

31 March 2022

Ministry for the Environment
Manatū Mō Te Taiao

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Contact Lauren Semple

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Reference 2608344-1

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For Stephanie Frame

**COVID-19 Recovery (Fast-track Consenting) Act 2020 - Faringdon Oval project -
Response to request for further information**

- 1 We refer to the Ministry for the Environment's letter dated 21 March 2022 (**Letter**) which sets out a request from the Minister for the Environment's delegate for further information in relation to the Faringdon Oval referred project application by Hughes Developments Limited.
- 2 The responses to that request are set out in the Appendices to this letter. In particular:
 - (a) *Question 1 – Breakdown of jobs created* is addressed in the letter from Formative Limited, included as **Appendix 1**.
 - (b) *Question 2 – Consents under the National Environmental Standard for Freshwater 2020; Question 3 – Marginal Strips; and Question 4 – Subdivision Scheme Plan* are all addressed in the memorandum from Davie Lovell Smith, included as **Appendix 2**.
- 3 Please do not hesitate to contact me if you have any questions or if we can be of any further assistance.

Yours faithfully



Lauren Semple
Partner

Appendix 1 – Formative Letter – Question 1



29 March 2022

Jake Hughes
c/- Lauren Semple
Partner
Greenwood Roche
s 9(2)(a)

Re: COVID-19 Recovery (Fast-Track Consenting) Act 2020 – request for further information – Faringdon Oval project

Dear Lauren Semple,

This letter provides information as requested by the Ministry for the Environment in its letter dated 21st March 2022. Specifically, this letter provides a response to point 1 of the request for further information, which is:

The estimate of jobs created by the project seems high for an application of this type. Please provide a breakdown of how many jobs will be created that are directly related to the activities involved in the Project, and how many jobs will be created as an indirect result of the project.

As requested, this letter provides a breakdown of the jobs that are directly related to the Project and those that are an indirect result of the project.

Response to Question 1

Within our analysis ‘directly related’ means the activity that would occur, more or less, on the Faringdon Oval (FO) land during the development or relates to activity undertaken by Hughes Development Limited that is directly related to the development of FO. This therefore includes jobs related to the planning for the development (professional services, management, etc), land development activity (earthworks, infrastructure, etc) and the building of the dwellings (architects, builders, electricians, plumbers, etc).

Employment which is ‘indirect’ means all other related jobs that are generated from this additional activity. This includes:

- ❖ impacts that arise as the firms that initially change their output as a result of direct development activity (i.e. activity on FO), purchase required inputs from their supply chain. In economic terminology, these business-to-business transaction changes are generally known as the ‘indirect impacts’.



- ❖ induced flow from the direct and indirect impacts which generate wages, salaries, and profits for households. These changed household incomes will generate more spending on goods and services. This household-to-business interaction is called induced activity.
- ❖ spend associated with the new households that can be expected to live within FO. This resident demand will result in household-to-business interaction which generates additional jobs.

The economic assessment indicates that the FO development will generate approximately 4,040 FTEs over the decade in the Selwyn economy.¹ The table below provides a breakdown of the direct and indirect employment in FTE terms. The table shows:

- ❖ **Direct Employment:** approximately 2,680 FTEs over the development period, which is equivalent to almost three FTEs for each dwelling. This will comprise a range of people who all work small parts of a year on each dwelling, which will include architects, builders, electricians, plumbers, earthworks, infrastructure etc.
- ❖ **Indirect Employment:** approximately 1,360 FTEs over the development period, which is just over one FTE for each dwelling. Most of this employment relates to business activity that supports the build process (i.e. manufacturers, suppliers, etc), however 480 FTEs will be in other businesses that support the residents (i.e. retail, services, hospitality).

Selwyn FTE	Direct	Indirect	Total
Consenting	4	-	4
Land Development	341	211	552
Build Development	2,335	668	3,003
Residents	-	479	479
Total	2,679	1,359	4,038
Jobs per Dwelling	2.6	1.3	3.8

While there is no official estimate of the number of FTEs that would be required to build a new dwelling, in Selwyn or the rest of New Zealand. We have collated the following information to provide a benchmark for the numbers provided in this letter and the FO economic report.

First, the Selwyn District Council's economic profile shows that the average construction worker generates \$71,165 in GDP per annum and a Hospitality worker generates \$38,687 GDP per annum.² This compares to the FO development which is estimated to generate around \$62,000 GDP per worker in the Selwyn Economy.³ Selwyn District Council's independent assessment of productivity shows that our estimates of productivity and associated employment for FO are consistent with the activity in the local economy.

¹ Formative (2022) Faringdon Oval Development – Economic Assessment.

² Infometrics (2022) Selwyn District Economic Profile.

³ Formative (2022) Faringdon Oval Development – Economic Assessment.



Second, given the scale of this development (1,050 dwellings), it is likely that the amount of employment generated will be large. The construction of a dwelling is very complex, requiring a large number of different specialised experts and trades, which would include architects, engineers, builders, project managers, electricians, plumbers, drainlayers, kitchen installers, tilers, jib stoppers, painters, flooring, landscapers, real estate agents, etc.

While there is no official estimate of the number of FTEs that would be required to build a new dwelling, we can draw from available information to develop an indicative estimate that shows that it is likely to be more than 2.6 FTEs per dwelling. As follows:

- ❖ According to Statistics New Zealand, in 2021 more than 70% of the value of consented construction relates to residential building.⁴
- ❖ The construction industry is the largest employer with approximately 260,000 jobs in 2021.⁵
- ❖ The number of new dwellings consented in New Zealand increased from 39,000 in 2020 to 49,000 in 2021.⁶ The time delay between consent and construction means that there may have been around 44,000 dwellings underconstructed in 2021.

So, given that over 70% of building value was related to residential, it would be reasonable to assume that over 70% of the jobs were also related to residential (i.e. approx. 190,000 jobs). Comparing this employment to the number of new dwellings provides an estimate of around 5 jobs per new dwelling directly. This is much higher than the level estimated for FO development (of 2.6 per dwelling). However, it is acknowledged that this measurement is indicative, and there are likely to be reasons why this will both underestimate⁷ and overestimate⁸ the level of employment that is related to building a new dwelling.

We also note that the economic model that was used in the FO Economic Assessment (ELM) was developed by the same economic modeller⁹ who also developed the National Construction Occupation Model (NCOM) for MBIE.¹⁰ The NCOM used a similar methodology as the ELM to project the labour force requirements for the construction industry. Unfortunately, the information in the publicly available reports does not discuss the number of FTEs required to build a dwelling. However, the results from the NCOM are consistent with the modelling in the FO Economic Assessment and

⁴ Statistics New Zealand (2022) Value of building consents.

⁵ Infometrics (2022) Selwyn District Economic Profile.

⁶ Statistics New Zealand (2022) Value of building consents.

⁷ There are other jobs related to development that are not captured within the Construction Industry (professional services, real estate, etc.)

⁸ Some residential building activities do not need consent, which means that some construction workers will be engaged on other construction jobs (garage, renovations, etc).

⁹ Dr Michael Gordon.

¹⁰ Gordon, M and Akehurst, G (2017) Future demand for construction workers – Projections from the National Construction Occupation Model.



have been used by MBIE for the planning on the Christchurch Earthquake rebuild and other government policy (Kiwibuild, etc.).

Third, we also note the recent released Master Builders assessment of the case for constructing more homes after Covid-19, which provides an estimate of direct jobs associated with a new build. This research found that for every million dollars spent on dwelling construction there are almost 4 direct jobs.¹¹ Based on the nature of the dwellings expected in the FO development this would equate to almost 2 jobs per dwelling. The Master Builders report does not provide an estimate of the impacts associated with the land development process, which will also generate additional direct employment. If the Master Builders analysis was extended to include the land development process then it is likely that the direct jobs on-site would be similar to that estimated in our research.

Finally, we have been provided with information from Hughes Development, their civil contractor and one of the dwelling builders. This information shows that there are over 60 occupations that will be required to undertake the land development and building of dwellings. This information shows that for every dwelling in the FO development there will be at least 2.5 FTEs on-site.

We acknowledge that these are financial forecasts which will vary as the project progresses. Generally, developers include a contingency for unknown outcomes and in most cases, a share of the contingency is required which generates additional unplanned labour costs. Even based on a small contingency (i.e. 5%), it would be likely that on-site employment per dwelling would exceed 2.6 FTEs.

Also, there will be other employment on-site that is not captured in the information provided by Hughes Development, their civil contractor and one of the dwelling builders. For example, real estate and marketing has not been included and would increase the number of direct jobs on-site.

Therefore, we consider that it is likely that the number of direct jobs is likely to be above 2,700 FTE over the development period.

¹¹ Sense Partners (2020) Time to build: the compelling case for constructing more homes after Covid19. Master Builders.



Summary Response to Question 1

In summary, given the scale of the FO (1,050 dwellings) and the level of productivity observed in Selwyn, the general levels of activity in the wider Construction Industry, research by Master Builders, and financial information from the developer, we consider that our estimate of employment that could be generated by the FO is reasonable, and potentially conservative. In conclusion, it is reasonable to expect that the FO development will generate approximately 4,040 FTEs over the decade in the Selwyn economy.

Yours sincerely,

Rodney Yeoman

Director

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Appendix 2 – Davie Lovell Smith Memorandum – Questions 2 – 4.

COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Response to request for further information (Questions 2, 3 & 4) – Faringdon Oval project

Question 2 Environment Canterbury's GIS image shows two water races in the north of the project site, which are not referred to in the application. Given this, please provide an assessment of whether the project will require any consents under the National Environmental Standard for Freshwater 2020.

The two water races in the north of the project site are shown on **Attachment 1** and are identified as Water Race 1 and Water Race 2. Both water races are part of the Paparua Water Race.

Water Race 1 enters the project site from the north and follows the boundary of Lot 3 DP 70352 and into Lot 1 DP 57004 where it terminates in a pond which has been planted and fenced off from the rest of Lot 1 DP 57004. Based on Canterbury Maps Historic Aerials this pond was created prior to the photo taken between 1990 and 1994. A pond can be seen at the south eastern most point of what is now Lot 3 DP 70352 in the 1980 - 1984 Canterbury Maps Historic Aerials, which is north of the present-day pond. These historic aerials are included in **Attachment 2**.

Water Race 2, is located along the western side of Goulds Road. This water race has been approved for closure under the Selwyn Water Race Bylaw. There are no other water races within the project site.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (Freshwater NES) regulate activities that pose risks to the health of freshwater and freshwater ecosystems and includes provisions for rivers. There is no definition of "river" in the NES. In that case, the RMA definition of a "river" applies and is as follows,

"means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal)."

The Paparua Water Race (and therefore both Water Race 1 and 2) is controlled by Selwyn District Council's Water Race Bylaw 2008. Under Environment Canterbury's Land and Water Regional Plan, a water race is defined as

"means a type of artificial watercourse used for the managed conveyance of water often, but not exclusively, for stockwater or irrigation purposes and excludes any drain."

Furthermore, an artificial watercourse is defined under the same regional plan as

"means a watercourse that is created by human action. It includes an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal channel. It does not include artificial swales, kerb and channelling or other watercourses designed to convey stormwater."

As an artificial water supply race, the water race is not classified as a “river” and is therefore not subject to the Freshwater NES. It is however an “artificial watercourse” and “water race” under the Land and Water Regional Plan. Resource consents are therefore required under the Land and Water Regional Plan and the Selwyn District Plan as set out below.

Consents associated with the water race

Canterbury Land and Water Regional Plan

Rule	Compliance Comments	
<p>5.175 The use of land to excavate material is a permitted activity, provided the following conditions are met:</p> <p>1. Over the Coastal Confined Gravel Aquifer System, as shown on the Planning Maps:</p> <p>(a) there is more than 1 m of undisturbed material between the deepest part of the excavation and Aquifer 1; and</p> <p>(b) if more than 100 m³ of material is excavated, the excavation does not occur within 50 m of any surface waterbody; or</p> <p>2. Over an unconfined or semi-confined aquifer:</p> <p>(a) the volume of material excavated is less than 100 m³; or</p> <p>(b) the volume of material excavated is more than 100 m³ and:</p> <p>(i) there is more than 1 m of undisturbed material between the deepest part of the excavation and the highest groundwater level; and</p> <p>(ii) the excavation does not occur within 50 m of any surface waterbody.</p>	N/A	<p>There will be more than 100m³ of material excavated within the project site to construct the development.</p> <p>✓</p> <p>✗</p> <p>✗</p> <p>Based on the Faringdon SE SW development it was assumed highest groundwater was 4.8m below ground level. However, the water race is upgradient of where this groundwater level was determined (being along Selwyn Road). Based on the geotechnical report groundwater is approximately 9m below ground. Excavation will occur within 50m of the water race (being surface waterbodies) and the pond.</p>
<p>5.176 The use of land to excavate material that does not comply with one or more of the conditions of Rule 5.175 is a restricted discretionary activity.</p> <p>The exercise of discretion is restricted to the following matters:</p> <p>1. The actual and potential adverse environmental effects on the quality of water in aquifers, rivers, lakes, wetlands; and</p> <p>2. Any need for remediation or long-term treatment of the excavation; and</p> <p>3. The protection of the confining layer and maintaining levels and groundwater pressures in any confined aquifer, including any alternative methods or locations for the excavation; and</p> <p>4. The management of any exposed groundwater.</p>	✓	

Earthworks within 50m of the water race and the pond and within 1m of the highest groundwater is a restricted discretionary activity under Rule 5.176 of the Land and Water Regional Plan.

Operative Selwyn District Plan

Rule	Compliance Comments	
<p>1.7.1 Any earthworks which meet the following conditions shall be a permitted activity:</p>		

Rule	Compliance Comments	
1.7.1.1 The earthworks are set back at least 20m from the edge of any waterbody (excluding aquifers): (a) unless the earthworks are those undertaken within a road reserve and are for the purpose of installing underground network utility infrastructure; or (b) except that for rivers the following earthworks are subject to a reduced setback of 5m: (i) 100m ² (area) per 1000 metres in any continuous 5 year period; and (ii) 40m ³ (volume) per 1000 metres in any continuous 5 year period; or (iii) any earthworks which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council; or (iv) maintenance of existing fencelines, existing vehicle tracks and existing crossings.	✘	Earthworks will be for these purposes but also will be to shape the lots.
	N/A	There are no rivers within the site
Any earthworks which do not comply with Rules 1.7.1.1, 1.7.1.2 or 1.7.1.3 shall be a discretionary activity.	✘	Earthworks will be within 20m of the waterbody which are not exempt under 1.7.1.1

Earthworks within 20m of the water race and pond is a discretionary activity under Rule 1.7.1.4 of the Selwyn District Plan.

Consents associated with the pond:

At the termination point of the water race, a pond has formed which has been fenced off from the balance of the site and planted over time. A photo of the pond and its surrounds is included as **Attachment 3**.

The following is an assessment of this pond against the provisions of the National Policy Statement for Freshwater Management, the Freshwater NES, the Land and Water Regional Plan and the Operative Selwyn District Plan.

The definition of a “natural wetland” under the National Policy Statement for Freshwater Management is:

natural wetland means a wetland (as defined in the Act) that is not:

(a) a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland); or

(b) a geothermal wetland; or

(c) any area of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain derived water pooling

It is our understanding that the base of the pond has silted up through natural processes, which has meant the water has been able to pool permanently and that it has not been constructed by artificial means. The wetland is not a geothermal wetland and is not an area of improved pasture. The pond therefore falls within the definition of a “natural wetland” under the National Policy Statement for Freshwater Management.

The definition of wetland under the Resource Management Act 1991 is:

includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

The pond has shallow water and the margins of the pond have been planted with vegetation which is suitable for wet conditions. The pond therefore falls within the definition of a “wetland” under the Resource Management Act 1991.

The definition of wetland under the Canterbury Land and Water Regional Plan is:

includes:

1. *wetlands which are part of river, stream and lake beds;*
2. *natural ponds, swamps, marshes, fens, bogs, seeps, brackish areas, mountain wetlands, and other naturally wet areas that support an indigenous ecosystem of plants and animals specifically adapted to living in wet conditions, and provide a habitat for wildlife;*
3. *coastal wetlands above mean high water springs; but excludes:*
 - (a) *wet pasture or where water temporarily ponds after rainfall*
 - (b) *artificial wetlands used for wastewater or stormwater treatment except where they are listed in Sections 6 to 15 of this Plan;*
 - (c) *artificial farm dams, drainage canals and detention dams; and*
 - (d) *reservoirs for firefighting, domestic or community water supply.*

The pond has shallow water and the margins of the margins have been planted with vegetation which is suitable for wet conditions.

It is intended to retain the wetland within a reserve which will be incorporated into the development. The reserve will be vested to Selwyn District Council who will be responsible for the ongoing maintenance of the wetland. HDL will enhance and restore the wetland as part of the Faringdon Oval development. An assessment of the relevant rules associated with these activities is listed below.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

Rule	Compliance Comments	
Regulation 38 – Permitted Activities		
(1) Vegetation clearance within, or within a 10 m setback from, a natural wetland is a permitted activity if it— (a) is for the purpose of natural wetland restoration; and (b) complies with the conditions.	✗	It is likely there will be vegetation clearance and earthworks within 10m of the edge of the wetland that is not associated with restoring the wetland.
(2) Earthworks or land disturbance within, or within a 10 m setback from, a natural wetland is a permitted activity if it— (a) is for the purpose of natural wetland restoration; and (b) complies with the conditions.	✗	Construction and operation stormwater will be discharged to ground within 100m of the wetland, but not for the purpose of natural wetland restoration. There will be no taking, using, damming or diversion of water within a 100m setback of the wetland.
(3) The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a permitted activity if it— (a) is for the purpose of natural wetland restoration; and (b) complies with the conditions.	✗	
Conditions		
(4) The conditions are that— (a) the activity must comply with the general conditions on natural wetland activities in regulation 55; and (b) if the activity is vegetation clearance, earthworks, or land disturbance, the activity must not occur over more than 500 m ² or 10% of the area of the natural wetland, whichever is smaller.	✓	The information required under regulation 55 will be provided to ECan at least 10 working days prior to the restoration works occurring.
(5) However, the condition in subclause (4)(b) does not apply if the earthworks or land disturbance is for planting.	✗	There will be more than 10% or over 500m ² of vegetation clearance, earthworks or land

Rule		Compliance Comments
		disturbance occur as part of the restoration.
Regulation 39 – Restricted Discretionary Activities (1) Vegetation clearance within, or within a 10 m setback from, a natural wetland is a restricted discretionary activity if it— (a) is for the purpose of natural wetland restoration; and (b) does not comply with either of the conditions in regulation 38(4). (2) Earthworks or land disturbance within, or within a 10 m setback from, a natural wetland is a restricted discretionary activity if it— (a) is for the purpose of natural wetland restoration; and (b) does not comply with either of the conditions in regulation 38(4). (3) The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a restricted discretionary activity if it— (a) is for the purpose of natural wetland restoration; and (b) does not comply with the condition in regulation 38(4)(a). Matters to which discretion restricted (4) The discretion of a consent authority is restricted to the matters set out in regulation 56. Requirement when applying for resource consent (5) An application for a resource consent for the restricted discretionary activity must include a restoration plan that includes the information set out in Schedule 2. Condition required in resource consent (6) A resource consent granted for the restricted discretionary activity must impose a condition that requires compliance with the restoration plan.	<div>✗</div> <div>✗</div> <div>✗</div> <div>✓</div> <div>✓</div> <div>✓</div>	<p>As noted above, it is likely there will be vegetation clearance and earthworks within 10m of the edge of the wetland that is not associated with restoring the wetland.</p> <p>Construction and operation stormwater will be discharged to ground within 100m of the wetland, but not for the purpose of natural wetland restoration. There will be no taking, using, damming or diversion of water within a 100m setback of the wetland.</p> <p>A restoration plan will be prepared in accordance with Schedule 2</p>
Regulation 54 – Non Complying Activities (1) The following activities are non-complying activities if they do not have another status under this subpart: (a) vegetation clearance within, or within a 10 m setback from, a natural wetland; (b) earthworks within, or within a 10 m setback from, a natural wetland; (c) the taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland.	<div>✓</div> <div>✓</div> <div>✓</div>	<p>It is likely there will be vegetation clearance and earthworks within 10m of the edge of the wetland that is not associated with restoring the wetland. These activities will therefore be non-complying activities in accordance with this regulation.</p> <p>Construction and operation stormwater will be discharged to ground within 100m of the wetland, so is therefore a non-complying activity. There will be no taking, using, damming or diversion of water within a 100m setback of the wetland.</p>

Earthworks and vegetation clearance within 10m of the wetland and the discharge of stormwater within 100m of the wetland is a non-complying activity under Regulation 54 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

Canterbury Land and Water Regional Plan

Rule		Compliance Comments
<p>5.159 The enhancing, restoring or creating of a wetland, including the associated taking, use, damming or diversion of water from groundwater or surface water, and discharge of excess or overflow water from the wetland into surface water is a <u>permitted activity</u> if the following conditions are met:</p> <ol style="list-style-type: none"> 1. The taking, use, damming or diversion of water is at a maximum rate of 5 L/s and 100m³ per day; and 2. The taking of water is non-consumptive, is discharged back into the same waterbody and complies with any limits in Sections 6 to 15 of this Plan or any other Regional Plan for the relevant waterbody; and 3. The taking of water does not prevent water being taken by any domestic or stock water supply. 	<p>✓</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>The restoration of the wetland is a permitted activity. There will be no taking, use, damming, or diversion of water from groundwater or surface water and discharge of water from the wetland into a surface waterbody.</p>
<p>5.167 The use of land for vegetation clearance outside the bed of a river or lake or adjacent to a wetland boundary but within:</p> <ol style="list-style-type: none"> (a) 10 m of the bed of a lake or river or a wetland boundary in Hill and High Country land or land shown as High Soil Erosion Risk on the Planning Maps; or (b) 5 m of the bed of a lake or river or a wetland boundary in all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country on the Planning Maps; <p>and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a <u>permitted activity</u>, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. Except in relation to recovery activities, the area of bare ground resulting from vegetation clearance: <ol style="list-style-type: none"> (a) does not exceed 10% of the area within the relevant riparian margin at any time; or (b) is undertaken in accordance with a Farm Environment Plan that has been prepared in accordance with Schedule 7 Part A; or (c) for plantation forestry activities is undertaken in accordance with the Environmental Code of Practice for Plantation Forestry (ECOP) 2007; and 2. Except in relation to recovery activities, the vegetation clearance is not on land above 900 m above sea level; and 3. Except in relation to recovery activities, or the establishment, maintenance or repair of network utilities and fencing, the concentration of total suspended solids in the discharge does not exceed: <ol style="list-style-type: none"> (a) 50g/m³ where the discharge is to any Spring-fed river, Banks Peninsula River, or to a lake, except when the background total suspended solids in the waterbody is greater than 50g/m³ in which case the Schedule 5 visual clarity standards shall apply; or (b) 100g/m³ where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100g/m³ in which case the Schedule 5 visual clarity standards shall apply; and 4. The felling of trees, or any part of a tree, is away from any lake, river or wetland, except where it is not practicable to do so to ensure human safety, and no logs or tree trunks are dragged through or across the bed of a lake or a permanently flowing river, or a wetland; and 	<p>N/A</p> <p>✓</p> <p>✗</p> <p>N/A</p> <p>N/A</p> <p>✓</p> <p>N/A</p> <p>✓</p>	<p>The site is not located in these areas.</p> <p>The 5m setback applies for this site.</p> <p>It is likely the extent of vegetation clearance will exceed these limits</p> <p>There is no Farm Environment Plan required for the site</p> <p>The activity is not a plantation forestry.</p> <p>There will be no discharge to water as a result of the proposed earthworks.</p> <p>If trees are removed they will not cut down away from the wetland and will not be dragged through the wetland.</p>

Rule		Compliance Comments
5. The vegetation clearance does not occur adjacent to a salmon spawning site listed in Schedule 17, or in any inanga spawning habitat during the period of 1 January to 1 June inclusive; and	N/A	The wetland is not identified as a salmon spawning area or inanga spawning habitat.
6. The vegetation is not flood or erosion control vegetation; and	N/A	
7. From 5 September 2015, and in the riparian margins of the Clarence, Waiau, Hurunui, Waimakariri, Rakaia, Rangitata, and the Waitaki rivers, vegetation clearance or cultivation does not result in a reduction in the area or diversity of existing riparian vegetation, unless the works have been authorised by a land use consent granted by the relevant territorial authority and conditions 1 to 6 above are also met, or the activity is for the purpose of the installation, operation, maintenance, upgrade or repair of infrastructure.	N/A	There are no flood or erosion control vegetation The wetland is not located in these areas.
5.168 The use of land for earthworks outside the bed of a river or lake or adjacent to a wetland boundary but within:		
(a) 10 m of the bed of a lake or river or a wetland boundary in Hill and High Country land or land shown as High Soil Erosion Risk on the Planning Maps; or	N/A	The site is not located in these areas.
(b) 5 m of the bed of a lake or river or a wetland boundary in all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country; and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a <u>permitted activity</u> , provided the following conditions are met:	✓	The 5m setback applies for this site.
1. Except in relation to recovery activities, or the establishment, maintenance or repair of network utilities and fencing, the extent of earthworks within the riparian margin:		
(a) does not at any time exceed:		
(i) an area of 500 m ² , or 10% of the area, whichever is the lesser; or	✗	It is likely the extent of earthworks will exceed these limits
(ii) a volume of 10m ³ on land shown as High Soil Erosion Risk on the Planning Maps; or	N/A	The wetland is not located in this area.
(b) is undertaken in accordance with a Farm Environment Plan that has been prepared in accordance with Schedule 7 Part A; or	N/A	There is no Farm Environment Plan required for the site
(c) for plantation forestry activities is undertaken in accordance with the Environmental Code of Practice for Plantation Forestry (ECOP) 2007 and the NZ Forest Road Engineering Manual (2012); and	N/A	The activity is not a plantation forestry.
2. Except in relation to recovery activities or the establishment, maintenance or repair of network utilities and fencing, the concentration of total suspended solids in the discharge does not exceed:	N/A	There will be no discharge to water as a result of the proposed earthworks.
(a) 50g/m ³ where the discharge is to any Spring-fed river, Banks Peninsula River, or to a lake, except when the background total suspended solids in the waterbody is greater than 50g/m ³ in which case the Schedule 5 visual clarity standards shall apply; or		
(b) 100g/m ³ where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100g/m ³ in which case the Schedule 5 visual clarity standards shall apply; and		
3. The activity does not occur adjacent to a salmon spawning area listed in Schedule 17, or in any inanga spawning habitat during the period of 1 January to 1 June inclusive; and	N/A	The wetland is not identified as a salmon spawning area or inanga spawning habitat.
4. Except in relation to recovery activities or the establishment, maintenance or repair of network utilities and fencing, any earthworks or cultivation is not within 5 m of any flood control structure; and	N/A	

Rule	Compliance Comments	
5. From 5 September 2015, and in the riparian margins of Clarence, Waiau, Hurunui, Waimakariri, Rakaia, Rangitata, and Waitaki rivers, earthworks or cultivation do not result in a reduction in the area or diversity of existing riparian vegetation, unless the works have been authorised by a land use consent granted by the relevant territorial authority and conditions 1 to 4 above are met, or the activity is for the purpose of the installation, operation, maintenance, upgrade or repair of infrastructure.	N/A	There are no flood control structures within or within 5m of the wetland. The wetland is not located in these areas.
<p>5.169 Vegetation clearance and earthworks outside the bed of a river or lake or adjacent to a wetland boundary but within:</p> <p>(a) 10 m of the bed of a lake or river or a wetland boundary in Hill and High Country land and land shown as High Soil Erosion Risk on the Planning Maps; or</p> <p>(b) 5 m of the bed of a lake or river or a wetland boundary in all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country; and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water that does not comply with one or more of the conditions in Rules 5.167 or 5.168 is a <u>restricted discretionary activity</u>.</p> <p>The exercise of discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> 1. For forest harvesting, the harvesting method, location of haulage and log handling areas, access tracks, and sediment control; and 2. The actual and potential adverse environmental effects on soil quality or slope stability; and 3. The actual and potential adverse environmental effects on the quality of water in rivers, lakes, or artificial watercourse, or wetlands; and 4. The actual and potential adverse environmental effects on areas of natural character, outstanding natural features or landscapes, areas of significant indigenous vegetation, indigenous biodiversity and significant habitats of indigenous fauna, mahinga kai areas or sites of importance to Tangata Whenua; and 5. The actual and potential adverse environmental effects on the banks or bed of a waterbody or on its flood carrying capacity; and 6. The actual and potential adverse environmental effects on transport networks, neighbouring properties or structures. 	✓	As outlined in the above rule assessment, it is likely there will be earthworks and vegetation clearance in an area greater than 10% or 500m ² .
<p>5.175 The use of land to excavate material is a <u>permitted activity</u>, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. Over the Coastal Confined Gravel Aquifer System, as shown on the Planning Maps: <ul style="list-style-type: none"> (a) there is more than 1 m of undisturbed material between the deepest part of the excavation and Aquifer 1; and (b) if more than 100 m³ of material is excavated, the excavation does not occur within 50 m of any surface waterbody; or 2. Over an unconfined or semi-confined aquifer: <ul style="list-style-type: none"> (a) the volume of material excavated is less than 100 m³; or (b) the volume of material excavated is more than 100 m³ and: <ul style="list-style-type: none"> (i) there is more than 1 m of undisturbed material between the deepest part of the excavation and the highest groundwater level; and (ii) the excavation does not occur within 50 m of any surface waterbody. 	<p>N/A</p> <p>✓</p> <p>✗</p> <p>✗</p>	<p>There will be more than 100m³ of material excavated within the project site to construct the development.</p> <p>The highest groundwater level is considered to be approximately 4m below ground level. It is likely the maximum depth of excavation will be 4.2m. As such there will be less than 1m of undisturbed</p>

Rule		Compliance Comments
		material between the deepest excavation and the highest groundwater level. Excavation will occur within 50m of the water race (being surface waterbodies) and the pond.
5.176 The use of land to excavate material that does not comply with one or more of the conditions of Rule 5.175 is a <u>restricted discretionary activity</u> . The exercise of discretion is restricted to the following matters: <ol style="list-style-type: none"> 1. The actual and potential adverse environmental effects on the quality of water in aquifers, rivers, lakes, wetlands; and 2. Any need for remediation or long-term treatment of the excavation; and 3. The protection of the confining layer and maintaining levels and groundwater pressures in any confined aquifer, including any alternative methods or locations for the excavation; and 4. The management of any exposed groundwater. 	✓	

Restoring a wetland is a permitted activity under Rule 5.159 of the Land and Water Regional Plan.

Vegetation clearance and earthworks within 5m of the wetland is a restricted discretionary activity under Rule 5.169 of the Land and Water Regional Plan.

Earthworks within 50m of the water race and the wetland and within 1m of the highest groundwater is a restricted discretionary activity under Rule 5.176 of the Land and Water Regional Plan.

Operative Selwyn District Plan

Rule		Compliance Comments
1.7.1 Any earthworks which meet the following conditions shall be a <u>permitted activity</u> : 1.7.1.1 The earthworks are set back at least 20m from the edge of any waterbody (excluding aquifers): (a) unless the earthworks are those undertaken within a road reserve and are for the purpose of installing underground network utility infrastructure; or (b) except that for rivers the following earthworks are subject to a reduced setback of 5m: <ol style="list-style-type: none"> (i) 100m² (area) per 1000 metres in any continuous 5 year period; and (ii) 40m³ (volume) per 1000 metres in any continuous 5 year period; or (iii) any earthworks which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council; or (iv) maintenance of existing fencelines, existing vehicle tracks and existing crossings. 	✖ N/A	Earthworks will be for these purposes but also will be to shape the lots. There are no rivers within the site
Any earthworks which do not comply with Rules 1.7.1.1, 1.7.1.2 or 1.7.1.3 shall be a <u>discretionary activity</u> .	✓	Earthworks will be within 20m of the wetland which are not exempt under 1.7.1.1

Earthworks within 20m of the water race and the wetland is a discretionary activity under Rule 1.7.1.4 of the Selwyn District Plan.

Summary

Resource consents are required under the NES-Freshwater for:

- earthworks and vegetation clearance within 10m of the wetland (as a non-complying activity); and
- construction and operation stormwater discharge within 100m of the wetland (as a non-complying activity).

Resource consents are required under the Land and Water Regional Plan for:

- earthworks within 50m of the water race and the wetland (as a restricted discretionary activity); and
- earthworks and vegetation clearance within 10m of the wetland (as a restricted discretionary activity).

Resource consents are required under the Selwyn District Plan for:

- earthworks within 20m of the water race and wetland (as a discretionary activity).

Assessment of Effects

Appropriate erosion and sediment control measures will be in place during the earthworks, vegetation clearance, construction activities and during restoration activities in order to manage these works and address any adverse effects. An erosion and sediment control plan will be prepared in accordance the Environment Canterbury's "Erosion and Sediment Control Toolbox for the Canterbury Region" and will be provided to both Selwyn District Council and Environment Canterbury for certification prior to works commencing. The wetland is currently fenced off from the remainder of the site. The fence will remain during construction as one measure of protection from construction related activities.

The discharge of stormwater to ground will occur within 100m of the wetland. Discharging stormwater to ground is consistent with other developments in Rolleston. The geotechnical site investigations undertaken around the wetland have confirmed that there is topsoil to a depth of 0.2m with sandy fine to coarse gravels to at least 2m below ground (being the base of the test pit). However, a review of ECan borelogs from surrounding properties suggest gravels with silt and sand to a depth of 34m (M36/5041). This information proves that the only water source to the wetland is from the water race. As such the discharge of stormwater from the development will not influence the water quality or quantity within the wetland.

The restoration of the wetland is consistent with the framework within the National Policy Statement for Freshwater Management, Freshwater NES, the Land and Water Regional Plan and the Operative Selwyn District Plan. The wetland will be restored by the applicant and located within a reserve which will be vested to Selwyn District Council who will be responsible for ongoing maintenance and management. The preparation and approval of the restoration management plan will form part of the suite of conditions for this development. The contents of the management plan will be in accordance with the requirements in Schedule 2 of the Freshwater NES.

With these measures in place, it is considered that these works will not result in any adverse effects to the environment. Positive effects from this development means that the wetland will be included in a public reserve and restored.

Hughes Developments have contacted Mahaanui Kurataiao Limited to advise them of the amendments pertaining to the water race and the pond, and to understand the runanga's perspective of the retention of the wetland. Mahaanui Kurataiao have suggested verbally that the runanga would be supportive of the

wetland being restored in a reserve. MKT has been commissioned to update its report in response to that change.

Question 3 Several of the titles in the project site are subject to Part 4A of the Conservation Act 1987 (relating to marginal strip). We note that you have provided an assessment that there should not be any approvals required from the Department of Conservation for works on marginal strip, but given the abovementioned water races, please confirm that no further approvals are required to undertake the project

As per the assessment above, the water race and pond are not classified as a “river” (or lake) and are therefore not subject to Part 4A (Section 24) of the Conservation Act 1987 in respect of providing a marginal strip. Accordingly, no approvals are required from the Department of Conservation.

Question 4 Please provide a subdivision scheme plan for the project, showing the number and location of lots of different types (residential/commercial) and any roads or other assets to be vested in local authorities.

A revised (R4) ODP, Density Plan and Subdivision Plan are included as **Attachment 4**.

It is noted that the subdivision layout in the northern portion of the site has been amended in response to changing circumstances related to the water race that enters the Oval site and terminates inside the northern site boundary. The original concept for this part of the Oval site did not account for this water race as consultation with the proponents of Plan Change 76 indicated that the water race was to be closed as part of their development and the closure process (pursuant to the SDC Water Race Bylaw) had been commenced. The intention to close the water race is supported in the infrastructure report lodged as part of the Plan Change 76 request. The report states:

There is an existing water race, which is currently flowing through the site from a north to south direction. We are aware that the neighbouring plan change (PC70) has proposed to underground the water race at the boundary, meaning that there would be no further use of the water race once it leaves the subject site. It is therefore proposed that the water race would be terminated at the northern extremity of the site where it enters the property.

In addition, an assessment of the Land and Water Regional Plan included as part of the Plan Change Request concludes:

There are no surface water bodies on the Site other than a water race that will be decommissioned.

Evidence submitted by the respective experts for PC76 addresses the water race and re-confirms the intention to close the water race.

Since the completion of the Oval design and the lodgement of the Referral Application however, it has come to the attention of HDL that the recently released Commissioner’s recommendation in respect of Plan Change 76 has included amendments to the proposed ODP which encourages the retention of the water race. The matter will ultimately be dealt with at the time of subdivision (within PC76), however given the current circumstances and the uncertain future of the water race, HDL have decided to amend the design of Faringdon Oval to incorporate the water race and ponded area where the water race goes to ground within the Oval site.

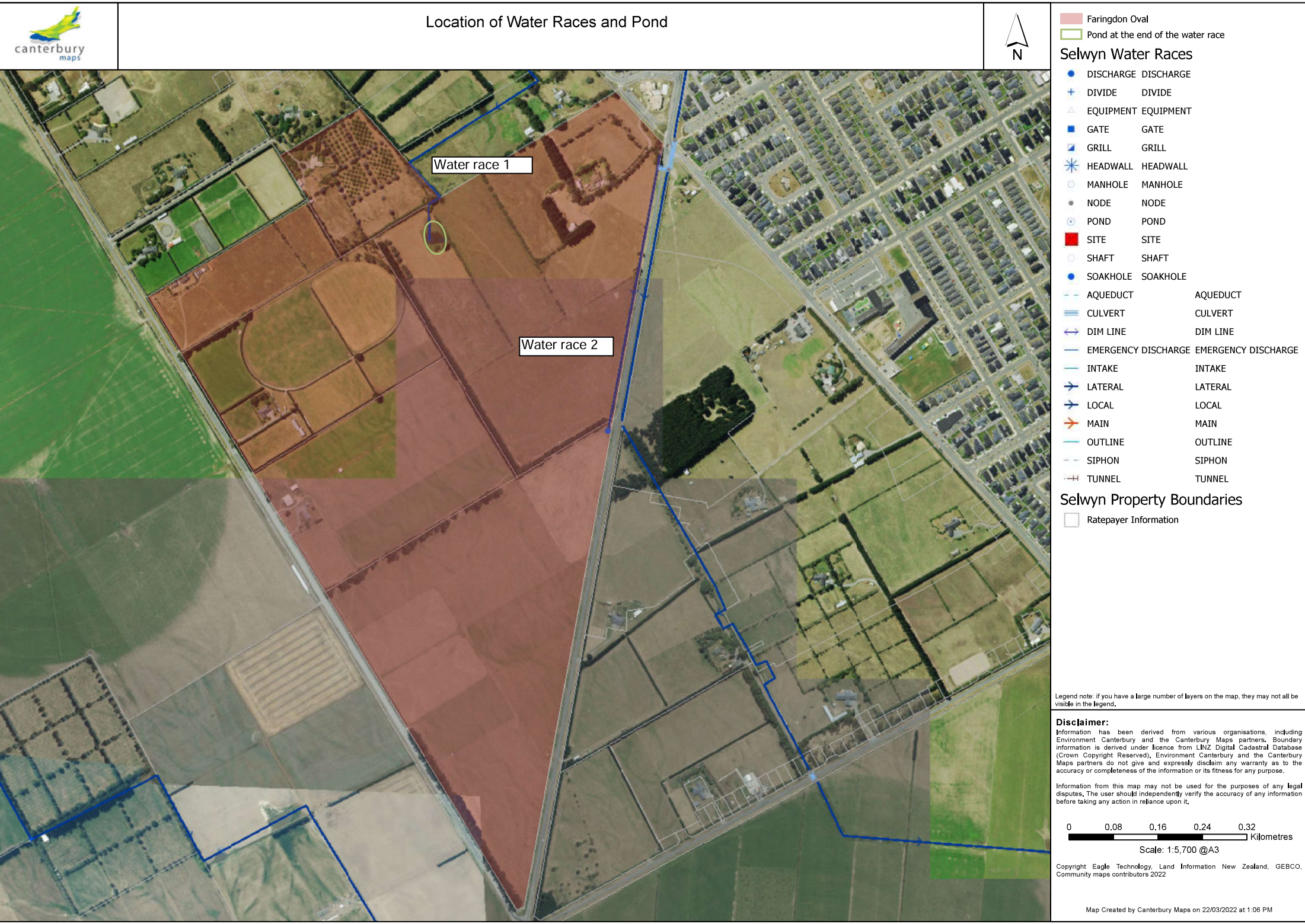
A new reserve has been added which will now incorporate the pond and the water race. These circumstances and the ensuing amendments have been discussed with Council who have confirmed they are comfortable

with the amendments. Alongside the addition of the new reserve, subsequent minor changes to the roading layout have been made along with some lot layout and density changes.

The loss of lots due to the introduction of the reserve area has largely been offset by the replacement of low and medium density lots with comprehensive development lots overlooking the new reserve. The 1050 lots originally proposed has been reduced to 1044 lots. A summary of the revised lot layout for the area immediately surrounding the reserve is provided in the table below:

	ORIGINAL	AMENDED
Low Density Lots	28	7
Medium Density Lots	18	13
Comprehensive Lots	22	42
TOTAL	68	62

As a result of the amended layout, the development now consists of 855 medium density and comprehensive development lots (82%) and 189 low density lots (18%).



Location of Water Races and Pond



- Faringdon Oval
- Pond at the end of the water race

Selwyn Water Races

- DISCHARGE DISCHARGE
- DIVIDE DIVIDE
- EQUIPMENT EQUIPMENT
- GATE GATE
- GRILL GRILL
- HEADWALL HEADWALL
- MANHOLE MANHOLE
- NODE NODE
- POND POND
- SITE SITE
- SHAFT SHAFT
- SOAKHOLE SOAKHOLE
- AQUEDUCT AQUEDUCT
- CULVERT CULVERT
- DIM LINE DIM LINE
- EMERGENCY DISCHARGE EMERGENCY DISCHARGE
- INTAKE INTAKE
- LATERAL LATERAL
- LOCAL LOCAL
- MAIN MAIN
- OUTLINE OUTLINE
- SIPHON SIPHON
- TUNNEL TUNNEL

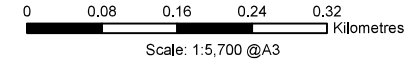
Selwyn Property Boundaries

- Ratepayer Information

Legend note: if you have a large number of layers on the map, they may not all be visible in the legend.

Disclaimer:
Information has been derived from various organisations, including Environment Canterbury and the Canterbury Maps partners. Boundary information is derived under licence from LINZ Digital Cadastral Database (Crown Copyright Reserved), Environment Canterbury and the Canterbury Maps partners do not give and expressly disclaim any warranty as to the accuracy or completeness of the information or its fitness for any purpose.

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Water Race 1 where it enters the project site from the north and follows the boundary of Lot 3 DP 70352 and into Lot 1 DP 57004.



Water race 1 as it leads into the pond. Photo looking north.



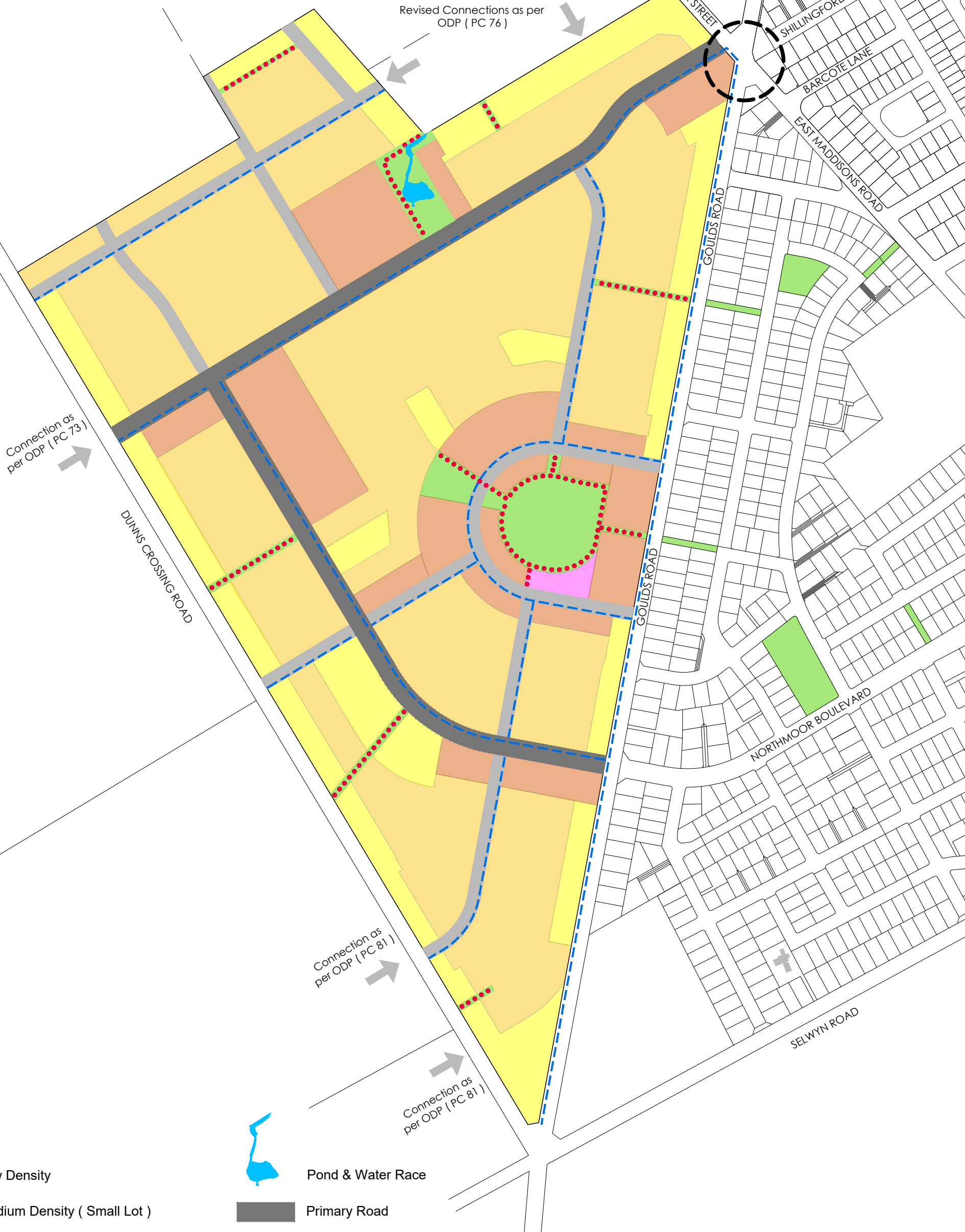
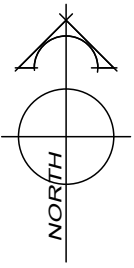
Edge of pond. Photo looking east.



Water race 1 as it crosses northern boundary.



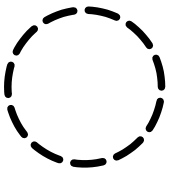
Water Race 1 within the Plan Change 76 site



LEGEND

- Low Density
- Medium Density (Small Lot)
- Medium Density (Comprehensive)
- Neighbourhood Centre
- Reserves

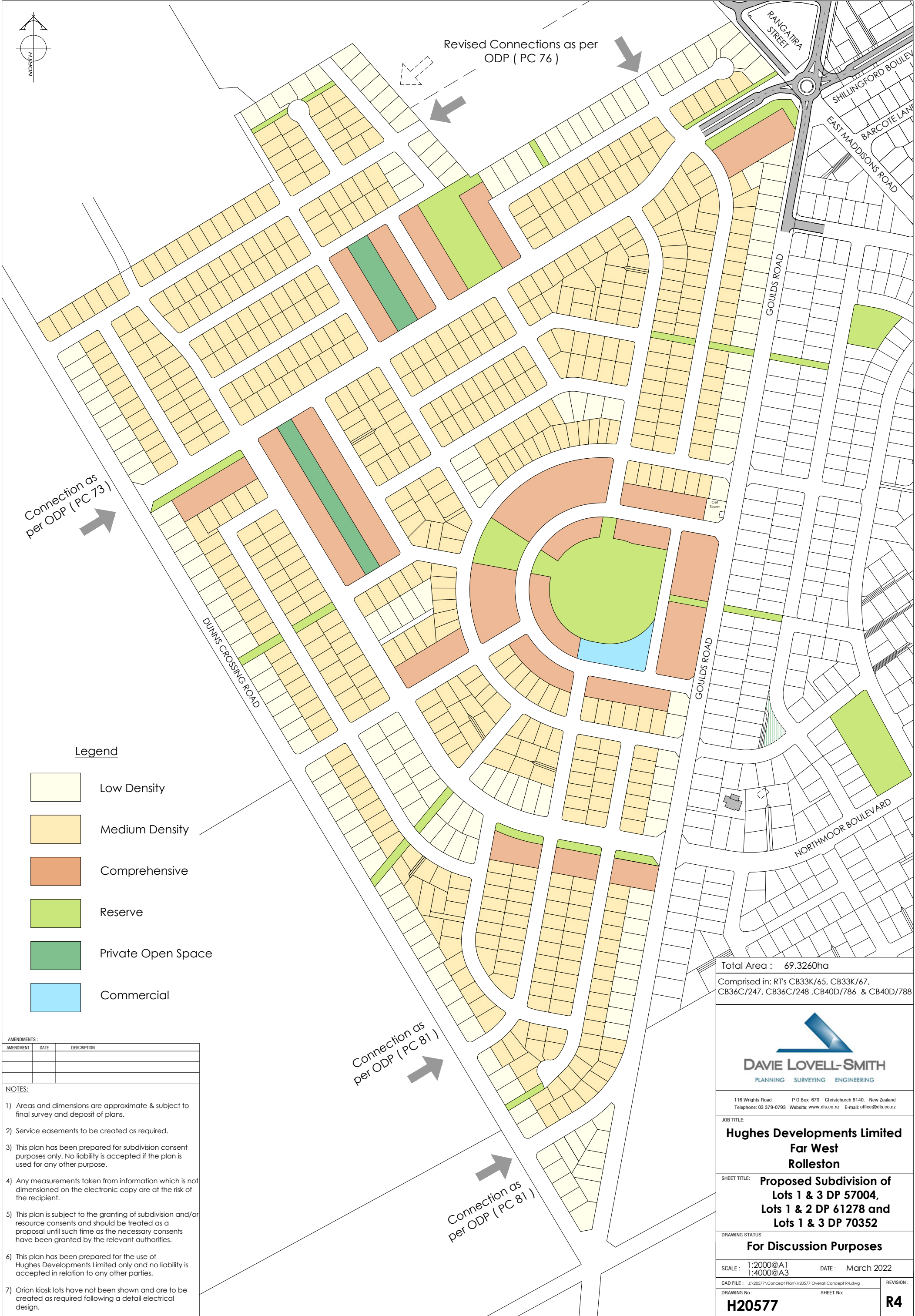
- Pond & Water Race
- Primary Road
- Secondary Road
- Possible Future Road Connection
- Shared Pedestrian / Cycle Lane (off road)
- Shared Pedestrian / Cycle Lane (on road)



Roundabout
(Upgrade)

ODP - Faringdon Oval

Not to Scale




Legend

- Low Density
- Medium Density
- Comprehensive
- Reserve
- Private Open Space
- Commercial

AMENDMENTS :		
AMENDMENT	DATE	DESCRIPTION

- NOTES:
- 1) Areas and dimensions are approximate & subject to final survey and deposit of plans.
 - 2) Service easements to be created as required.
 - 3) This plan has been prepared for subdivision consent purposes only. No liability is accepted if the plan is used for any other purpose.
 - 4) Any measurements taken from information which is not dimensioned on the electronic copy are at the risk of the recipient.
 - 5) This plan is subject to the granting of subdivision and/or resource consents and should be treated as a proposal until such time as the necessary consents have been granted by the relevant authorities.
 - 6) This plan has been prepared for the use of Hughes Developments Limited only and no liability is accepted in relation to any other parties.
 - 7) Orion kiosk lots have not been shown and are to be created as required following a detail electrical design.

Total Area : 69.3260ha
Comprised in: RT's CB33K/65, CB33K/67, CB36C/247, CB36C/248, CB40D/786 & CB40D/788



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JOB TITLE:
**Hughes Developments Limited
Far West
Rolleston**

SHEET TITLE: **Proposed Subdivision of
Lots 1 & 3 DP 57004,
Lots 1 & 2 DP 61278 and
Lots 1 & 3 DP 70352**

DRAWING STATUS:
For Discussion Purposes

SCALE : 1:2000@A1 DATE : March 2022
1:4000@A3

CAD FILE : J:\20577\Concept Plan\H20577 Overall Concept R4.dwg
DRAWING No : H20577 SHEET No : R4



Legend


- Building to be removed.
- Building to remain.

AMENDMENTS :		
AMENDMENT	DATE	DESCRIPTION

- NOTES:
- 1) Areas and dimensions are approximate & subject to final survey and deposit of plans.
 - 2) Service easements to be created as required.
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REVISION :
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