

Section 171 Resource Management Act 1991



Report pursuant to s. 42A of the Resource Management Act 1991 recommending whether or not a notice of requirement should be:

- Confirmed, modified, have conditions imposed, or be withdrawn.

Author: Jane Anderson

Position: Consultant Planner

Resource Consent Number: D220002

REQUIRING AUTHORITY: Minister of Education

PROPOSAL: To designate the site for educational purposes – secondary school, primary school, early childhood and specialist hub

LOCATION: 700 Selwyn Road, Rolleston

LEGAL DESCRIPTION: Lot 1000 DP 557037 contained in Record of Title 977880

Introduction

1. The Minister of Education (the Minister) has given notice of a requirement for a new designation to establish educational facilities to cater for secondary school students from Year 9 to 13, primary school students from Year 0 to 8, along with an early childhood education centre (ECE), and a specialist Hangarau teaching hub / space.
2. The proposed designation sought is for 'educational purposes', as set out in **Appendix 1**.
3. The notice provides a detailed description of the proposal, as set out below:
 - A secondary school, catering for Year 9 to Year 13 inclusive, with an initial build roll of 1,200 students, with a potential future expansion roll of 2,500 students;
 - A full primary school, catering for Year 0 to Year 8 inclusive, with an initial roll of 300 students;
 - An early childhood centre, for approximately 50 students; and
 - A Hangarau specialist teaching space / facility (technology facility provided in accordance with tikanga practices).
4. A number of conditions are proposed to provide parameters around the scope of the designation, and to mitigate the effects of any school development on the site. These cover the purpose of the designation, the maximum coverage of buildings on the site, noise from the operation of the facilities, the requirement to develop a school travel plan within 6 months of the opening of the school and exemption from the provision of an outline plan of works for a variety of minor works. These are attached in **Appendix 1**.

5. Further information has been provided in response to requests for further information as the “RFI Response” dated 12 September 2022 and the “Peer Review Response” dated 12 December 2022. These documents are attached as **Appendix 2**.
6. The Minister has advised that a separate outline plan would be lodged at a later date for the proposed works on site.

Description of the Existing Environment

7. The application site is a 10.18 hectare site located within the wider ‘Faringdon West Village’ Development. The site is owned by the Crown.
8. The site is fully described in section 3 of the application. I adopt the applicant’s description, and note the following key points:
 - The application site is located in the south-eastern corner of the “Faringdon West Village” that is currently under construction.
 - The site is zoned Rural (Inner Plains) under the Operative District Plan and General Rural under the Proposed District Plan.
 - The site is located directly adjacent to the wider West Village development which was approved by an Expert Consenting Panel under the COVID-19 Recovery (Fast-track) Consenting Act 2020 (FTCA) under resource consents RC2165539 and RC215540. However, the subject site was subdivided from the wider West Village land and is not subject to the consent conditions.
 - The site is currently vacant and does not contain any significant vegetation.
 - The site will encompass an entire block and will have road frontages on all four boundaries, being Selwyn Road, Springston Rolleston Road and the recently completed Hungerford Drive and Eileen Way. The exception being 12 adjoining properties on Pye Lane.
 - As part of the purchase of the site, the developer is required to provide the site with accesses to all appropriate services, including fibre, electricity, water supply, fire-fighting water supply and waste water.
 - Land immediately adjacent to the site on the western and northern boundaries are currently being developed for residential activities in accordance with the FTCA consents. Acland Park is located to the east of the site, on the adjacent side of Springston Rolleston Road, and is also currently being developed for residential activities in accordance with the HASHA Resource Consents.
 - Land to the south of the site is currently zoned Rural (Inner Plains). The closest residential unit within the Rural zone is approximately 75m from the site.
9. An aerial photo of the site is shown in **Figure 1** below.

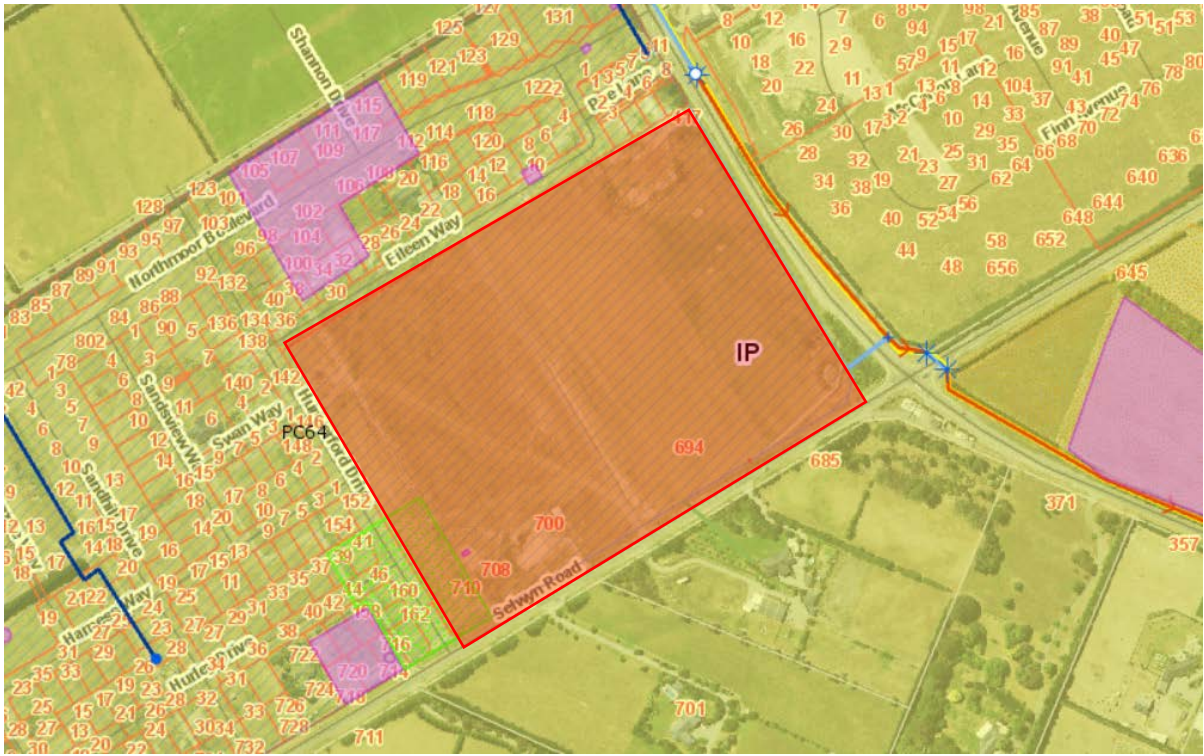


Figure 1 – Approximate location of site (red square) and surrounding area. Aerial photo – Selwyn District Council

Notification

10. A decision regarding notification pursuant to sections 169, 149ZCB(1)-(4), 149ZCC(1)-(4), 149ZCE and 149ZCF has been undertaken separately. It determined that the NOR be processed on a non-notified basis.

Matters to be Considered

11. Section 171 of the Resource Management Act 1991 sets out the matters which Selwyn District Council must have regard to in considering the effects on the environment of allowing a notice of requirement. In this case the relevant matters are:
 - a regional policy statement or proposed regional policy statement (s. 171(1)(a)(iii));
 - a plan or proposed plan (s. 171(1)(a)(iv));
 - whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if either the requiring authority does not have an interest in the land sufficient for undertaking the work; or it is likely that the work will have a significant adverse effect on the environment (s. 171(1)(b));
 - whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought (s. 171(1)(c));
 - any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement (s. 171(1)(d)); and
 - any positive effects on the environment to offset or compensate for any adverse effects that may result from the activity enabled by the designation (s. 171(1B)).

12. All matters listed in s. 171 (1) are subject to Part 2 of the Act, which contains its purposes and principles.

Assessment of Environmental Effects – Alteration to Designation

13. The actual and potential adverse effects of the proposal relate to visual, character and amenity, noise and transport effects.
14. The actual and potential adverse effects of the proposal relate to residential coherence, character and amenity, visual, noise, and traffic movements.

Permitted baseline

15. The site is zoned Rural Inner Plains. Within the Rural Inner Plains zone, residential activities are permitted where the residential density is one residential dwelling per 4 hectares subject to meeting the built form requirements. The Rural Inner Plains provisions provide, as a permitted baseline, for a building to cover a maximum of 5% of the net site area, to a maximum height of 8m for a dwelling or 12m for any other building and be sited a minimum of 5m from property boundaries, and a minimum of 10m from road boundaries.
16. The zone also permits non-residential and non-rural activities where no more than two staff are employed on site, where the gross floor area of any building does not exceed 300m² and the vehicle movements do not exceed 20 per day on a local road, which forms a relevant permitted baseline against which to assess the proposed activity. The rule framework also specifically provides for activities associated with tertiary education providers and Crown Research Institutes.
17. Noise limits in the Rural Inner Plains shall not exceed 55dB_{L10} between the hours of 7:30am – 8pm, and 40dB_{L10} between 8pm – 7:30am at any Living Zone boundary, and 60dB_{L10} between the hours of 7:30am – 8pm, and 45dB_{L10} between 8pm – 7:30am at the notional boundary of any dwelling, hospital or classroom.
18. Given the complexity of the rural zoning as applied to this site, the identified permitted baseline provides little guidance. Further, the surrounding residential environment has been developed in accordance with resource consents and therefore a comparison of the proposed development with a residential zoning is of little assistance in terms of determining comparable adverse effects on the environment in considering section 171(1) of the Act.

Context and Zoning

19. The subject site is located within the Rural Inner Plains zone under the Operative District Plan. As has been noted, the immediately adjacent land to the north, east and west of the site have been developed in accordance with resource consents providing for residential scale developments (RC216539 and RC215540). However, the subject site was subdivided from the land subject to these resource consents and remains zoned rural in both the Operative and Proposed District Plans.
20. Given the residential context of the application site, it is considered more appropriate to assess the amenity and coherence of the NoR against the receiving environment rather than the rural zoning.

Residential coherence

21. Non-residential activities establishing within residential areas have the potential to result in adverse effects on residential coherence, character and amenity. Adverse effects on residential coherence occurs when residential activities are displaced by non-residential developments, resulting in a loss of community from the area. Alternatively, when the character and integrity of an area zoned for residential development and character is encroached by an activity(ies) which are inherently not residential this can alter and reduce the residential integrity and character of that area, and / or result in isolated residential occupation surrounded by non-residential activities. Effects on character and amenity occur as a result of development that is of a scale and character that is not compatible with a residential environment and that detracts from the pleasantness or attractiveness of a place, or substantially encroaches into a residential environment displacing residential development.

22. The application site is located within a developing residential area. It is anticipated that the once developed the character of the immediately adjacent environment will reflect that of recent greenfield residential development within the Rolleston township, that being, single storey detached residential units. On the southern side of the road, the area remains rural-residential in character.
23. Although schools and ECE are not residential activities, they are an integral and expected component of residential communities. It is considered typical and appropriate that a school be established within residential areas. It is noted that both Acland Park Primary School (ME 30) and Lemonwood Grove School (ME28) are similarly located in the Rural Inner Plains zone and surrounded by residential developments established through HASHA consents.
24. I consider that establishing educational activities in this location will not result in any loss of residential coherence from the surrounding area. The application site is currently vacant, so the development of these activities on the site will not displace any existing residential activity. Further, the surrounding residential environment will remain dominated by residential activity and will continue to maintain a coherent residential character. Further it is noted that, with the exception of the limited number of Pye Lane properties, the site is demarcated by road boundaries, providing a clear boundary to adjoining residential development and preventing further displacement of residential activities as the school will be contained within the defined urban block.

Character and amenity

Visual Character and Amenity

25. At this time, the Ministry has only taken the approach of signalling its intent to establish a school on the site. Specific details of the proposal will be considered at the Outline Plan stage, in accordance with section 176A of the RMA. However, proposed conditions put forward as part of the designation would seek to increase site coverage and maximum height of buildings beyond that provided for as a permitted baseline under the applicable Rural zoning as associated with the site.
26. As has been discussed, while the site was omitted from the area subject to the resource consents granted under FTCA, the surrounding environment is currently being developed in accordance with the Living Z provisions of the Operative Selwyn District Plan. The Rural Inner Plains zone provides for a maximum site coverage of 5%, while the FTCA resource consents / Living Z zone on the surrounding sites provides for a maximum building coverage of 45% as associated with both building bulk and scale. Commensurately, applying this extent of site coverage to the proposed Designated site would equate to 45,000m² of building footprint. While the NoR does not include any height limits, the proposed conditions include a recession plane restriction and an Urban Design process. Proposed condition 2 seeks to replicate the site coverage provisions provided for in the surrounding residential environment. Proposed condition 3 seeks to provide a minimum setback of 3m from any road boundary.
27. Proposed condition 4 provides for an urban design statements and landscape concept plan as part of the Outline Plan process. The Urban Design Statement will demonstrate *“how the layout and design of the education facility will promote a positive relationship to the adjoining street network and neighbourhood”*. A Master Plan and subsequent landscape concept plan will provide details of framework tree planting, the identification of open space, location of vehicle access and parking, and boundary management.
28. As there is no indicative development plan for the site, it is difficult to comprehensively pre-empt and assess the potential visual effects of any built form. However, as noted the Outline Plan process provides an opportunity for the Council to determine the impact of any subsequent school development on the site and the request changes for design, layout and configuration in order to maintain an appropriate level of amenity that remains compatible with the surrounding urban context.
29. Given the likely scale of the proposed educational development, the visual effects from the built form have the potential to be minor, particularly when consideration is given to the existing environment. Although there will be substantial proportions of open space associated with the school (playing fields, courtyards etc) from some locations the view may be dominated by buildings to a greater degree than anticipated by the resource consents granted under the FTCA in the surrounding residential environment, or by the underlying Rural Inner Plains zone.

30. Another key change in visual character and amenity will be from the increase in activity on and around the site. However, based on the 45% maximum site coverage, the provision of sports fields and open spaces typical of school developments, and in conjunction with the buffering effect of the road network that demarcates the site from the surrounding residential development, I consider that the scale of the site will enable the dispersal of the built form across the site, serving to create a feeling of openness and spaciousness, and reducing the potential dominance of the built form.
31. The site demarcated by, and has road frontages to Hungerford Drive to the west, Eileen Way to the north, Springston Rolleston Road to the east and Selwyn Road to the south. Given the location of these roads, and the proposed 3m road boundary setback and recession plane requirements, it is considered that the additional distance to these sensitive receivers will reduce any potential visual dominance of the development. That is, there will be no residential dwelling immediately adjacent to any buildings able to be established under the proposed designation, except for four properties with frontage to Pye Lane as discussed further below. On balance, and in consideration of the future assessments required through the Outline Plan process, it is considered that any adverse effects on adjacent residential sites will be less than minor.
32. Four residential properties immediately adjoin the subject site in the north-eastern edge of the site, with frontage to Pye Lane. No internal boundary setbacks within the Notice of Requirement have been proposed along that interface, however, as the applicant notes in page, a recession plane condition has been proposed to ensure that these properties have *“appropriate access to sunlight, privacy and amenity”* (page 44 of the Assessment of Environmental Effects). These properties are currently owned by Hughes Development who have provided their written approval for the proposed development [Attachment G to the application] and therefore any potential adverse effects on these properties have been disregarded.
33. The proposal has been reviewed by Ms Gabi Wolfer, Urban Designer, Selwyn District Council. Ms Wolfer notes the condition that requires an Urban Design assessment at the Outline Plan stage will provide certainty that future development will have regard to appropriate urban design outcomes.

Transport Amenity

34. Traffic amenity effects results from the number, scale, type and location of vehicle movements and parking demand generated by an activity that may commensurately result in noise, glare, vibration, safety and access issues, and visual intrusion of vehicles at various times of the night and day, and during weekends.
35. It is acknowledged that the proposed development will result in additional traffic and activities associated with an educational facility. The majority of these activities will be largely limited to approximate school hours (0800 – 1600 hours, Monday to Friday). The transportation model suggests 710 vehicles entering the site and 558 exiting the site (at full role) during the morning peak hour.
36. The level of traffic and associated adverse traffic amenity effects associated with general school activities, including use of fields, classes and activities is different in the level of intensity and scale of activity compared to what may reasonably be expected to occur under the provisions of the underlying rural zoning, and the existing built environment. However, it is noted that activities related to educational facilities are anticipated within both rural and residential environments.
37. As is discussed in further detail below, the applicant proposes a condition to the designation to manage the potential adverse effects associated with traffic amenity, including requiring that an Integrated Transport Assessment (ITA) is provided at the point when the Outline Plan of Works is available, and that a Transport Management Plan is provided that *“ensures sufficient access and off street parking, including for drop off and pick up, and bus parking, is provided”*
38. It is considered that the proposed mitigation measures will ensure that any adverse effects on the surrounding residential environment from the increased traffic and activity at the site will be no more than minor.
39. It is acknowledged that the immediate locality is undergoing a significant landscape change, as it evolves from open pasture to an urban residential environment. Educational facilities are a typical feature of urban development, with their presence intrinsically tied with residential areas, as a response to the needs of the community in which they are located.

Conclusion – Effects on character and amenity

40. It is considered that the potential adverse effects on character and amenity will be minor for those properties located directly adjacent to the subject site on Pye Lane, however written approvals have been provided and therefore these adverse effects have been disregarded. It is considered that adverse effects on the surrounding residential environment will be less than minor.
41. On balance, it is considered that, subject to the designation conditions proposed, that any adverse effects associated with character and amenity associated with the future educational facilities and activities at the site can be appropriately managed at the Outline Plan stage.

Traffic

42. An Integrated Traffic Assessment (ITA) has been prepared by Abley Limited and is included in the application. This report concludes that the proposal can be supported from a traffic and transportation perspective. The ITA assessed current and future transportation patterns and determined that current traffic flows are likely to increase significantly in the future.
43. The ITA has been peer reviewed by Andy Carr of Carriageway Consulting (attached as **Appendix 3**), and the key matters identified by Mr Carr are summarised below.

Parking and Servicing

44. Insufficient on-site parking for developments can lead to adverse traffic safety and efficiency effects. In response to requests for further information regarding parking, Abley sets out that 80 to 313 spaces could be required for the development but highlights that parking could occur on adjacent roads. Mr Carr provides further analysis of this, clarifying that the mean value of 196 spaces would require an aggregate length of 1.2km of kerbside parking, of which the ability of the existing road network to accommodate this demand is “*very constrained*”.
45. As has been noted above, the applicant proposes a condition to the designation to manage the potential adverse effects of parking through a Traffic Management Plan under which the school is required to operate and is required to be updated when the school capacity increases by more than 100 students.
46. Mr Carr notes his concern around the general definition of “sufficient” in that “*a sufficiency from the perspective of the Ministry may not be the same as a sufficient to address capacity or safety issues that are arising.*” To that end Mr Carr recommends the following amendment to the proposed condition:

*“(b) ensures sufficient access and off street parking, including for drop off and pick up, and bus parking, is provided **such that on-street student and staff parking does not give rise to adverse road safety or efficiency effects**”*

47. The Minister has accepted the proposed amendment to the condition by way of email on 22 December 2022.
48. Mr Carr concludes that subject to conditions, the school facilitated by the Notice of Requirement can be accommodated on the transportation networks without adverse effects arising, and that further ITAs should be provided when the Outline Plan of Works is available.
49. I accept Mr Carr’s assessment, and consider that subject to the proposed conditions to the designation, that the adverse traffic safety and efficiency effects associated with parking and servicing will be less than minor.

Traffic Generation

50. Acknowledging that the school will not open with a full role, Abley have provided revised modelling of the Springston Rolleston Road / Selwyn Road intersection that indicate that the priority intersection will have low queues and delays during the morning peak hour. Both Abley and Mr Carr note that traffic congestion in the evening peak is more significant than morning peak hour and therefore that pressure to convert the priority intersection to a roundabout is more likely to arise from its performance during the evening peak hour, largely due to other developments in the surrounding environment. In consideration of other intersection, Mr Carr considers that any congestion will be of short duration and no indicative of any underlying lack of capacity in the roading network.

51. Mr Carr concludes that for the purposes of the designation, there can be reliance on the roundabout being in place before the full school roll is achieved to manage any future adverse traffic effects associated with congestion. This would appropriately accommodate and manage any future adverse traffic effects associated with congestion at this intersection.
52. As the design and layout of the proposed school is yet to be determined, I consider that a combination of conditions and the outline plan process will provide an opportunity for Council to influence the design of the site to consider how this will be addressed in more detail, to ensure that any adverse effects of traffic movements in the immediate area can be appropriately avoided and mitigated. Accordingly, and considering the Notice of Requirement against the analysis provided by both Mr Carr and Abley's as to the ability to the network to accommodate transport generated by the designation, I consider that Transport effects are less than minor.

Noise

53. It is acknowledged that schools and ECEs are an accepted and integral part of urban environments. Noise from these educational facilities is generated from students and traffic, and while the predominant peak times are during the arrival and departure of students and staff, noise is also generated throughout the day when students are moving between classes, and playing outside during break times. The degree and extent of impacts on more sensitive adjoining activities will largely be dependent on the location and orientation of buildings and playing fields, the location and layout of parking and student drop off / pick up facilities, and the nature of activities including those that may be undertaken outside of normal school hours, when adjoining residents are more likely to be requiring compatible levels of ambient noise.

54. The designation proposes noise limits as follows:

"The operation of the facilities shall comply with the following noise limits at the boundary of any site zoned primarily for a residential purpose, on in the case of a rural zone, at a notional point 20m from the façade of any residential unit, or site boundary, whichever is closest to the residential unit:

- Monday – Sunday (0700 to 2200 hours) 55dB L_{Aeq}
- Monday – Sunday (2200 to 0700 hours) 45dB L_{Aeq} and 75dB L_{AFmax}

These noise levels shall not apply to noise from standard outdoor recreational activities or early childhood education centre activities occurring between 0800 and 1800 hours Monday to Saturday.

Noise shall be measures and assessed in accordance with NZS 6801:2008 "Measurement of Environmental Sound" and NZS6802:2008 "Environmental Sound"

55. The proposal has been peer reviewed by Acoustic Engineering Services (attached as **Appendix 4**). As part of their review, AES notes the potential adverse effects associated with the cumulative effects of having a number of activities operating across the site. AES notes that the proposed limits already represent the upper threshold for protection of residential amenity and have recommended that an advice note is included alongside the proposed noise condition that states that *"cumulative noise should be appropriately addressed for any staged development"*.
56. AES have also identified *"concerns that these noise limits do not apply to "noise from standard outdoor recreational activities or early childhood centre activities occurring between 0800 and 1800 hours Monday to Saturday"*. AES note that their concerns primarily relate to the potential for regular and sustained use of areas such as hard courts (and other intensively used artificial turf areas) or early childhood facilities resulting in daytime levels above 55 dB L_{Aeq} . AES notes that given the extensive road boundaries,
- "there is likely low risk of sustained noise levels above 55 dB L_{Aeq} occurring at all but the direct residential boundary to the north, where medium density is proposed"*.
57. I accept the assessment provided by AES and consider the potential acoustic adverse effects for the Pye Lane properties to be at least minor. As has been noted, these properties are currently owned by Hughes Development who have provided their written approval for the proposed development and therefore any potential adverse effects on these properties have been disregarded.

58. Subject to the proposed advice note to manage cumulative effects, I consider that the adverse acoustic effects on the remaining surrounding residential environment (excluding the Pye Lane properties) will be less than minor.

Conclusion

59. Overall, I consider that the proposed educational facility may have adverse effects, in terms of residential coherence, character and amenity, visual amenity, noise and traffic movements, but these effects will largely be contained to the immediate vicinity of the site and largely contained within that urban block demarcated by Eileen Way, Hungerford Drive, Selwyn Road and Springston Rolleston Road. Any adverse effects beyond the road reserve will be less than minor.
60. Further, while the potential adverse effects of the proposal may be more than minor for the four Pye Lane properties located directly adjacent to the site, I note that ownership of the land is currently retained by the developer of the wider area, and approval for the activity in a written notice has been received by the Selwyn District Council.

Operative Selwyn District Plan

61. The subject site is zoned Rural Inner Plains in the Operative District Plan. However, it is noted that the nature of the receiving environment is characterised by residential development and authorised by way of resource consents granted under the FTCA and Special Housing Area legislation. These resource consents prescribe development to occur generally in accordance with the Living Z zone framework of the District plan. It is on this basis that it is considered relevant to consider the Rural and Townships Volumes of the Operative District Plan. The District Plan objectives and policies that are considered relevant are as follows:

Rural Volume

Objective B2.1.1

An integrated approach to land use and transport planning to ensure the safe and efficient operation of the District's roads, pathways railway lines and airfields is not compromised by adverse effects from activities on surrounding land or by residential growth.

Objective B2.1.2

An integrated approach to land use and transport planning to manage and minimise adverse effects of transport networks on adjoining land uses, and to avoid "reverse sensitivity" effects on the operation of transport networks.

Objective B2.1.4

Adverse effects of land transport networks on natural and physical resources or amenity values, are avoided, remedied, or mitigated, including adverse effects on the environment from construction, operation and maintenance.

Policy B2.1.2

Manage effects of activities on the safe and efficient operation of the District's existing and planned road network, considering the classification and function of each road in the hierarchy.

Policy B2.1.4(a) Ensure all sites, allotments or properties have legal access to a legal road which is formed to a standard necessary to meet the needs of the activity considering:

- The number and type of vehicle movements generated by the activity;*
- The road classification and function; and*
- any pedestrian, cycle, public transport or other access required by the activity.*

62. As has been discussed in the Assessment of Environmental Effects above, the potential adverse traffic effects of the proposal has been assessed by Abley and peer reviewed by Carriageway Consulting. The results of those assessments has determined a number of conditions to the designation to ensure that

the safety and efficiency of the road network and those who use it is not compromised. I consider that, subject to conditions, the proposal will be consistent with the relevant traffic objectives and policies.

Objective B3.4.1

The District's rural area is a pleasant place to live and work in.

Objective B3.4.2

A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects.

Policy B3.4.1

Recognise the Rural Zone as an area where a variety of activities occur and maintain environmental standards that allows for primary production and other business activities to operate.

Policy B3.4.3

Avoid, remedy, or mitigate significant adverse effects of activities, on the amenity values of the rural area.

63. The policy framework for the rural environment seeks to recognise and provide for a variety of rural activities where the rural amenity of the area is maintained. On balance, it is considered that proposed conditions will ensure that future development on the site will enable the ongoing maintenance of the character and amenity of the receiving environment.

64. On balance, it is considered that the proposal is consistent with the rural objectives and policies.

Townships Volume

Objective B3.4.1

The District's townships are pleasant places to live and work in.

Objective B3.4.2

A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.

Objective B3.4.5

Urban growth within and adjoining townships will provide a high level of connectivity both within the development and with adjoining land areas (where these have been or are likely to be developed for urban activities or public reserves) and will provide suitable access to a variety of forms of transport.

Policy B3.4.2

To provide for any activity to locate in a zone provided it has effects which are compatible with the character, quality of the environment and amenity values of that zone.

Policy B3.4.3

To provide Living zones which:

- *Are pleasant places to live in and provide for the health and safety of people and their communities;*
- *Are less busy and more spacious than residential areas in metropolitan centres;*
- *Have safe and easy access for residents to associated services and facilities;*
- *(...)*

Policy B3.4.18

Ensure non-residential activities in Living zones generate vehicle and pedestrian movements on a scale compatible with the quality of the environment in Living zones and the local receiving environment.

Policy B3.4.25

In all zones in townships, ensure buildings:

- *Do not shade adjoining properties; and*
- *Maintain a predominantly low rise skyline*

Policy B3.4.26

Ensure buildings are setback an appropriate distance from road boundaries to maintain the privacy and outlook for residents and to maintain the character of the area in which they are located

Policy B3.4.27

Ensure buildings and structures in the Living zones which are used for non-residential activities, are of a size and bulk and in a setting compatible with the quality of the environment and amenity values of a residential area.

65. The policy framework for the Living zones seeks to ensure a pleasant township environment, to provide for a range of activities and to maintain the character and amenity of the receiving environment.
66. The applicant has proposed a number of conditions that seek to maintain the existing recession plane and site coverage controls relevant to the residential interface to provide for maintaining the anticipated levels of amenity and privacy and reducing potential adverse effects associated with shading and building dominance.
67. On balance, it is considered that proposed conditions will ensure that future development on the site will enable the ongoing maintenance of the character and amenity of the receiving environment.

Summary – District Plan Objectives and Policies

68. Overall, I consider the proposal to be consistent with the relevant objectives and policies of the Operative District Plan.

Proposed District Plan Objectives and Policies

69. The Proposed District Plan objectives and policies that I consider relevant are:

TRAN-O1

People and places are connected through safe, efficient, and convenient land transport corridors and land transport infrastructure which is well integrated with land use activities and subdivision development.

TRAN-P4

Manage the adverse effects of activities within the General Rural Zone that exceed the maximum number of vehicle movements for each site.

TRAN-P7

Recognise and protect the function of the district's land transport network and systems by managing land use activities and subdivision development to ensure the safe and efficient movement of people and goods by:

1. *Managing adverse effects from activities on land transport corridors and land transport infrastructure, particularly where it may reduce safe and efficient traffic flows within the strategic transport network and links with Christchurch City;*
2. *Ensuring land transport corridors and land transport infrastructure can support the volume and type of transport movements based on the network road classifications; and*
3. *Requiring the design, positioning and maintenance of accessways, corner splays, vehicle crossings, intersections, footpaths, plantings and signs to ensure appropriate sightline visibility is provided to road users to support safe and efficient vehicle, pedestrian and cycle movements.*

TRAN-P11

Manage vehicle access, vehicle crossings and manoeuvring areas to maintain the safe and efficient operation of land transport corridors and land transport infrastructure by:

1. *Requiring all sites to have access to a road and to ensure that this access is constructed to the appropriate formation standards and is compatible with the network road classification;*

2. *Avoiding the need to reverse vehicles onto the strategic transport network;*
3. *Avoiding the establishment of new accessways and vehicle crossings to roads that require access across a rail line; and*
4. *Minimising the need to reverse onto Collector and Local Roads through the provision of appropriate on-site manoeuvring areas.*

TRAN-P13

Minimise the adverse effects of development on the physical and natural environment by:

1. *locating, designing and operating development while minimising the effects on, the amenity values of the surrounding environment, public access and the health and safety of people.*
 2. *encourage development to consider alternative sites, routes or methods.*
 3. *limiting the presence and effects of development within Outstanding Natural Landscapes, Visual Amenity Landscapes, Areas of Significant Indigenous Vegetation and habitats of indigenous fauna, sites of historic heritage and site and areas of significance to Māori to those which:*
 - a. *can demonstrate an operational or functional requirement for the location; and*
 - b. *can demonstrate through site, route or method selection the minimisation of effects on the environment; and*
 - c. *integrate design measures and management methods to mitigate adverse effects.*
 4. *requiring restoration of indigenous biodiversity and habitat following construction in areas of Areas of Significant Indigenous Vegetation and habitats of indigenous fauna, and the on-going monitoring of that restoration.*
 5. *considering biodiversity off-setting or compensation where the loss of significant indigenous vegetation cannot be restored and significant habitats of indigenous fauna or wetlands cannot be fully mitigated where the adverse effects cannot be avoided or remedied.*
 6. *Using the substantial upgrade of land transport infrastructure as an opportunity to reduce existing adverse effects.*
70. The Transport policy framework of the Proposed District Plan seeks to manage effects of activities on the safe and efficient operation of the existing and planned roading network. As has been discussed in the Assessment of Environmental Effects above, the potential adverse traffic effects of the proposal have been assessed by Abley and peer reviewed by Carriageway Consulting. The results of those assessments have determined a number of conditions to the designation to ensure that the safety and efficiency of the road network and those who use it is not compromised. I consider that, subject to conditions, the proposal will be consistent with the relevant traffic objectives and policies.
71. The zoning of the subject site under the Proposed District Plan is General Rural. The applicant notes that the zoning does not “*appropriately or reasonably reflect the approved land use, or the character and amenity of development that has been established*”. Further, the applicant consider that “*(t)o this end, and noting the weight to be afforded to the PDP at this point in time, a broad assessment of the PDP has been undertaken*”. I concur with this assessment of the PDP and have focussed my assessment on the broader objectives relating to the rural and residential environment as follows:

GRUZ-O1

Subdivision, use, and development in rural areas that:

1. *supports, maintains, or enhances the function and form, character, and amenity value of rural areas;*
2. *prioritises primary production, over other activities to recognise its importance to the economy and wellbeing of the district;*
3. *allows primary production to operate without being compromised by reverse sensitivity; and*
4. *retains a contrast in character to urban areas.*

72. Objective GRUZ-O1 seeks to ensure that development in the rural zone supports, maintains or enhances the function, form and character and amenity values of rural areas. As has been noted, the subject site is located within an area that is characterised by residential development, and the development will be more in keeping with the anticipated character and amenity of the receiving environment. However, the NoR will provide for social infrastructure that will support the economy and wellbeing of the district and subject to conditions, will appropriately maintain the function, form, character and amenity values of the rural environment, insofar as it is relevant to the site and surrounding environment.

RESZ-O7

Residents have access to a range of community, recreation, education, health and corrections activities and facilities that support, maintain and enhance the surrounding residential amenity.

73. Objective RESZ-O7 recognises the role of educational facilities in the township and seeks to ensure these facilities support, maintain and enhance the surrounding residential amenity. It is considered that subject to conditions the development will maintain a level of residential amenity.
74. It is considered that the proposal is consistent with the relevant rural and residential objectives of the Proposed District Plan.

Summary – District Plan Objectives and Policies

75. Overall, I consider the proposal to be consistent with the relevant objectives and policies of the Proposed District Plan.

Weighting Between District Plans

76. Section 104(1)(b) requires decision makers to take account of any relevant plan or proposed plan. Where there is conflict between an operative and proposed plan, a weighting assessment is required to determine which plan should be afforded dominant weight.
77. In this case, as the conclusions reached in the above assessment lead to the same conclusion under both the Operative District Plan and Proposed District Plan, no weighting assessment is required.

Canterbury Regional Policy Statement

78. The RPS provides an overview of the main resource management issues facing the region, and lists objectives, policies and methods that seek to achieve the integrated management of natural and physical resources of Canterbury.
79. The chapters I consider of most relevance to the assessment of the NOR are Chapter 5 – Land Use and Infrastructure and, as the application site is located within the ‘Greater Christchurch’ part of the Region, Chapter 6 – Recovery and Rebuilding of Greater Christchurch.
80. Objective 5.2.1 seeks to ensure that development is located and designed so that it achieves consolidated, well designed and sustainable growth, enables the social, economic and cultural well being of people and communities, and is compatible with regionally significant infrastructure. Associated Policy 5.3.7 seeks to avoid development which adversely affects the safe efficient and effective functioning of the transport network. The proposed educational facility is located on a site that is surrounded on three sides by residential development, and subject to a number of conditions, will be compatible with regionally significant infrastructure. On balance, it is considered that the proposal is consistent with Objective 5.2.1.
81. Objective 6.2.1 and associated Policy 6.3.1 seeks to enable development within the Greater Christchurch area to existing urban area of greenfield priority areas. Policy 6.3.12 provides for urban development in Future Development Areas. The proposal does not give rise to concerns relating to the majority of the matters identified in the objective and policies relating to outstanding natural features or

landscapes, indigenous biodiversity, waterbodies, air quality, rural character and amenity, natural hazards or strategic infrastructure.

82. The site is not located within an existing urban area, greenfield priority area or a Future Development Area. However, it is considered that the development of the site for educational activities responds to the urban growth developing on the northern, eastern and western boundaries of the site. On balance, given the residential context of the receiving environment, it is considered that the proposal is not inconsistent with Objective 6.2.1, Policy 6.3.1 and 6.3.12.
83. Overall, I consider that the NOR is not inconsistent with the RPS.

Alternative sites

84. Under s. 171(1)(b) the Council must have particular regard to whether adequate consideration has been given to alternative sites or methods if the requiring authority does not have an interest in the land sufficient for undertaking the work, or it is likely that the work will have significant adverse effects on the environment.
85. The Crown has recently purchased the site and therefore has an interest in the land sufficient to establish the proposed development. It is considered that as the Requiring Authority is the owner of the application site, and the adverse effects on the proposal have been assessed as being minor, so there is no requirement to consider alternative sites under s171(1)(b).
86. Nevertheless, consideration of alternatives has been provided in Section 7 of the NOR, and that alternative sites were evaluated by the Ministry as part of the their site investigation and evaluation exercise.
87. The site subject to this application was the preferred site as a result of the evaluation process.
88. The NOR also considered an alternative method of applying for a resource consent to undertake the work and concluded that a designation is the most suitable method of securing the future establishment and on-going operative of a future school and is consistent with the national policy of the Ministry to designate school sites.
89. In my opinion the information provided in the NOR confirms that adequate consideration has been given to alternative sites and methods of providing for the purpose of the proposed works.

Necessity of the designation

90. Section 171(1)(c) requires the Council to have particular regard to whether the designation is reasonably necessary to achieve the objectives of the requiring authority. As set out in section 1 of the NOR, the objective is to “establish educational facilities to cater for secondary school students from Year 9 to 13, primary school students from Year 0 to 8, along with an early childhood education centre (ECE), and a specialist Hangarau teaching hub / space”. Section 4 of the NOR expresses this objective more broadly,
91. Once stated, it is not appropriate to question the Requiring Authority’s choice or expression of objective for which the designation is said to be necessary. Therefore, the question becomes whether the designation, as a form of RMA approval, and the associated works are reasonably necessary to achieve the objective stated by the Requiring Authority, and whether the extent of land affected by the designation is reasonably necessary for achieving the objectives of the works.
92. Having considered the information provided in the NOR, the Requiring Authority’s stated objective, and the general growth of Rolleston, the Requiring Authority has adequately demonstrated that the NOR is reasonably necessary for the provision of an education facility that will meet the needs of the Rolleston Township. Designation of the site for educational purposes will formally confirm the site’s use in the District

Plan, thereby offering the community a high degree of certainty of what the site will be used for in the future, as well as providing the planning certainty required by the Minister.

Part 2 Resource Management Act 1991

93. The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. In summary enabling people and communities to provide for their well-being, while sustaining resources and addressing any adverse effects.
94. I agree with the assessment provided in section 5.2 of the NOR, and consider that the proposed designation will promote the sustainable use of land, buildings and infrastructure to meet the reasonably foreseeable educational needs of the community while avoiding, remedying or mitigating adverse effects on the environment. Therefore, I consider that the proposal is in accordance with the purpose and principles of the Resource Management Act 1991.

Conclusion

95. Having taken into account the matters that must be considered under s. 171 of the RMA, it is my conclusion that the NOR to establish educational facilities to cater for secondary school students from Year 9 to 13, primary school students from Year 0 to 8, along with an early childhood education centre (ECE), and a specialist Hangarau teaching hub / space promotes the purpose of the RMA and is reasonably necessary to achieve the Requiring Authority's objectives.
96. The range of actual and potential adverse effects on the environment have been assessed and reviewed by appropriate experts. Provided appropriate conditions are imposed in the NOR as recommended in this report, in my view any adverse effects caused by allowing the works can be avoided, remedied, or mitigated and therefore will not be significant on the receiving environment.
97. The NOR is also considered to be consistent with relevant statutory documents and reasonably necessary in the context of the s. 171 considerations.

Recommendations

98. For the reasons set out in the foregoing assessment, I recommend to the Council that the Notice of Requirement (D220002) for an educational facility on Lot 1000 DP 557037, Rolleston be confirmed pursuant to s.171(2)(a) of the Resource Management Act 1991, subject to the following conditions, imposed under s.171(2)(c) of the Act:

Purpose of Designation

Educational purposes - Secondary School, Primary School, Early Childhood, and Specialist Hubs

1. "Educational purposes" in the designated purpose means to:
 - a. Enable the use of the facilities on the site by and for the educational benefit of any preschool and school age students (i.e., years 0 to 13) regardless of whether they are enrolled at the institutions located on the site.
 - b. Enable the provision of supervised care and study opportunities for students outside school hours in school facilities.
 - c. Enable the provision of community education (e.g., night classes for adults) outside school hours in school facilities.
 - d. Include but not be limited to the provision of academic, sporting, social, and cultural education including through:
 - i. Formal and informal recreational, sporting, and outdoor activities and competitions whether carried out during or outside school hours;

- ii. Formal and informal cultural activities and competitions whether carried out during or outside school hours; and
- iii. The provision of specialist hubs and units (including language immersion units and teen parenting units) for children with particular educational requirements or special needs.
- e. Enable the use of facilities for purposes associated with the education of students including school assemblies, functions, fairs, and other gatherings whether carried out during or outside school hours.
- f. Enable the provision of associated administrative services; car-parking and vehicle manoeuvring; and health, social services, and medical services (including dental clinics and sick bays).
- g. Enable housing on-site for staff members whose responsibilities require them to live on-site (e.g., school caretakers) and their families.

The Notice of Requirement documentation associated with this designation is held in Selwyn District Council file D220002.

Building Controls

- 2. Any new building or building extension (excluding goal posts or similar structures) shall not protrude through a 45 degree recession plane angle measured from any internal boundary with adjoining land (zoned or designated for residential purposes), with the starting point for the recession plane to be 4m above ground level.
- 3. Buildings on the site shall not exceed a total site coverage of 45%.
- 4. Any building shall be setback a minimum of 3m from any road boundary.

Outline Plan

- 5. Any outline plan of works to be undertaken on the site that relates to increased student capacity of more than 100 students shall be accompanied by:
 - a. an urban design statement from a suitably qualified urban designer and/or architect demonstrating how the layout and design of the education facility will promote a positive relationship to the adjoining street network and neighbourhood, in terms of:
 - i. pedestrian connectivity and desire lines;
 - ii. building location and arrangement; and
 - iii. location and design of perimeter fencing.
 - b. A landscape concept plan, which includes the following:
 - i. framework tree planting (species, grades and locations), and the location and planting (planting plans) for any garden areas. If hedges are proposed, the species and layout must complement and be well integrated with the landscape works (existing and proposed) for the surrounding streetscapes, but not to the detriment of student safety or sight lines;
 - ii. the identification of outdoor space, including all outdoor play areas (both hard surfaces and grassed areas);
 - iii. vehicle access and parking areas including cycle parks;
 - iv. entrances for cyclists and pedestrians; and
 - v. the location, style and height of fencing on exterior boundaries of the school which face roads or other public spaces.
 - c. A construction management plan which shall include but not be limited to the details of dust suppression methods and hours of operation.
- 6. An outline plan of works shall not be required for:
 - a. Any internal building works other than those that result in a net increase in the number of classrooms or classroom equivalents;
 - b. General building maintenance and repair including but not limited to re-painting, recladding and re-roofing;

- c. Installing, modifying and removing playground furniture and sports structures (e.g. goal posts), and shade canopies;
- d. Amending any internal pedestrian circulation routes/pathways;
- e. Installing, maintaining or repairing any in ground infrastructure services such as stormwater, sewerage and water lines and connections, including any ancillary earthworks;
- f. Provision of landscaping and gardens, provided that it does not conflict with any designation condition or alter landscaping required as mitigation as part of an outline plan for other works;
- g. General site maintenance and repair work, or boundary fencing otherwise permitted by the Selwyn District Plan; or
- h. Installing, modifying or removing minor ancillary buildings and structures (e.g. garden / storage sheds, temporary construction buildings / offices).

Transport

7. Prior to the lodgement of the first outline plan for the secondary school, the Requiring Authority will, in consultation with the Asset Manager Transportation for Selwyn District Council or its successors, resource, develop and action a Transport Management Plan, which:
 - a. sets the initial goals of the school with respect to sustainable travel modes and the mitigating real and potential adverse traffic effects;
 - b. ensures sufficient access and off street car parking, including for drop off and pick up, and bus parking, is provided such that on-street student and staff parking does not give rise to adverse road safety or efficiency effects;
 - c. facilitates the integration of the school with the surrounding transport network (including pedestrian and cycling access to the site);
 - d. provides an assessment, if no school travel plan has been provided, as to how a school travel plan would be developed.

The Transport Management Plan shall be reviewed by the Council's Asset Manager Transportation at the time of submitting any and each outline plan relating to increased student capacity of more than 100 students since the Transport Management Plan was last reviewed, and shall be maintained and regularly updated while the school is operating under this designation.

8. On-site car parking spaces shall be provided in accordance with the Transport Management Plan prepared under Condition 7 above. On-site car parking spaces may be provided on a staged basis in line with the Transport Management Plan prepared under Condition 7 above.
9. The Requiring Authority shall, in accordance with the requirements of s176A of the Resource Management Act 1991, submit an Outline Plan of Works for the construction and development of the secondary school, which shall include a Transport Assessment prepared by a suitably qualified traffic engineer / transportation planner which, taking into account the Integrated Transport Assessment (ITA) prepared by Abley dated 6 June 2022, addresses safety, efficiency and the following specific matter:
 - a. Safe access for pedestrians, cyclist and vehicles to Eileen Way, including any appropriate mitigation measures and treatments, and on road interventions to minimise conflict between all transport modes.
10. Within six (6) months of the opening of the secondary school, the Requiring Authority shall, either directly or through the School Board of Trustees, develop a School Travel Plan which provides specifically for measures to reduce vehicle dependence, including walking school buses, carpooling, the encouragement of the use of public transport, the use of remote pick up/drop off locations if appropriate, and the encouragement of walking and cycling.

This Plan shall be developed in consultation with Selwyn District Council and shall be reviewed at the time of submitting any and each subsequent outline plan of Works relating to increased student capacity of more than 100 students since the School Travel Plan was last reviewed.

Noise

11. The operation of the facilities shall comply with the following noise limits at the boundary of any site zoned primarily for a residential purpose, or in the case of a rural zone, at a notional point 20m from the façade of any residential unit, or the site boundary, whichever is closest to the residential unit:

Day / Time	Noise Level (Leq) dBA
Mon – Sun, 7.00am – 10.00pm (0700 -2200)	55dB L _{Aeq}
Mon – Sun, 10.00pm – 7.00am (2200 -0700)	45 dB L _{Aeq} 75 dB L _{Amax}

These noise levels shall not apply to noise from standard school outdoor recreational activities or early childhood education centre activities occurring between 0800 and 1800 hours Monday to Saturday.

Noise levels shall be measured and assessed in accordance with NZS 6801: 2008 “Measurement of Environmental Sound” and NZS 6802:2008 “Environmental Noise”.

Note: These limits apply to cumulative development of the site, and assessment of particular stages should include an appropriate allowance for future activities.

12. Noise from construction shall not exceed the limits recommended in, and shall be measured in accordance with, New Zealand Standard NZS 6803:1999 “Acoustics – Construction Noise”.

Designation Lapse Period

13. The designation shall lapse on the expiry of 10 years from the date on which it is included in the District Plan if it has not been given effect to before the end of that period.

Note to the Requiring Authority

Advice Notes

School Travel Plan

1. The School Travel Plan required under Condition 10 would be expected to address matters such as:
 - a. start and finish times and whether there is a need to stagger these to alleviate demands on parking, particularly at pick-up times;
 - b. the outcome of any discussions with Environment Canterbury or its successor over the provision of bus services;
 - c. provision for bus loading either on-site or on-street clear of the traffic lanes consistent with growth in use of this transport mode;
 - d. identification of safe access across the roads to the school;
 - e. identification of safe pedestrian and cyclist routes required to and from the school relative to the school catchment; and
 - f. provision of on-site parking and end of trip facilities for motorcycles, scooters and bicycles.

Car Parking Areas

2. The design and layout of car parking areas should have regard to the following design principles:
 - a. for car parking areas adjacent to street boundaries and open space, a positive frontage should be presented by providing high quality boundary landscaping treatment such as permeable fencing and hedge planting to no more than 1.5m in height to screen cars but allow for passive surveillance to the street and/or open space;

- b. adequate space for landscaping should be provided within the group car parking area to break up the expanse of the impermeable area, and permeable surface materials and Low Impact Design treatment should be used where possible;
- c. where possible shared surfaces should be used to indicate equal status for vehicles and pedestrians and footpaths may not be required;
- d. lighting should be provided for security; and
- e. if physical speed restrictions are required, these can include vertical displacement or other treatments, such as:
 - i. raised tables and horizontal displacement;
 - ii. narrowing at entry and exit points.

Infrastructure Works


3. Unless already delivered by others or otherwise agreed with Selwyn District Council, the Ministry of Education will be responsible for the funding and delivery of the following on-road interventions:
 - a. A “Kea Crossing”, with this to be in place prior to the opening of the primary school;
 - b. The continuation of a footpath along Selwyn Road directly adjacent to the school site, the details of which (i.e. length, formation, design etc) will respond to the specific location of any direct vehicle or pedestrian access points to the school along Selwyn Road.

Contaminated Soils

4. If at the time of construction (being carried out in accordance with the outline plan) contaminated soils are discovered, the Ministry is advised that construction should cease so that the site can be assessed in accordance with relevant Ministry for the Environment Guidelines by a suitably Qualified Environmental Practitioner; and all relevant resource consents obtained in accordance with the provisions of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011.

Accidental discovery

5. In the event of archaeological evidence being uncovered, work is to cease in the vicinity of the discovery, and an Archaeologist, Heritage New Zealand, Te Taumutu Rūnanga and Selwyn District Council are to be contacted so that the appropriate action can be taken before any work may recommence.

<p>Reported and recommended by</p>  <p>Jane Anderson Consultant Planner</p>	<p>Date: 16 January 2023</p>
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That, having considered the notice of requirements and the above report, I adopt the findings of this report and recommend that the Selwyn District Council recommend Minister of Education confirm the designation pursuant to s. 171 of the Resource Management Act 1991.



Matt Bonis
Commissioner

Date: 23 January 2022