

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- Confirmed, modified, have conditions imposed, or be withdrawn.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: D220001

REQUIRING AUTHORITY:	New Zealand Transport Agency
PROPOSAL:	To designate the site to 'Undertake maintenance, operation and use of, and improvements to the State Highway Network' (D220001); and Outline Plan for the construction, operation and maintenance of a commercial vehicle safety centre (RC225373).
LOCATION:	State Highway 1 and North Rakaia Road, Rakaia
LEGAL DESCRIPTION:	Rural Section 33582 (23,000m ²) contained in Record of Title 891584 North Rakaia Road – No appellation, Parcel ID 3576329 2160m ²
ZONING:	The site is zoned Rural (Outer Plains) under the provisions of the Operative District Plan (Rural) Volume.

Introduction

1. The New Zealand Transport Agency (the Requiring Authority) has given notice of its requirements for an alteration to Designation TR7 in the Operative Selwyn District Plan and corresponding Designation NZTA-7 Rakaia Commercial Vehicle Safety Centre in the Proposed Selwyn District Plan (hereon 'NZTA-7').

Description of the Proposal

2. Waka Kotahi propose to undertake minor alterations to the existing designations in the Operative and Proposed District Plans with the following alterations to the condition wording:

Operative District Plan:

"General Accordance with details provided in the NOR and plans attached in ~~D190066 Appendix C~~ updated 17/02/2020; the Addendum to the NOR 17/02/2020-D220001 Appendices A - E; and the response to the request for further information 27/03/2020 dated 26 July 2022; and the additional response to the request for further information dated 19 October 2022."

Proposed District Plan:

General Accordance

1. *The designation shall be implemented in general accordance with the details provided with the Notice of Requirements:*
 - a. *The Plans attached in ~~Appendix G~~ Appendices A – E of the Notice of Requirement dated ~~17/02/2020~~ 27 May 2022;*
 - b. *~~The Addendum to the Notice of Requirement dated 17/02/2020;~~*
 - b. *The response to the request for further information dated ~~27/03/2020~~ 26 July 2022; and*
 - c. *The additional response to the request for further information dated ~~17/04/2020~~ 19 October 2022."*
3. The proposed alterations to the designation are sought to provide for the construction, operation and maintenance of a smaller Commercial Vehicle Safety Centre (CVSC) at the site. The application provides the following summary of the proposed works:
 - Construction of a CVSC to capture southbound commercial vehicles only;
 - Construction of a Tier 1.5 Safety Building;
 - A CVSC with a significantly reduced size and scale compared within that approved in the Plans of the previous NOR application
4. The proposed changes are sought in response to a road safety audit that determined that commercial vehicles crossing State Highway 1 posed an unacceptable safety risk. As a result, separate north and south bound CVSC sites are proposed which do not require commercial vehicles to cross over lanes of oncoming traffic. A smaller CVSC is proposed for south bound vehicles only. A separate project will be undertaken in the future to capture north bound vehicles.
5. Waka Kotahi has advised that the proposed alteration is necessary as it will "*allow for the construction of the CVSC on the site which will provide increased safety for other road network users*".
6. No changes is proposed to the purpose of the designation, being "*to undertake maintenance, operation and use of, and improvements to the State Highway Network.*" No other changes are sought the existing condition.
7. The application includes an Outline Plan for the works to construct, operate and maintain the CVSC within Designation TR1 and TR7 of the Operative Selwyn District Plan under Section 176A of the Resource Management Act.

Description of the Existing Environment

8. The application site is located at the junction of State Highway 1 and North Rakaia Road.
9. The site is generally flat and is vegetated in pasture grass. There are no existing structures. There is an existing access to the site via a farm gate off North Rakaia Road approximately 187 metres from the intersection with State Highway 1.
10. The Main South Rail line lies parallel to State Highway 1. To the southwest of the site on the opposite side of the State Highway from the site is a public rest area. The access to the rest area is approximately 55m from the intersection of North Rakaia Road.
11. The Rakaia River is approximately 165m southwest of the site. This river is a braided river, and a Chinook salmon fishery. The surrounding margins support several species of birdlife including the endangered black bill gull, a large population of wrybill as well as black footed tern and banded dotterel. The river is subject to the National Water Conservation (Rakaia River) Order 1988.
12. At the site location the width of SH 1 is 8m wide with two carriage lanes of 3.5m with 500mm sealed shoulders. There is a right hand turning bay north east of the intersection from North Rakaia Road to Main

Rakaia Road, and further north approximately 240 metres away is the Rakaia overbridge that passes over the main trunk railway line. There are street lights to aid visibility at the intersection and at the overbridge.

13. The traffic volume of State Highway 1 at this point is 12,142 vehicles with approximately 14% being heavy vehicles. The speed limit at this point is 100km/hr. In the District Plan State Highway is designated as TR1 (State Highway) and the NZTA as the requiring authority. North Rakaia Road is managed by Selwyn District Council, and has a traffic volume of 100 vehicles per day.
14. Other land uses in the area consist of larger rural production activities.

Notification

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

Matters to be Considered

Alteration to the Designation

16. 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))
 - 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)).
17. All matters listed in s. 171 (1) are subject to Part 2 of the Act, which contains its purposes and principles.

Outline Plan

18. The statutory requirements of the Resource Management Act 1991 in respect of this application are contained in section 176A, which subject to subsection (2) requires that an outline plan of the public work, project or work to be constructed on designated land must be submitted by the requiring authority to the territorial authority to allow the territorial authority to request changes before construction commences. The territorial authority may only make recommendations.
19. The matters that may be considered are set out in section 176A(3) which states that:

An outline plan must show:

- a. *The height, shape and bulk of the public work, project or work; and*
- b. *The location on the site of the public work, project or work; and*
- c. *The likely finished contour of the site; and*

- d. *The vehicular access, circulation and the provision for parking; and*
- e. *The landscaping proposed; and*
- f. *Any other matters to avoid, remedy or mitigate any adverse effects on the environment.*

Assessment of Environmental Effects – Alteration to Designation

20. The actual and potential adverse effects of the proposal relate to visual, character and amenity, noise and transport effects.

Permitted baseline

21. In determining whether the adverse effects of a proposal are more than minor, section 149ZCE allows the Council to disregard the adverse effects of permitted activities. The site is zoned Rural (Outer Plains).
22. In the Rural Outer Plains zone, a non-residential and non-rural activity would have the following general parameters of most relevance:
- Earthworks to a maximum volume of 5000m³, with a vertical cut of no more than 5%
 - A maximum of 100m² for the loading, storage and waste activities;
 - Two staff maximum;
 - 30 equivalent car movements per day per site; and
 - Compliance with the noise rules would be required

Visual effects

23. Currently, the site is vacant pasture land, and is subject to an operative Designation TR7 that provides for the construction, operation and maintenance of a CVSC on the site.
24. The proposal seeks to construct a CVSC that, according to the applicant *“is smaller in size and in intensity than that currently permitted by the existing conditions on the designation”*. The applicant considers that:
“On the basis that the proposed site is smaller in scale and intensity, adverse effects on visual amenity will be lesser than those already considered within the previous NoR application, and of the purpose of the application, insignificant.”
25. The assessment of effects from the applicant notes that the closest sensitive visual receivers are located approximately 280m northwest of the CVSC, and are separated by the Main South Railway Line and State Highway 1. The report assesses the effects on the closest receivers noting that vegetative planting will provide a degree of good visual screening. I accept this assessment, and consider that the distance to sensitive receivers and the proposed landscaping will ensure that any adverse effects will be less than minor, subject to the proposed conditions restricting the development to a scale and intensity less than the original proposal.

Noise

26. In consideration of construction noise, it is noted that the application seeks to ensure that all construction activities shall occur in accordance with NZS6803:1999 Acoustics – Construction Noise to ensure acceptable construction noise. This will require noisy construction activities to occur between the hours of 0730 and 1800 hours Mondays to Saturdays, and adopting the best practical option to minimise construction noise where possible.
27. The operation of the CVSC will generate noise associated with heavy vehicle movements entering and exiting the site, and manoeuvring within the site. The operation of the CVSC is likely to be less than 7 days per month. It is noted that the site and surrounding environment is subject to an existing ambient noise environment influenced by the adjacent State Highway. Whilst it is acknowledged that the proposal will result in additional vehicle movements associated with vehicles turning into the site for inspection, it is noted that the closest sensitive receiver is approximately 270m north west of the site.

28. I consider that any potential noise effects associated with the proposed alteration to the designation will be less than minor.

Traffic

29. The current application does not include a detailed traffic assessment, however the proposal has been peer reviewed by Abley, this is attached as **Appendix 1**.
30. Abley have reviewed the application and provided the following conclusions :
31. The modelling of the State Highway 1 / North Rakaia Road intersection operates at a minimum LoS C with conservative assumptions, resulting in delays being a maximum of 14 seconds. This is found to be acceptable.
32. Due to the safety record, high speed environment, head on collision risk and potential driver frustration over decelerating left turning vehicles a left turn auxiliary lane on State Highway 1 is recommended.
33. The non-compliant sight distance has been assessed and is considered to be acceptable as there is sufficient distance between the intersection and vehicle crossings for a truck to stop if a vehicle accidentally pulled out and vehicles will be predominantly turning left when exiting the site, where there is sufficient visibility.
34. The proposed right turn median on SH1 will improve safety of right turning vehicles from SH1. The safety record of the surrounding environment is poor and there have been recorded fatalities of head on collisions with heavy vehicles. The speed limit on SH1 is recommended to be reduced from 100km/hr to 80km/hr, although Abley notes that this is a matter for Waka Kotahi as the road controlling authority.
35. In response to these issues, Abley have recommended the following conditions:
- a. The provision of an appropriate Construction Traffic Management Plan (CTMP) to mitigate any potential adverse effects of construction traffic, including deliveries and the displacement of any vehicles due to loss of parking spaces during construction;
 - b. Prior to operation of the activity, a left turn auxiliary lane and right turn median shall be installed on State Highway 1 at the State Highway 1 and North Rakaia Road intersection before construction activity. The designs shall be submitted to Council for approval.
 - c. A site management plan is to be prepared and submitted to Council for approval prior to the operation of the activity and reviewed annually. It shall include:
 - Staging of heavy vehicle departures within the site to prevent convoys;
 - Appropriate on-site procedures for oversized vehicles within the site
 - d. During commencement of the activity, the proposed sealed section of North Rakaia Road is to be maintained by Waka Kotahi as part of the State Highway Maintenance agreement with Selwyn District Council.
36. These issues and proposed conditions have been provided to Waka Kotahi. A copy the response from Waka Kotahi is attached as **Appendix 2**. In summary, Waka Kotahi have commented as follows:
- i. Waka Kotahi requires any construction activities taking place on or near the state highway to have a Construction traffic Management Plan, to be provided to them as the Road Controlling Authority and Requiring Authority and holder of the designation.
 - ii. Waka Kotahi considers that a left turn auxiliary lane is not required given their assessment of the likely access demand. However, they note that *“should a future safety audit identify that widening or other safety measures are required, then they will be designed and included at that time following statutory approvals that may be needed”*.
 - iii. Waka Kotahi notes that the existing designation TR1 contains a condition relating to a site management plan and considers that there is no need for additional review and approval process.

iv. Waka Kotahi notes that the section of North Rakaia Road is included in the designation and will be maintained as part of the State Highway network.

37. Based on the above assessment and the information provided with the proposal and subsequent responses from further information provided, I consider the traffic effects of the development to be no more than minor.

Conclusion on adverse effects

38. Overall, I consider that the visual effects, effects on rural character, and amenity, and noise of the proposed designation to be less than minor.

39. Overall, given the location and design of the buildings, their potential effect visually and upon the rural character of the zone and the proposed traffic volume, and safety mitigation measures proposed, that the effects of the development are no more than minor.

Assessment of Environmental Effects – Outline Plan

40. The matters for consideration for the Outline Plan are assessed below:

(a) *The height, shape and bulk of the public work, project or work; and*

41. The proposed works within Designation TR7 are detailed in the application, and defined as including:

- Automatic Number Plate Reading (ANPR) Camera
- Weigh-In-Motion (WIN) Plates;
- ITS Cabinet;
- Metal Side Guard; and
- Road resurfacing

42. The general layout of the proposed CVSC within the Designation TR7 is detailed in **Figure 1** below:

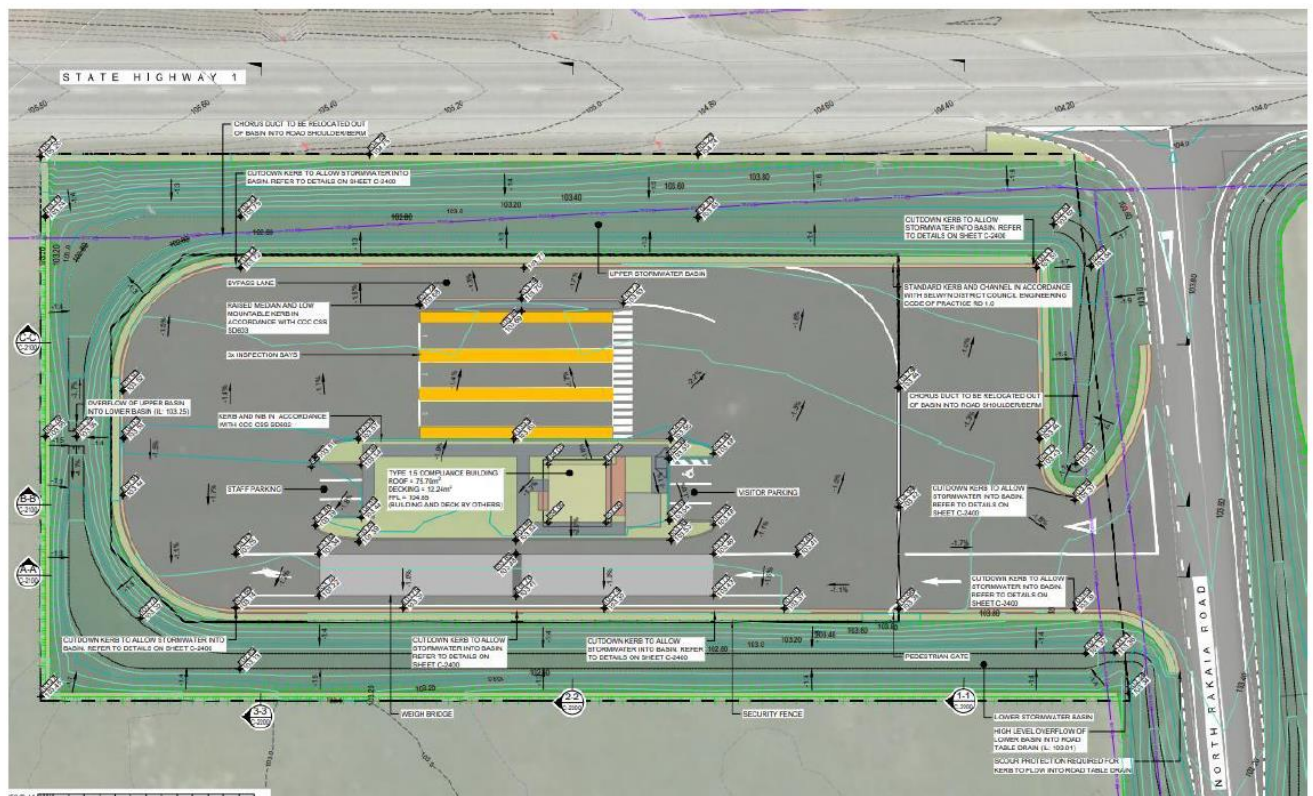


Figure 1: General Layout of CVSC (source: application)

43. The proposed CVSC shall comprise of:
- A weigh bridge, comprising of two 5m wide by 25m long weigh plates, integrated into the site at ground level;
 - Tier 1.5 compliance 75m² building, with an approximate height of 4.5m;
 - Bypass lane, approximately 4m in width and separated from the inspection bays by a raised median and low mountable kerb;
 - Three inspection bays, each being approximately 3m wide and 25m in length and located adjacent to the bypass lane;
 - Six car parks for Staff and visitor parking;
 - On site lighting, mounted on poles and pointed at the ground;
 - Onsite greywater and wastewater disposal
 - Onsite stormwater disposal
 - Site fencing to be installed around the perimeter of the site
- (b) The location on the site of the public work, project or work; and*
44. The location of the proposed works is within sites subject to Designation TR1 and TR7, adjacent to the State Highway 1, and to the south of North Rakaia Road.
- (c) The likely finished contour of the site; and*
45. The proposal seeks to remove approximately 3000m³ of topsoil to a depth of 300mm. Approximately 1600m³ is proposed to be retained on site for reuse, with the remaining 1400m³ to be cut to waste.
- (d) The vehicular access, circulation and the provision for parking; and*
46. Vehicle access upgrades associated with the CVSC are proposed to occur in Designation TR7. North Rakaia Road is proposed to be widened and sealed to approximately 90m from State Highway 1.
47. The CVSC has been designed to direct entering vehicles over a weigh bridge and then either into an inspection lane or a bypass lane, and then to exit the site to travel south bound on State Highway 1. The site has been designed to facilitate the circulation of a standard 17.9m truck and semi-trailer, and a 25m truck and single steer truck and trailer capable of carrying a 10m wider load.
48. Parking for all vehicles utilising the CVSC is provided for within the site. Five car parks and one mobility car park are provided on site. The application states that "*adequate space is provided onsite such that cars can enter and exit the site in a forward direction*".
49. No upgrade works are proposed within the Designation TR1.
- (e) The landscaping proposed; and*
50. The proposal seeks to reinstate grassed areas upon the completion of earthworks, signs and foundations within the Designation TR1.
51. Landscaping within Designation TR7 is proposed to be limited to re-grassing stormwater basins following the completion of earthworks. The landscape plan includes eight totara trees and 13 kowhai trees, along with extensive plantings of *carex virgata* and three species of tussock. The proposed landscaping is low level the applicant notes that trees and shrubs "*have the potential to compromise sightlines resulting in increased crash risk and reduced safety onsite*".
- (f) Any other matters*
- Lighting*
52. The proposed onsite lighting is to be located on poles, and pointed towards the ground. The lighting will be designed in a manner to ensure that light spill on to surrounding properties and the adjacent state highway network is minimised. The applicant has provided a lighting plan that identifies the 2 lux isoline as being limited to the shoulder of the road corridor and that it will not extend into the road corridor.

53. It is considered that any adverse effects associated with lighting will be less than minor.

New Outline Plan of Works

54. The Waka Kotahi letter dated 5 December 2022 states that “(g)iven the use fo the CVSC site has now changed to being southbound only, the extent of works required within the SH1 designation as referenced in those previous Outline Plans has also reduced. A new Outline Plan detailing the reduced extent of works now associated with the project is being prepared and will be lodged shortly”.
55. Waka Kotahi have advised that this statement is in reference to an additional Outline Plan which will be lodged in due course, to provide details of the ancillary works within the SH1 designation that are required to ensure the CVSC site function correctly.

Summary – Assessment of Environmental Effects

56. Overall, I consider that based on the above assessment, that the effects of the development are no more than minor.

Operative Selwyn District Plan

57. The Selwyn District Plan (the District Plan) was made operative on 03 May 2016. The District Plan objectives and policies that are considered relevant are as follows:

B1.1 Land and Soil

Objective B1.1.1

Adverse effects of activities on the District’s land and soil resources are avoided, remedied or mitigated

Objective B1.1.3

Promote the sustainable management of the soil resources of the District.

Policy B1.1.1

Ensure any activity involving hazardous substance or waste disposal is carried out in a way which reduces the risk of contaminating land or soil.

58. The area of the site is not greater than 1.8 hectares with the surrounding land remaining as production land. The only substance to be stored on site will be oil and grit, and no non-compliances are generated with the District Plan in this regard. There will be no contaminates discharged to ground, and therefore no risk of soil contamination.

B2.1 Transport Networks

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.*

59. As has been discussed in the Assessment of Environmental Effects above, the potential adverse traffic effects of the proposal has been assessed by Waka Kotahi and peer reviewed by Abley. The results of those assessments has determined a number of proposed conditions 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.

B3.4 Quality of the Environment

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.

Policy B3.4.6

Maintain low levels of building density in the rural zone and the predominance of vegetation cover.

Policy B3.4.7

Avoid high rise buildings or highly reflective utility structures.

Policy B3.4.16

Mitigate nuisance effects on adjoining dwellings caused by dust from earthworks, or stockpiled material.

Policy B3.4.20

Ensure new or upgraded road infrastructure and new or expanding activities, which may have adverse effects on surrounding properties, are located and managed to mitigate these potential effects.

Policy B3.4.21

Protect existing lawfully established activities in the Rural zone from potential for reverse sensitivity with other activities which propose to establish in close proximity.

Policy B3.4.23

Provide for temporary activities or those that are necessary for construction purposes, provided associated short-term adverse effects on the environment are appropriately managed.

60. 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 the design of the building and proposed landscaping will reduce the potential effects on the amenity values of the area. All site and construction works will be temporary and can be managed appropriately. Further, it is not considered that there are any effects relating to reverse sensitivity.

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

Summary – District Plan Objectives and Policies

62. 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

63. 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.*
64. 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.
65. On balance, it is considered that the proposal will be consistent with the Transport objectives and policies.

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.*

GRUZ-P1

Maintain or enhance rural character and amenity values of rural areas by:

- 1. retaining a low overall building density, and predominance of vegetation cover;*
- 2. enabling primary production while managing adverse effects of intensive primary production, and mineral extractive industries;*
- 3. managing the density and location of residential development; and*
- 4. retaining a clear delineation and contrast between the district's rural areas and urban areas, including Christchurch City.*

GRUZ-P4

Provide for the economic development potential of the rural area by enabling a range of activities that:

- 1. have a direct relationship with, or are dependent on, primary production;*
- 2. have a functional need, or operational need to locate in the rural area;*
- 3. represent an efficient use of natural and physical resources; and*
- 4. maintain or enhance the character and amenity values of the surrounding area.*

GRUZ-P5

Avoid the establishment or expansion of any industrial activity or commercial activity where the scale of the activity is greater than that of a rural home business, unless the activity has a functional need, or operational need to locate within the rural area.

66. The objective and policy framework acknowledge that business related use and development in the rural area may be appropriate if it supports, maintains or enhances the function, form, character and amenity values of the rural area.
67. It is considered that proposal has a functional and operational need to be located within a rural area.
68. It is considered that the proposal is consistent with the rural objectives and policies of the Proposed District Plan.

Summary – District Plan Objectives and Policies

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

Weighting Between District Plans

70. 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.
71. 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

72. The Canterbury Regional Policy Statement (CRPS) objectives and policies that I consider relevant are:
- Chapter 5: Land use and Infrastructure*
- Objective 5.2.1 relates to location, design and function of the development of the entire region.*
- Objective 5.2.2 Integration of land-use and regionally significant infrastructure within the wider region.*
- Objective 5.2.3 Transport network of the wider region.*
- Policy 5.3.2 Development conditions within the wider region.*
- Policy 5.3.7 Strategic Land Transport network and arterial roads (entire region).*
- Policy 5.3.8 Land use and transport integration*
- Policy 5.3.9 Regionally significant infrastructure (wider region).*
73. The centre is for the purpose of ensuring the safety and efficient operation of the transport network for all its users by ensuring that heavy transport vehicles are operating within legal limits resulting in increased compliance and therefore increased efficiency overall in terms of travel times and cost to everyone.
74. The activity does not impede on any other existing rural or recreational uses of the area.
75. The proposal enables the safe and efficient operation of the State Highway being the major infrastructure supporting the daily transport needs of people and communities for necessary social and economic purposes.
76. The proposal seeks to provide the ongoing safety of the wider transport network to support regional and national needs while mitigating any potential adverse effects on any land and the transport network overall.
77. The proposal does not impede any development within the region, but rather supports it by ensuring the transportation needs of the area can operate effectively, efficiently and safely.
78. The proposal supports the development of infrastructure to meet the NZ Transport Agency's strategic objectives and an assessment considering alternative locations has been made and found to be satisfactory.
79. In summary, the proposed NOR is considered to be consistent with the CRPS.

Alternative sites

80. 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.

81. This matter was considered as part of the original designation of the site. It is considered that the proposed changes to the designation do not change the original conclusion.

Necessity of the designation

82. 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 “Undertake maintenance, operation and use of, and improvements to the State Highway Network”. Section 6 of the NOR expresses this objective more broadly,
83. 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 reasonable necessary for achieving the objectives of the works.
84. This matter was considered as part of the original designation of the site. It is considered that the proposed changes to the designation do not change the original conclusion.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

85. Site contamination was considered as part of the original designation, and as a result I consider that there are no potential contamination issues at the site that would present a risk to human health.

Part 2 Resource Management Act 1991

86. 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.
87. I agree with the assessment provided in section 8.3 of the NOR, and consider that the proposed designation will promote the sustainable use of land, building and infrastructure to meet the reasonably foreseeable transport needs 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

Alteration to the Designation

88. 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 and subsequently operate a Commercial Vehicle Safety Centre as part of the weigh right programme promotes the purpose of the RMA and is reasonably necessary to achieve the Requiring Authority’s objectives.
89. The range of actual and potential adverse effects on the environment have been assessed and reviewed. 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.
90. The NOR is also considered to be consistent with relevant statutory documents and reasonably necessary in the context of the s. 171 considerations.

Outline Plan

91. The site is designated by New Zealand Transport Agency under the Operative Selwyn District Plan (Rural Volume) for a Commercial Vehicle Safety Centre and it is considered that the proposal is in keeping with this designation.

Recommendations

Alteration to the Designation (D220001)

92. For the reasons set out in the foregoing assessment, I recommend that the Council recommend to the New Zealand Transport Authority that the Alteration to the Designation D220001 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

“To undertake maintenance, operation and use of, and improvements to the State Highway Network”

Operative District Plan

General accordance with details provided in the NOR and plans attached in D220001 Appendices A-E; and the response to the request for further information dated 26 July 2022, and the additional response to the request for further information dated 19 October 2022”

Proposed District Plan

General Accordance

1. The designation shall be implemented in general accordance with the details provided with the Notice of Requirement:
 - a. the Plans attached in Appendices A - E to the Notice of Requirement dated 27 May 2022;
 - b. the response to the request for further information dated 26 July 2022; and
 - c. The additional response to the request for further information dated 19 October 2022.

Outline Plan

2. Works undertaken in accordance with the NOR will not require an Outline Plan.

Lapse Date

3. 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.

Advice Note: *For the avoidance of doubt, none of these conditions prevent or apply to works required for the ongoing operation or maintenance of the Project following construction, such as routine maintenance or changes to signage over time. Depending upon the nature of such works, Outline Plans or Outline Plan waivers may be required for any such works.*

Conditions 4-7 **not** to be included in the Selwyn District Plan:

Construction Works

4. Prior to the commencement of any construction works in accordance with the purpose of the designation, a dust management plan shall be provided to the Selwyn District Council compliance team.
5. All works shall proceed in accordance with the NZTA's Accidental Discovery Protocol.
6. The Erosion and Sediment Control Plan set out in Appendix L of the Notice of Requirement shall be implemented.

Landscaping

7. That the landscape plan provided with the application be implemented within the first planting season once construction works are completed. Should any plants die or be destroyed, they shall be replaced with the same or similar species as soon as practicable.

Transport

8. That prior to the undertaking of construction works, the engineering plans and specifications relating to the upgrades to the local road shall be reviewed and approved by the Council's Asset Manager, Transportation.
9. That prior to the commencement of operations, the operational management plan shall be reviewed and approved by the Council's Asset Manager, Transportation.

Advice Notes

Contaminated Soils

1. If at the time of construction any contaminated soils are discovered, the NZ Transport Authority 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.

Outline Plan (RC225373)

93. For the reasons set out in the foregoing assessment, I recommend that the Outline Plan for the construction, operation and maintenance of a commercial vehicle safety centre (RC225373) be accepted with no recommendations for change.

Note to the Requiring Authority

Vehicle Crossings

- (a) Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Assets Department prior to installation. For any questions regarding this process please contact transportation@selwyn.govt.nz. You can use the following link for a vehicle crossing information pack and to apply online: <https://www.selwyn.govt.nz/services/roads-and-transport/application-to-form-a-vehicle-crossing-entranceway>

Building Act


- (b) This consent is not an authority to build or to change the use of a building under the Building Act. Building consent will be required before construction begins or the use of the building changes.

Regional Consents

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


Impact on Council Assets

- (d) Any damage to fixtures or features within the Council road reserve that is caused as a result of construction or demolition on the site shall be repaired or reinstated and the expense of the consent holder.

Reported and recommended by  Jane Anderson Consultant Planner	Date: 8 November 2022
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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 The New Zealand Transport Agency confirm the designation pursuant to s. 171 of the Resource Management Act 1991, and

That Outline Plan RC225373 be accepted with no recommendations for change.

 Graham Taylor Commissioner	Date: 13 November 2022
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