anticipated by the previous soil contamination investigations undertaken on the site the works shall immediately cease within 10 metres of the contamination. Works shall not recommence in this area until a suitably qualified and experienced contaminated land practitioner has assessed the contamination, and their recommendations have been followed.

Construction standards

- That all earthworks shall be conducted in accordance with the approved engineering plans for subdivision consent 205047, the Selwyn District Council Engineering Code of Practice and NZS4404:2010 – Land Development and Subdivision Engineering.
- 5. That topsoil and vegetation shall be stripped in all earthworks areas (ie where roads or structures are to be constructed and cut or fill areas). The material shall be stockpiled for later use.
- 6. That all cuts steeper than 2H:1V shall be inspected by a geotechnical engineer or engineering geologist as work proceeds to confirm the acceptability of the actual slopes.
- That filling shall be carried out in accordance with NZS4431:1989 Code of Practice for Earth Fill for Residential Development.
- That all fill material shall be compacted to at least 95% of standard compaction in accordance with NZS4402:1986 – Methods of Testing Soils for Civil Engineering Purposes, Test 4.1.1.
- At the completion of any earthworks Certificates satisfying the conditions of NZS4431: 1989 Code of Practice for Earth Fill for Residential Development, and detailing the extent and nature of the earthworks is to be provided to the Council's Asset Manager.

Residential amenity

10. That the noise limits set out in the Construction Noise Guidelines NZS6803:1999 be complied with at all times.



- 11. Hours of operation (other than dust mitigation control) shall be limited to the hours of 7am to 7pm. Work will generally be restricted to Monday to Saturday although occasional work may be permitted on Sundays and Public Holidays subject to prior notice being given to Council's Monitoring Officer no later than noon of the last working day before the scheduled work.
- 12. No construction machinery shall be warmed up within 50 metres of any occupied property in a Living zone, or of any occupied dwelling in a Rural zone.
- 13. That all contractor site facilities be located at least 50 metres from any occupied property in a Living zone, or any occupied dwelling in a Rural zone.

Sediment control

- 14. That any earth stockpile (unless covered by condition 13) be located at least 50 metres from any occupied property in a Living zone, or any occupied dwelling in a Rural zone.
- 15. That any longterm stockpiles (ie earth stockpiles not to be utilized within the particular stage of the subdivision being constructed at that time) shall be located at least 100 metres from any occupied property in a Living zone, or of any occupied dwelling in a Rural zone.
- 16. That any long term stockpiles shall be vegetated as soon as they are at their finalised size.
- 17. That material stockpiles be shaped, wetted or stabilized to reduce dust generation.
- 18. That all areas subject to earthworks shall be recontoured and rehabilitated by way of vegetation (landscaping or grass cover) or sealed surfaces as soon as practicable.
- 19. That the consent holder shall ensure on a continuing basis that dust created by the disturbance or transportation of materials is confined to within the boundaries of the application site.
- 20. That dust generating activities shall cease during times of high winds where dust suppression methods are insufficient to stop fugitive dust leaving the site.
- 21. Any filling on the site is to take into account the current land stormwater and drainage pattern and is not to divert stormwater onto adjoining properties.
- 22. That sediment control shall be undertaken in accordance with Environment Canterbury Erosion and Sediment Control Guidelines.



Yours faithfully

Selwyn District Council

Richard Bigsby

Resource Management Planner



