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SCANNED

BEFORE THE ENVIRONMENT COURT



IN THE MATTER of the Resource Management Act 1991 (**the Act**) and of an appeal under clause 14 of the First Schedule of the Act

BETWEEN ROLLESTON SQUARE LIMITED
(ENV-2012-CHC-126)

Appellant

AND SELWYN DISTRICT COUNCIL
Respondent

Environment Judge J E Borthwick sitting alone pursuant to section 279 of the Act
In Chambers at Christchurch

CONSENT ORDER

Introduction

[1] On 5 November 2012 Rolleston Square Limited lodged an appeal against part of a decision of the Selwyn District Council on Proposed Change 12 (Integrated Transport Management) to the Selwyn District Plan.

[2] The court has now read and considered the consent memorandum of the parties dated 25 March 2013 which proposes to resolve the appeal.

Other relevant matters

[3] Selwyn Central Community Board has given notice of an intention to become a party under section 274 of the Resource Management Act 1991 (**the Act**) and has signed the memorandum setting out the relief sought.

Orders

[4] The court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:



- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the Act, including, in particular, Part 2.

[5] The court, by consent, orders under section 279(1)(b) of the Act that:

- (a) the appeal is allowed to the extent that the Selwyn District Council is directed to amend the Selwyn District Plan as set out in Schedule 1, attaching to and forming part of this order;
- (b) the appeal is otherwise dismissed;
- (c) there is no order as to costs.

DATED at CHRISTCHURCH this

5th

day of March 2013


J E Borthwick
Environment Judge

Issued:



Schedule 1

- (a) Rule E13.1.1(Part E, Appendix 13, Township Volume) is to be amended as follows (deleted text shown in strikethrough, new text underlined):

- E13.1.1.1 For any new activity, or any increase in an existing activity not complying with Section 10 of the Act (Certain Existing Land Uses in Relation to Land Protected), provision shall be made for on-site vehicle parking, for use by staff and visitors, in accordance with Table E13.1(a) and E13.1(b), and in compliance with the car park dimensions in Table E13.2 and Diagram E13.1.*
- E13.1.1.2 If an activity is not listed in Table E13.1, the activity closest in parking demand to the new activity shall be used.*
- E13.1.1.3 Where there are two or more similar activities in Table E13.1 and there is uncertainty over which rate is most applicable, the activity with the higher parking rate shall apply.*
- E13.1.1.4 Where there are two or more different activities listed in Table E13.1 occurring on the site, the total requirement for the site shall be the sum of the parking requirements for each activity.*
- E13.1.1.5 Where a parking requirement results in a fractional space, any fraction of one half or over shall be rounded up to the nearest whole number and any fraction under one half shall be disregarded except that there must be a minimum of one space for each activity.*
- E13.1.1.6 Parking spaces for persons with impaired mobility shall be provided at the required rate (refer to Rules 5.5.1.5 and 17.5.1.4) and shall be included within the total requirement specified in Table E13.1.*
- E13.1.1.7 Where an application includes two or more activities, and the nature of activities is unknown, the activity with the highest parking rate shall apply.*
- 13.1.1.8 The parking requirement for Food and Beverage activities is based on PFA. Where PFA is not specified or is unknown, the parking requirement shall be calculated based on GFA.*



- (b) Rule E13.1.4.3 (Part E, Appendix 13, Township Volume) is to be amended as follows (deleted text shown in strikethrough, new text underlined):

E13.1.4.3 E13.1.4.3 All cycle parking required by rule E13.1.4.1 or E13.1.4.2 shall be provided on the same site as the activity and located as close as practicable to the building main entrance and shall be clearly visible to cyclists entering the site, be well lit and secure. The type of stand must E13-006 Selwyn District Plan - Township Volume Part E - Appendix 13 comply with the ~~most recent~~ Engineering Code of Practice requirements for cycle parking rack systems.

- (c) Rule E13.1.5.1 (Part E, Appendix 13, Township Volume) is to be amended as follows (deleted text shown in strikethrough, new text underlined):

E13.1.5.1 All loading and manoeuvring shall be carried out on-site. The manoeuvring area to and from the loading zone shall be designed to accommodate at least the design truck as detailed in the Council's ~~most recent~~ Engineering Code of Practice.

- (d) Rule E13.1.6.4 (Part E, Appendix 13, Township Volume) is to be amended as follows (deleted text shown in strikethrough, new text underlined):

E13.1.6.4 The manoeuvring area to and from the site access to the parking space shall be designed to accommodate at least the design motor car as set out in the Council's ~~most recent~~ Engineering Code of Practice.

- (e) Note to Rule E13.1.9.1 (Part E, Appendix 13, Township Volume) is to be amended as follows (deleted text shown in strikethrough, new text underlined):

E13.1.9.1 Note: Required design vehicles for manoeuvring are included in the Council's ~~most recent~~ Engineering Code of Practice.

- (f) Note to Rule E13.2.1.4 (Part E, Appendix 13, Township Volume) is to be amended as follows (deleted text shown in strikethrough, new text underlined):

E13.2.1.4 Note: refer to the Council's ~~most recent~~ Engineering Code of Practice for the design standard required.



- (g) Notes to Table E13.8 (Part E, Appendix 13, Township Volume) is to be amended as follows (deleted text shown in strikethrough, new text underlined):

Table E13.8 Notes: The ~~most recent~~ Engineering Code of Practice (COP) includes more detail on the design requirements of roads and cycle/pedestrian accessways.
Approval must be sought from NZTA before any work is carried out within the State Highway road reserve.
Table E13.8 does not apply to roads within the B2A zone formed in accordance with the recommended road cross sections in appendix E22 (refer to rule 17.1.1.3).
Where cycling provision is made on street on Collector Roads in the Business 1 zone, a 14m carriageway must be provided.

- (h) A new definition is to be inserted into Part D of the Selwyn District Plan, as follows:

***Engineering Code of Practice:** means the Selwyn District Council Engineering Code of Practice dated 20 February 2012, and includes any amendment to, or replacement of the Code of Practice, which shall have legal effect as part of the plan.*



LIST OF PARTIES

<u>Lodgement:</u>	<u>ENV-2012-CHC-000126</u>	<u>Rolleston Square Limited v Selwyn District Council</u>
Initiator	Rolleston Square Limited	Philip Maw, Wynn Williams & Co, P O Box 4341, DX WP21518, Christchurch
Respondent	Selwyn District Council	Paul Rogers, Adderley Head, PO Box 16, Christchurch
Respondent	Selwyn District Council	Selwyn District Council, PO Box 90, Rolleston
Interested Party S274	Selwyn Central Community Board	Sandy Williams, Selwyn Central Community Board, PO Box 90, Rolleston 7643