

Markham Trust

‘Markham Corner’ Retail/commercial
and food and beverage development



63-67 Tennyson Street

Resource Consent Application to the
Selwyn District Council

December 2016



Planz Consultants

Quality Assurance Statement:

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- Appendix 1: Application plans
- Appendix 2: Certificates of title
- Appendix 3: Acoustic assessment

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APPLICATION FOR RESOURCE CONSENT
SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To: the Selwyn District Council

1. **Markham Trust** applies for **land use consent** for the following activity:

‘Markham Corner’ retail and hospitality development

The proposal is more fully described in the attached AEE and plans which form part of this application.
2. The site at which the proposed activity is to occur is as follows:

Address: 63-67 Tennyson Street
Legal Description: Lot 218 DP81713, Lot 217 DP 77468, Lot 216 DP 77468
Area: 2353m²
3. The name and address of the owners and occupiers of the land to which the application relates are:

Stephen John Richards, Shaun James & Sirita Therese Prior, Michelle Ann Bradey.
4. In accordance with the Fourth Schedule of the Resource Management Act 1991 (as amended 3 March 2015), an assessment of the environment effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment is attached.
5. No other information is required to be included in this application by the district/regional plan, the Resource Management Act 1991, or any regulations made under that Act.

The required deposit will be paid upon receipt of the application.



Lisa Arnott (Consultant planner)

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On behalf of **Nomita Singh Investment Trust**

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Resource Management Act 1991
Fourth Schedule
Assessment of Effects on the Environment

1 Introduction

Markham Trust applies for land use consent for a retail/hospitality development including associated car parking, signage and landscaping on the site at 63-67 Tennyson Street in Rolleston. The proposed development will be known as 'Markham Corner'. The application plans are contained in **Appendix 1**, and the certificates of title for the site are contained in **Appendix 2**. An acoustic assessment is attached in **Appendix 3**, and a traffic assessment is attached in **Appendix 4**. The landscaping plans are attached in **Appendix 5**.

The purpose of this report is to provide the Council with the information required in order to obtain resource consent for the proposed retail/hospitality activities on the application site.

2 Site Description

2.1 Application Site

The application site is a 2353m² rectangular site located on the corner of Tennyson Street and Markham Way in Rolleston, and currently contains 3 residential dwellings. The site is generally flat. There is an open waterway located within the Council-owned road reserve between the application site and Tennyson Street. The Council are currently in the process of piping the waterway.

The site and surrounding area is shown in the aerial photo in figure 1 below.



Figure 1 – aerial photo of the site and surrounding area.

2.2 Surrounding Area

The land to the north and east of the site has been developed for low density residential activities, and is generally characterised by standalone single storey residential dwellings surrounded by generous areas of open space. Two residential properties, 4 and 8 Markham Way, directly adjoin the eastern boundary of the application site.

The land to the south of the site is zoned Business 1, and is identified in the KAC precinct plan as the Core Retail precinct. The site immediately adjoining the application site to the south contains a police station. The remainder of the B1 zone has been developed for a variety of retail activities including food and beverage outlets and large format retailers.

Public sports fields are located opposite the site on the west side of Tennyson Street. The sports fields are currently designated for recreation activities, but a portion of the land has been zoned Business 1. The area south of Markham Way has been identified as Core Retail Precinct in the KAC Precinct Plan, and an area north of Markham Way has been identified as a Community Anchor/Town Square Precinct.

Tennyson Street is listed as a collector road in the District Plan road hierarchy, and Markham Way is a local road.

3 Proposal Description

The proposal is a mixed use development containing a combination of retail/commercial, and food and beverage activities.

The proposed building is 1084m², and is single storey with a maximum height of 8m. The building will be located close to the front of the site and will be built up to the road boundaries along both frontages.

The building exterior consists of precast concrete panels in a random vertical rusticated weatherboard finish, with timber slatted screens and vertical cedar random width boarding in places. The exact colour palette for the precast concrete is yet to be determined, as it requires further consultation with the fabricator, however the colours are intended to be earthy tones that will complement the natural materials used in the exterior finishes. The southern façade facing the adjoining police station will be precast concrete with an etched design such as 'harlequin' style diamonds or similar. Stone planters are proposed around the road boundary and between the carpark and the pedestrian walkway at the rear of the building. A gas flame corner feature is proposed on the northwest corner of the building, and will have a beaten copper urn appearance.

The proposed building will be split into 6 tenancies. Tenancies 2-5 will be set back 3.1m from the Tennyson Street Road boundary to provide for outdoor seating areas on the west side of the building. The proposed outdoor seating areas extend beyond the site boundary into the Council-owned road reserve. A stone planter is proposed around the outer perimeter of the outdoor seating areas adjacent to the public footpath.

Tenancies 1 and 6 are proposed to contain retail/commercial service activities, and the remaining tenancies will contain either retail/commercial service activities or food and beverage activities. Although tenants for the site are yet to be confirmed, the food and beverage tenancies are intended to provide for restaurant or restaurant/bar activities with a focus on dining. No standalone bars are proposed.

A car park with 38 parking spaces including two accessible spaces will be created on the east side of the site at the rear of the building. Vehicle access to the site will be via a proposed two-way vehicle crossing onto Markham Way. Cycle parking will also be provided at the rear of the site.

Landscaping is proposed around the perimeter of the car park, and along the road frontages. The proposed landscaping plans are attached in Appendix 5. The proposed planting within the car park consists of trees spaced at regular intervals, with low hedges or underplanting. A climbing plant will be grown along the fence on the southern internal boundary. Smaller trees and low hedges will be established along the road boundary in front of the proposed building, and within the outdoor seating areas.

A 3m² sign for each tenancy is proposed to be attached to the upper building façade above the main pedestrian entrances facing Tennyson Street. The proposed gas flame feature on the northwest corner of the building will also include signage. At this stage the tenants have yet to be confirmed so the colours and design of the proposed signs cannot be confirmed.

Heating and cooling plant will be mounted within the roof/ceiling void.

The proposed hours of operation for the retail activities will be within the limits permitted by the Plan. The hours of operation for the proposed food and beverage outlets will extend to 11am Sunday – Thursday. On Friday and Saturday nights the hours will extend to 1am on Saturday and Sunday mornings.

4 Selwyn District Plan Assessment

4.1 Zoning

The application site is zoned Living 1, and is located within the Transitional Living Precinct in the Rolleston Key Activity Centre (KAC).

4.2 Activity Status

The proposal is a **non-complying activity** under the Selwyn District Plan. The non-compliances are outlined in the compliance table below.

Rule	Assessment	Activity Status
Earthworks		
2.1.1.4 Earthworks are permitted where they do not occur within 10m from any waterbody not listed in Appendix 12.	The proposal includes piping an open waterway along Tennyson Street	Discretionary
2.8.1 Discretionary activities Any activity that does not comply with 2.1.1.4	The proposal does not comply with 2.1.1.4	Discretionary
Buildings		
4.7.1 Buildings and site coverage: Sites that do not contain a garage shall have a maximum site coverage of 40%	The proposed building is 1283m ² , resulting in 54% site coverage	Non-complying

- 36m ² . The maximum coverage permitted on the application site is 905.2m ²		
4.7.3 Any activity that does not comply with 4.7.1 and is located in a small lot medium density area or a Living Z zone, or is part of a comprehensive residential development is restricted discretionary if it meets the standards and terms	N/A	N/A
4.7.5 Any activities that do not comply with 4.7.1 or 4.7.3 shall be non-complying	The proposal does not comply with 4.7.1 or 4.7.3	Non-complying
4.8.1 Buildings shall have a maximum height of 8m	The proposed building is 8m high	Permitted
4.9.1 Recession planes: Any building that complies with recession planes is permitted	The proposed building will intrude the recession planes at the southern internal boundary	Restricted Discretionary
4.9.2 Setbacks from boundaries: Minimum setback from internal boundaries shall be 2m. Minimum setback from road boundary shall be 4m	The building is located on the southern internal boundary. The proposed building is partially located on the road boundaries	Restricted Discretionary
4.9.5 Any activity that does not comply with 4.9.2 shall be restricted discretionary	The proposed road and internal boundary setbacks do not comply with 4.9.2	Restricted Discretionary
4.18.1 Buildings and urban design: Within KAC precinct 5 any new building shall be a controlled activity	The site is within KAC precinct 5 and the proposal includes a new building	Controlled
Activities		
10.6.1 Activities and noise: Noise shall not exceed the following limits when measured at any point beyond the site boundary: 7.30am -8pm 50dBA L _{A10} , 85dBA L _{AFmax} 8pm – 730am 35dBA L _{A10} , 70dBA L _{AFmax}	Noise emissions from the proposed activities are anticipated to reach levels up to 60dB L _{Aeq(15)} during daytime and nighttime hours	Discretionary
10.6.3 Any activity other than residential, spiritual or educational activities that doesn't comply with 10.6.1 shall be discretionary	The activity does not comply with 10.6.1	Discretionary

10.8.1 Activities and scale of activities: Non-residential activities are permitted where they employ a maximum of 2 FTE staff, the gross floor area of a building does not exceed 300m ² and vehicle movements from a local road do not exceed 20 vehicle movements per day and two heavy vehicle movements per day	The proposed building exceeds 300m ² , more than 2 staff will be employed on site and there will be more than 20 vehicle movements per day.	Discretionary
10.8.2 Any commercial services, small formal retail or office activities within the KAC transitional living precinct are permitted where no more than 6 FTE staff are employed, and the GFA of any buildings does not exceed 300m ²	The proposed activities include food and beverage outlets (which for the purposes of this rule are excluded from the definition of 'retail activities')	Discretionary
10.8.3: Any activity that does not comply with 10.8.1 or 10.8.2 shall be a discretionary activity	The proposal does not comply with either 10.8.1 or 10.8.2	Discretionary
10.9.1 Activities and hours of operation: Hours of operation for staff employment, and where the site is open to visitors who do not reside on site shall be limited to between 7am and 10pm on any day	The restaurant/bar activities will operate until 11pm Sunday – Thursday and until 1am on Saturday and Sunday mornings	Discretionary
10.9.2 Activities that do not comply with 10.9.1 shall be discretionary activities	The proposal does not comply with 10.9.1	Discretionary
Signs		
19.1 Outdoor signs general: signs are permitted where the following conditions are met: 19.1.1.1 signs shall be erected on the site to which it relates 19.1.1.2 Signs shall not have flashing or revolving lights, sound effects, balloons or blimps 19.1.1.3 light spill from illuminated signs shall comply with rule 22.5 19.1.1.4 signs shall not obstruct views for pedestrians or motorists	All proposed signs will be site-related No flashing or revolving lights, sound effects, balloons or blimps are proposed Lighting will comply with the conditions in rule 22.5 The proposed signs are fixed to the building façade and will not obstruct views for road users	Permitted

<p>19.1.1.5 signs attached to buildings shall not exceed the building height</p> <p>Freestanding signs shall have a maximum height of 6m.</p> <p>19.1.1.6 Freestanding signs shall not exceed 3m²</p> <p>19.1.1.7 signs shall not resemble traffic signals</p> <p>19.1.1.8 signs overhanging footpaths or roads shall be at least 2.5m above ground level</p> <p>19.1.1.9 signs attached to buildings shall not protrude beyond the edge of the building</p> <p>19.1.1.10 – signs attached to buildings shall not cover more than 25% of the facade</p>	<p>The proposed signs do not exceed the façade height</p> <p>The freestanding sign will be 6m in height</p> <p>The proposed freestanding sign is 3m²</p> <p>The signs will not use designs or colours that resemble traffic signals</p> <p>No overhanging signs are proposed</p> <p>No signs protrude beyond the edge of the buildings.</p> <p>The façade signs are less than 25% of the elevation.</p>	
Transport		
<p>5.5.1 Any activity which provides for car parking, cycle parking, vehicle loading and parking access in accordance with the relevant appendices listed shall be permitted</p> <p>E13.1.1 parking spaces: 139 parking spaces are required on site</p> <p>E13.1.5.1 Loading spaces: all loading and manoeuvring shall be carried out on site. Manoeuvring areas shall accommodate the truck specified in the Council's Engineering code of practice</p>	<p>38 car parking spaces are proposed</p> <p>Not all loading is anticipated to occur on site. The manoeuvring area will only accommodate a 99 percentile vehicle unless the car parks are vacant.</p>	Discretionary
<p>E13.1.10 Queue Space: A 10.5m queue space is required at the site entrance</p>	<p>A 2m long queue space is provided</p>	Discretionary
<p>Discretionary Activities 5.5.2</p> <p>Any activity which does not comply with Rule 5.5.1 shall be a discretionary activity</p>	<p>The proposal does not comply with Rule 5.5.1</p>	Discretionary

5 Statutory Framework

5.1 Part 2 of the RMA

Part 2 of the RMA sets out the purpose and principles of the Act, being “to promote the sustainable management of natural and physical resources” which is defined to mean:

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) Avoiding, remedying or mitigating any adverse effects of activities on the environment.”

Whether the purpose of the RMA is being achieved involves “an overall broad judgement.” This assessment is informed by reference to the matters set out in sections 6, 7 and 8 of the Act and:

“allows for comparison of conflicting considerations and the scale or degree of them and their relative significance or proportion in the final outcome.” (Eden Park Trust Board and Eden Park Neighbours Association v Auckland City Council, A130/97).

Section 6 sets out matters of national importance, being the natural character of the coastal environment, protection of outstanding natural features, protection of areas of significant indigenous vegetation and habitats of indigenous fauna, maintenance and enhancement of public access along coastal marine areas, lakes and rivers, and the relationship of Maori and their culture and traditions. These matters will not be placed at risk by the proposal as the site does not contain any of the values within the scope of subsections 6(a) to (g) of the RMA.

Section 7 requires particular regard to be had to ‘other matters.’ Of relevance to this application are:

(b) the efficient use and development of natural and physical resources;

(c) the maintenance and enhancement of amenity values; and

(f) maintenance and enhancement of the quality of the environment;

The proposed activity is considered to be an efficient use of the land resource as the site is zoned as a transitional area and the proposal is for non-residential activities that will contribute to the High Street environment the Rolleston Town Centre Masterplan seeks to create. While the proposal does include demolishing existing residential dwellings,

Section 8 requires the principles of the Treaty of Waitangi to be taken into account. There are also no known cultural values that need to be taken into account in respect of this proposal.

The assessment set out in this report has shown that the potential for adverse effects on the environment associated with the proposed activity will be minor, and relate primarily to consideration of residential character and amenity. Given that the site is located within an area anticipated to be developed for commercial activities, it is considered that the proposal is consistent with the requirements of Part 2 of the RMA.

5.2 Section 104 RMA

Section 104 of the RMA provides the statutory requirements for the assessment of the application and sets out those matters that the Council must have regard to when considering the application. Subject to Part 2 of the RMA, it is considered that the relevant matters for the assessment of this application include:

- Any actual or potential effects on the environment of allowing the activity;*
- The relevant objectives, policies, rules and other provisions of the District Plan; and*
- Any other matter that the Council considers relevant and reasonably necessary to determine the application.*

Section 104 (2) allows the Council when forming an opinion in relation to any actual or potential effects on the environment of allowing the activity to disregard an adverse effects of the activity on the environment if the District Plan permits an activity with those effects.

Section 104D sets out particular restrictions for non-complying activities, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

- (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity*

Under Section 104B of the RMA the Council may grant or refuse an application for a non-complying activity, and if it grants the application, may impose appropriate conditions in accordance with section 108.

6 Assessment of Effects on the Environment

6.1 Building bulk and location

The proposed building has several non-compliances with the residential zone building bulk and location rules. It exceeds the maximum site coverage, is built up to the road boundaries and the southern internal boundary, and intrudes the recession plane at the southern boundary. The site redevelopment also requires an urban design assessment. However, in the context of the KAC precinct 5, the proposed building's bulk and location is considered to be appropriate, and any adverse effects will be no more than minor.

The application site directly adjoins a Business 1 zone, and the proposed building is generally in keeping with the form, scale and building location that is anticipated within the Business 1 zone. The proposed development will therefore not appear out of place in this location, and will effectively extend the commercial area further along Tennyson Street, creating a 'main street' character.

The proposed building will appear more visually dominant than a complying building when viewed from the street, however this is appropriate within precinct 5, particularly as the land opposite the site is within a Core Retail precinct, and can also be expected to be developed to a similar scale. Any adverse effects on the streetscape are therefore considered to be less than minor.

The closest residential property to the proposed development is located at 4 Markham Way, which adjoins the site's eastern boundary. The proposed building is located 18.7m from the eastern internal boundary and this separation distance is considered to adequately mitigate any adverse visual effects on this property as a result of the additional site coverage proposed. The proposed building will comply with recession planes taken from the eastern boundary, and although it is a larger building than would be anticipated in a residential zone and will be visible from 4 Markham Way, it will not be a visually dominant structure.

The proposed building is located on the southern internal boundary and intrudes the residential zone recession plane at the southern boundary by a height of 3.5m. The proposed building has however been designed to comply with a business zone recession plane. The adjoining property is zoned for business activities and contains a police station, housed in a single storey building. The police station is considered to be less sensitive to adverse visual effects and shading than a residential dwelling, as it is a non-residential activity located within a business zone. Any adverse effects on the police station are considered to be less than minor given that the proposed building would comply with the recession planes applicable to business zones, as any adverse effects on sunlight or outlook are consistent with those considered acceptable within a business zone.

6.2 Residential character and amenity

The proposed development will transform the site's character from residential to commercial, replacing the existing residential dwellings with commercial buildings. Any adverse effects resulting from this are considered to be less than minor, given the site's location adjacent to a business zone and within the KAC precinct 5, which anticipates commercial activities. The proposal will also result in some positive effects on the character of Tennyson Street.

The land directly adjoining the application site to the south is zoned Business 1, and has been developed for retail activities. The proposed development will extend the commercial area further along Tennyson Street to the Markham Way intersection. The land directly opposite the site is currently occupied by recreational activities, but has been identified as a KAC Core Retail Precinct, and can therefore also be anticipated to be developed for commercial activities.

Selwyn District Council Asset Manager Andrew Mazey has advised that the Council intends to convert this section of Tennyson Street into a township 'high street' with widened footpaths, seating, and planting, in accordance with the Town Centre Masterplan. The proposed development is consistent with 'high street' style development, which is generally characterised by buildings built up to the road boundary and large display windows facing the street, and food and beverage outlets with outdoor seating areas directly adjoining the street. The proposed development features two retail tenancies that will be built up to the road boundaries, and restaurant/bar tenancies that are set back from the road with outdoor seating in front. The proposed development is consistent with the Council's future vision for Tennyson Street, and will create vibrancy by providing for active spaces directly adjacent to the street, both within the building and in the outdoor spaces.

6.2.1 Scale of activity

The scale of the proposed activity exceeds the scale of activities permitted within KAC precinct 5 in terms of the site size, building size, number of staff employed on site and traffic movements.

The scale of the proposed activity is not in keeping with the surrounding residential environment to the north and east of the site, as the building is much larger than a residential property, and has a commercial appearance. Any adverse effects on the character of the residential area are however considered to be less than minor, as the development will 'read' as being part of the adjoining commercial zone. The application site is located on the edge of the residential zone, and the proposed building has been designed to address Tennyson Street. The proposed development is in keeping with the existing scale of activities in the commercial zone to the south, and is considered to be consistent with the scale of development that can be expected to occur on the east side of Tennyson Street in the Retail Precinct. The proposal is therefore considered to be an appropriate scale for this location within Precinct 5.

The proposed building addresses Tennyson Street, and is located close to the Tennyson Street Road boundary with a generous amount of separation distance between the building and the east site boundary which adjoins the closest residential property. As discussed above the proposed building complies with the relevant height limit and the recession plane from the east boundary, and will not appear visually dominate or shade the adjoining property.

6.2.2 Loss of residential activity

The proposed development will result in a loss of residential activity from the site, as it will displace 3 existing residential dwellings. It is noted that Rule 10.8.1 does not require any person to reside permanently on the site in relation to non-residential activities within KAC Precinct 5, so any adverse effects on the adjoining residential neighbours are considered to be negligible, as they are anticipated by the Plan.

The surrounding residential area northeast of the site will remain an intact residential neighbourhood, dominated by residential activities, and containing no other non-residential activities. Due to the application site's location at the edge of the residential zone, the proposed development will not appear out of place in this location, and there will be no cumulative effects on the residential coherence of the area as there are no other non-residential activities close by. No residential properties will be left without a residential neighbour, and any adverse effects on the residential environment in terms of loss of residential character and coherence will be less than minor.

6.2.3 Traffic generation and pedestrian movements

The traffic generation from the proposed commercial activities will be significantly higher than that of the existing dwellings on the site, and will also have an impact on the residential character of the surrounding area. Clearway Consulting have estimated that during peak hours the site is likely to generate 150 vehicle trips.

An increase in vehicle trips on residential streets can have an adverse effect on residential amenity, particularly on very quiet streets. Markham Way is currently a cul-de-sac carrying only 453 vehicle movements per day, but a connection to Norman Kirk Drive is proposed in the Master Plan. Until this connection is formed, traffic movements from the site can be anticipated to be confined to the entrance of Markham Way, as people will be forced to travel to the site via Tennyson Street. Any adverse effects resulting from the increased traffic generation are considered to be no more than minor, and will be limited to the adjoining property at 4

Markham Way, and the property opposite the site at 61 Markham Way. 61 Markham Way is owned by the applicant, and their written approval is inherent in the application.

Once the through connection from Markham Way to Norman Kirk Drive is formed, an increase in traffic generation in the street can be expected, particularly as commercial development in the surrounding KAC precincts progresses. Residents of Markham Way whose properties do not immediately adjoin the application site are not likely to be able to discern vehicles travelling to the application site from those travelling elsewhere. Any adverse effects on the residential amenity of the wider environment resulting from increased traffic or pedestrian movements within Markham Way after the through-connection has been formed are therefore considered to be less than minor.

An increase in traffic movements on Tennyson Street is not anticipated to result in any adverse effect on residential amenity, as Tennyson Street is a higher order road carrying over 4000 vehicle movements per day. An increase in pedestrian movements will be in keeping with the anticipated 'high street' character of Tennyson Street, and will have some positive effects as it will contribute to creating vibrancy. Any adverse effects on residential amenity as a result of additional pedestrian movements on Tennyson Street are therefore also considered to be less than minor.

6.2.4 Hours of operation

The District Plan allows hours of operation to extend until 10pm. The proposed food and beverage outlets will have hours of operation until 11pm Sunday – Thursday, and until 1am Friday and Saturday. Adverse effects resulting from extended hours of operation generally relate to noise and disturbance for neighbours, particularly if the proposed hours do not provide sufficient respite from activities on site.

The tenants for the development have not yet been confirmed, but the food and beverage activities on site are intended to be restaurant or restaurant/bar activities offering casual dining. The proposed hours on Sunday – Thursdays are not significantly different from the hours of operation permitted by the Plan within precinct 5, and are considered appropriate in this location. The hours of operation will extend to 1am on Friday and Saturday nights. Limiting the extended hours to two nights per week is considered to provide appropriate respite from late night activities for adjoining residents. It is also noted that actual closing times at the restaurant tenancies will vary according to customer demand.

In order to minimise adverse effects on the surrounding residential properties, the proposed building has been designed so that the retail tenancies provide a buffer between the food and beverage tenancies and the adjoining properties. Units 1 and 6 are proposed to contain retail activities, and both these units are built to the road frontage of the site. The four food and beverage tenancies are located in between, and are set back from the road boundary to provide space for the outdoor seating areas. This layout, and the position of the carpark on the eastern side of the site, ensures that the outdoor seating areas are well separated from the adjoining residential properties.

6.3 Noise

An acoustic assessment prepared by Dr Stephen Chiles of Chiles Ltd is attached in Appendix 3. Noise emissions from the site are anticipated to come from vehicles manoeuvring within the site, and car doors shutting, people talking within the outdoor seating areas, music within the tenancies, and plant including ventilation systems and extract fans. Noise from the activities on

site will not comply with the permitted limits in the Plan, but is considered to be at levels that will maintain the residential amenity of the surrounding environment.

The proposed building has been designed so that the outdoor seating areas associated with the restaurant and bar activities face Tennyson Street and are not located directly adjacent to any residential properties. The proposed retail units at tenancies 1 and 6 are built to the road in order to provide additional separation between the outdoor areas and the adjoining sites, and to provide some acoustic attenuation. Dr Chiles has also provided a list of recommended noise control measures that will be put in place to ensure that noise emissions from the site do not cause adverse effects on the surrounding properties:

- A 1.8 metre high solid fence will be erected along the northern site boundary with 4 and 8 Markham Way. The fence will have a surface mass of at least 10 kg/m² and should be constructed so there are no gaps in the fence or between the fence and the ground.
- An acoustic glass screen will be erected along the northern road boundary between the unit 5 outdoor seating area and Markham Way.
- Bins will not be emptied into the rubbish enclosure between 2000h and 0730h.
- Delivery vehicles will only use the car park between 0730h and 2000h.
- All doors and windows, other than those directly facing Tennyson Street, will be kept closed between 2000h and 0730h.
- There will be no loudspeakers located outdoors, or directed through open external doors from inside.
- Music played within the units will not exceed 75 dB L_{Aeq(15 min)} at any point inside the units.
- Building services equipment will comply with a noise limit of 45 dB L_{Aeq(15 min)} at any point in all neighbouring sites.
- A noise management plan will be prepared and provided to the Council for certification prior to any outdoor areas being used beyond 2000h.

The District Plan allows noise levels up to a maximum 50dB L_{A10} during daytime hours between 7:30am and 8pm, and up to 35 dB L_{A10} during night time hours between 8pm and 730am. The proposed development is anticipated to comply with the maximum permitted daytime noise standard at the nearest residential properties, but will exceed the night time standard by 10dB. Noise from vehicles within the car park are predicted to result in noise levels no greater than 45dB L_{Aeq} at the immediately adjoining residential properties 4 and 8 Markham Way. Noise from music within the units and from people talking in the outdoor areas in front of the proposed units is anticipated to result in noise levels up to 44dB L_{Aeq} at 3 Markham Way.

The adverse effects on 3, 4 and 8 Markham Way are considered to be no more than minor. Dr Chiles has noted that the District Plan limit of 35dB after 8pm is inconsistent with normal urban or suburban activities, and incompatible with the commercial precincts surrounding the application site. It is noted that the District Plan allows noise from business zones of up to 40dB at residential zone boundaries. The current New Zealand standard NZS6802 recommends 45dB L_{Aeq} as a guideline limit for acceptable night time noise. Dr Chiles considers that noise up to 45dB would provide appropriate protection from sleep disturbance and avoid disruption of normal residential activities. Within this transitional area, where non-residential activities are anticipated, Dr Chiles considers that noise levels up to 45dB are appropriate and will maintain a reasonable level of residential amenity at the adjoining properties.

There are several other properties that will receive noise levels that might exceed the permitted night time noise limits, but where the effects are considered to be less than minor. These properties are 5, 6 and 10 Markham Way, 55 and 57 Tennyson Street and 12 Markham Way/2 Wilbur Close. Dr Chiles considers that noise exceedance at these properties will be slight, no more than 5Db, and unlikely to be noticeable.

Noise levels at the residential property directly opposite the site at 1 Markham Way/61 Tennyson Street have not been assessed in Dr Chiles report because the applicant owns this property and his approval to the proposal is inherent in the application.

The police station and playing fields/future retail area are considered to be less sensitive to noise effects than residential properties due to their non-residential nature. Neither of these properties are zoned residential, so they can therefore anticipate a higher level of ambient noise than would be expected in a residential area. Noise levels at the police station site are estimated to be a maximum of 45 dB L_{Aeq} , and noise levels at the playing fields are estimated to be 60 dB L_{Aeq} . Dr Chiles has noted that NZS 6802 recommends a guideline noise limit of 60 dB L_{Aeq} in commercial or mixed use areas. Any adverse effects on the police station or the playing fields/retail precinct are considered to be less than minor.

Overall, the adverse effects on the surrounding environment as a result of noise emissions from the site are considered to be less than minor.

6.4 Transport

The proposed activity will result in an increase in traffic generation and parking demand at the application site. An integrated Transport Assessment (ITA) prepared by Clearway Consulting is attached in Appendix 4 and includes a detailed assessment of the existing traffic environment and an assessment of the transport effects of the proposed development. Clearway Consulting have concluded that any adverse effects on the road network will be less than minor.

6.4.1 Traffic Generation

Clearway Consulting estimate that the application site is likely to generate 150 vehicle trips in the peak hour. They note that the peak periods for the retail activities are not likely to coincide with the peak periods for food and beverage activities. This level of traffic generation is anticipated to result in a small additional delay for vehicles at the intersection, but the change is considered to be barely perceptible. Any adverse effects on the road network from the anticipated traffic generation are therefore considered to be less than minor.

6.4.2 Car and cycle parking

The proposed development includes a 38 space car park located at the rear of the site, including space for 10 cycles on 5 hoop-type stands. The District Plan requires 139 parking spaces to be provided on site, but the proposed parking is considered to be sufficient to meet demand at the site.

The parking requirements in the district plan are very high for food and beverage activities over 150m² within KAC precinct 5. In ITA table 4 Clearway Consulting have provided a comparison between the parking requirements in precinct 5 and those applicable to the other KAC precincts. The table shows that the proposed development would require between 38 and 40 parking spaces if it was located within precincts 1, 2 or 8. It is noted that precincts 1 and 8 are located directly adjoining or opposite the application site. It is not clear why precinct 5 is subject to such a high parking requirement for food and beverage activities, and Clearway Consulting note that a complying car park would cover approximately 80% of the site area. This would

result in an inefficient use of the site, and would not be in keeping with the 'high street' style of development sought under the Masterplan vision for the town centre.

There are several reasons why parking demand at the application site is anticipated to be less than the demand the Plan anticipates. Clearway Consulting note that the requirement for 19 parking spaces per 100m² was originally derived from large drinking establishments in isolated locations where the majority of patrons arrived by car, and did not interact with other activities nearby. In contrast to these types of activities, the food and beverage activities on the application site are contained within 4 smaller tenancies, and are proposed to restaurants or restaurant/bars. These types of smaller-scale activities do not operate in a similar fashion to very large scale drinking establishments. Clearway Consulting note that when each food and beverage tenancy is assessed separately the parking requirement reduces to 78 spaces in total. The 38 parking spaces proposed are however considered sufficient to cater to demand at the site.

It is also relevant to note that the District Plan requirements are based on public floor area, however as the internal layout of the tenancies has not yet been determined, the parking calculations have been based on the gross floor area of the units. The actual parking requirement for the site would reduce further if the public floor space available for customer seating was known. It is also noted that there may be some variance in the times of day when peak parking demand periods for different activities on site occur. For example, some activities may have peak periods occurring over the lunch period, while others may occur during evenings.

Should parking demand at the site exceed 38 spaces, it is noted that overspill parking can occur on Tennyson Street. The Tennyson Street road boundary is over 50m long, and as no vehicle crossings onto Tennyson Street are proposed, there will be sufficient space for up to 8 vehicles to park on the street in front of the site. It is acknowledged that the number of on-street parks in this location may decrease when the street is upgraded, but the masterplan indicates that on-street parking will remain a feature of Tennyson Street. On-street parking can result in adverse effects on residential amenity, however this part of Tennyson Street is zoned for commercial development, so an increase in on-street parking can be expected as commercial activities establish in the area. Given the transitional nature of this area any adverse effects on residential amenity as a result in increased on-street parking demand are considered to be less than minor.

6.4.3 Loading

The proposed loading area is designed to accommodate light servicing vehicles such as courier vans, and provides sufficient space for these vehicles to manoeuvre within the site. There will not be sufficient space for larger vehicles to manoeuvre within the site unless the adjoining car parks are available. Any adverse effects arising from this non-compliance are however considered to be less than minor, as servicing can be managed to occur outside of peak periods. Some loading is also likely to occur on the Tennyson Street frontage, utilising available parking spaces on the road.

6.4.4 Queue space

A 2m deep queue space will be provided at the site entrance. Clearway Consulting have noted that vehicles waiting at the site entrance to exit the site would conflict with other vehicles manoeuvring in or out of parking spaces near the entrance. Clearway have noted that during the peak hour up to 100 vehicles could exit the site, and 20-30 vehicles are likely to be approaching the crossing point. Clearway conclude that these low conflicting volumes are

unlikely to result in significant queues forming at the access, and that any adverse effects on the road network will be negligible.

6.5 AEE Summary & Conclusion

On the basis of the preceding assessment, the proposal is not considered to give rise to adverse effects on the environment that can be described as more than minor. In particular, the proposal is compatible with the existing and future amenity values of the immediate locality and it will ensure that the character of the wider residential area will be maintained. The proposal is therefore able to satisfy the first limb of the s104(D) Threshold Test for a non-complying activity.

7 Objectives and Policies

7.1 Quality of the environment

Objective B3.4.2 seeks a variety of activities to be provided for in townships, while maintaining the character and amenity values of each zone. Related Policy B3.4.2 is 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 is to provide Living zones that are pleasant, provide for the health and safety of people, and provide safe easy access to associated services and facilities.

The proposal is considered to be consistent with this objective and related policies. The application site is zoned residential but is located within a Key Activity Centre precinct that provides for commercial activities. The Council intends to develop Tennyson Street as a 'high street' and the proposal is consistent with the character anticipated in this type of commercial area.

The site will be easily accessible to people living in the adjoining residential area, and will provide a focal point for the local community to meet and socialise.

The proposal will result in some adverse effects on residential amenity, but the adjoining living zone will maintain a high level of amenity that is appropriate for a residential environment. The adjoining living zone will also retain an intact residential character.

7.2 Noise

Policy B3.4.10 seeks to ensure noise in all zones does not adversely affect the health or well-being of people. Related policy B3.4.11 is to maintain background sound levels which are appropriate to the quality of the environment and amenity values of each zone.

The proposal is considered to be consistent with these policies. The proposed development includes acoustic fencing and screens to shield residential neighbours from noise on site. Activities operating on the site will also be managed to reduce noise levels during night time hours when the receiving environment is more sensitive to noise effects. These measures will ensure that the noise emissions from the site are appropriate for a residential area, will maintain appropriate background sound levels and will not adversely affect the health and wellbeing of residents.

7.3 Scale and nature of activities

Policy B3.4.16 - Ensure the operating hours for non-residential activities in Living zones do not disturb surrounding residential activities, particularly at night.

The proposal is considered to be consistent with this policy. Although the food and beverage tenancies on site will operate until 1am, activities at these units are not anticipated to cause disturbance for adjoining properties. The proposed tenancies at either end of the building will be occupied by retail activities, which are generally quiet activities. These units will provide a 'buffer' between the restaurant/bar units in the central tenancies and the adjoining residential properties. Noise emissions from the site are considered to be at levels that would avoid sleep disturbance.

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.

The proposal is somewhat inconsistent with this policy, as it will create vehicle and pedestrian movements that are out of scale with that anticipated in a residential zone. However, the vehicle and pedestrian movements will generally occur on the higher order frontage road, and will be in keeping with those anticipated in commercial areas. The site is located within a Transitional area which is zoned for commercial development, so an associated increase in traffic movements is to be expected.

Policy B3.4.19 (a) - Ensure all activities have appropriate car-parking facilities to avoid, remedy or mitigate any adverse effects of car-parking on:

- *The amenity values of streets;*
- *The privacy of residents; and*
- *Safe and convenient access to sites.*

The proposed development is consistent with this policy as it will provide sufficient on-site car parking to protect residential privacy and amenity, and will provide safe and convenient site access.

The proposed landscaping along the road boundary on Markham Way and within the carpark will soften the appearance of the site when viewed from Markham Way, and ensure that the site retains a level of amenity that is appropriate for a site adjoining a residential area.

The vehicle access to the site is located on Markham Way, which is the lower order of the two frontage roads. This reduces the risk of conflict occurring between vehicles entering the site and pedestrians, as Tennyson Street is likely to carry a higher number of pedestrian movements than Markham Way.

Policy B3.4.19 (b) Ensure that a high level of amenity, safety and accessibility is achieved for pedestrians, users of public transport and cyclists when car parking is provided.

Policy B3.4.19 (c) Ensure that access by sustainable transport modes, such as public transport, cycling and walking, is considered when assessing parking needs for new activities.

The proposal is considered to be consistent with these policies as it will provide safe access and a high level of amenity for pedestrians and cyclists. The site will not provide a complying number of parking spaces, but the on-site car park will cater for a significant portion of the anticipated parking demand.

The site provides separate pedestrian access directly from Tennyson Street, which will provide a high level of amenity for pedestrians entering the site, who will not be required to enter the site through the car park. The site also provides cycle parking at the rear of the site within the car park. The cycle parks can be accessed via the footpath adjacent to the building, so cyclists

are not required to move through the vehicle manoeuvring areas when entering and exiting the site.

Objective B2.1.4 Adverse effects of land transport networks on natural or physical resources or amenity values, are avoided, remedied or mitigated, including adverse effects on the environment from construction, operation and maintenance.

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.

Policy B2.1.6(a) - Require activities to have adequate on-site carparking and loading facilities to minimise potential adverse effects from roadside parking and to require adequate on-site manoeuvring area to avoid the need for reversing onto or off roads particularly State Highways and Arterial Roads, except where reductions and/or controls are necessary in order to facilitate the urban form of the Rolleston High Street as envisaged by the Rolleston Town Centre Masterplan.

Policy B2.1.7 provide for pedestrian safety, security, circulation and access within parking areas by considering the interaction of vehicle access and manoeuvring, circulation, loading and parking, with likely pedestrian routes onto the site, including for users of public transport, and between car and cycle parks, and building entrances.

The proposed development is consistent with the above objective and policies. Although the site will not have a complying number of parking spaces on site, the proposed carpark is considered sufficient to cater to the anticipated parking demand. Overspill parking can occur in front of the site on Tennyson Street, and given that the area is zoned for commercial activities on-street parking in this location is not anticipated to cause adverse effects. The proposed development is consistent with the style of development the Master Plan envisages, which includes small retail outlets along either side of Tennyson Street.

The site provides sufficient manoeuvring space so that no vehicle will be forced to reverse onto Markham Way. A pedestrian footpath directly adjacent to the east side of the building provides for safe pedestrian movement between the carpark and cycle parks, the rear entrances to the units and the street. Separate pedestrian entrances to each unit are also provided at the front of the site, allowing access directly from Tennyson Street.

Policy B2.1.9 - Ensure buildings are set back a sufficient distance from road boundaries to maintain good visibility for all road users including motorists, cyclists and pedestrians, and to allow safe access and egress and to mitigate reverse sensitivity effects on land adjoining the State Highway.

The building is partially located on the road boundaries of the site, but will not block visibility for people entering or existing the vehicle access. The footpath in front of the site will provide sufficient distance between the road and the vehicle access to allow visibility. The site is not located on a state highway, and has access off Markham Way, which is the lower order frontage road.

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.

Policy B2.1.12 - Address the impact of new residential or business activities on both the local roads around the site and the District’s road network, particularly Arterial Road links with Christchurch City.

The proposal is consistent with this policy, as the additional traffic movements associated with the development are not anticipated to have any significant effects on the road network adjacent to the site, or in the wider area. Clearway Consulting have concluded that the intersection of Tennyson Street and Markham Way will continue to operate at a high level of service. The site is not located on an arterial road.

Policy B2.1.13 - Minimise the effects of increasing transport demand associated with areas identified for urban growth by promoting efficient and consolidated land use patterns that will reduce the demand for transport.

Policy B2.1.14 - Encourage people to walk or cycle within and between townships by providing a choice of routes for active transport modes and ensuring there is supporting infrastructure such as parking for cycles, at destinations.

The proposal is consistent with the above policies as it is located directly adjacent to an existing commercial development, and on the proposed 'high street' which is intended to make up part of the primary pedestrian and cycle routes within the Rolleston Town Centre. The site location will allow people to move between the application site and other nearby businesses safely and easily on foot, allowing people to make multi-purpose trips and reducing vehicle movements.

7.4 Summary

Based on the preceding assessment and taking into account the mitigation measures available, the proposal is considered to be consistent with the relevant objectives and policies of the District Plan. On that basis the proposal also satisfies the second limb of the s104(D) Threshold Test for a non-complying activity.

8 Other Matters

8.1 Canterbury Regional Policy Statement

Chapter 6 of the Canterbury Regional Policy Statement (CRPS) addresses the recovery and rebuilding of Greater Christchurch. There are several objectives and policies in Chapter 6 that have particular relevance to this application:

Objective 6.2.5 – Key activity and other centres is to support and maintain existing commercial centres as high quality centres supporting a diversity of business opportunities.

Objective 6.2.6 – Business land development seeks to identify and provide for the recovery and growth of business activities and seeks for new commercial activities to be primarily directed to the existing commercial centres including Key Activity Centres.

Policy 6.3.1 – Development within the Greater Christchurch area In relation to recovery and rebuilding seeks to ensure that intensification occurs in appropriate locations where it supports the recovery of Greater Christchurch, and to avoid development that adversely affects the central city and key activity centres.

Policy 6.3.2 – Development form and urban design seeks for business development to give effect to the principles of good urban design, including Turangawaewae (sense of place), integration, connectivity, safety, choice and diversity, environmental sustainability and creativity and innovation.

The proposal is considered to be consistent with the relevant CRPS objectives and policies. The application site is located within a Key Activity centre, and has been identified as an appropriate location for new business activities in the District Plan. The proposal will contribute to the

growth and intensification of the key activity centre, and will be designed in a manner that is appropriate to the 'high street' character that the Council seeks to develop along Tennyson Street.

The proposal is consistent with the principles of good urban design. It provides pedestrian connections to each of the units from the street, provides opportunities for overlooking the street and the car park, will integrate with existing commercial development along Tennyson Street, and will provide a high quality environment for staff and visitors as well as making a positive contribution to the amenity of Tennyson Street.

8.2 Rolleston Town Centre Masterplan

The Rolleston Town Centre Masterplan seeks to develop an identifiable town centre that will function as a focal point to business, community and social activities within Rolleston. The master plan seeks buildings that are built to boundaries with ground floors that directly address the street. Articulation and architectural details are encouraged to break up building bulk. The masterplan notes that some existing residential areas are envisaged to convert to retail use, but this is anticipated beyond the 20 year masterplan time scale. The application site is located on one of these sites.

The proposal is consistent with the Masterplan as it will establish a commercial building within the Transitional Precinct on Tennyson Street which is intended to provide a 'high street' style environment. While the conversion to commercial activities is occurring earlier than the masterplan anticipates, the proposal is still considered to be in keeping with the outcomes sought for Tennyson Street in the short term. The proposed building will contain retail and food and beverage activities which are anticipated in town centres. Food and beverage activities can also contribute to developing town centres as places for community and social activities as they provide places for people to meet and socialise.

The building is located close to the road boundary, with some variance in the setback distances from the road boundary providing visual interest and breaking up the bulk of the building. The building has active frontages with retail display windows and outdoor seating areas adjacent to the street.

8.3 Integrity of District Plan

Having regard to the non-complying status of the proposal, it is relevant to have regard to whether the approval of the resource consent will undermine the integrity of this planning document and/or set a 'precedent' for the approval of future (similar) applications. However, on the basis that the proposal has not been found to be contrary to the relevant objectives and policies of the District Plan, as a starting point there is considered little threat to its integrity. Furthermore, it is considered that the circumstances surrounding the application site, its Transitional Living zoning, proximity to existing business activities and the nature of the proposed activities are such that they are unlikely to be replicated in any future application. As such, no (adverse) precedent effects are anticipated to arise, which might cumulatively challenge the integrity of the SDP.

9 Consultation/Notification

Under the provisions of the amended RMA there is now no presumption in favour of notification (section 95A). The requirement for the Council to be "*satisfied*" that the effects "*will be minor*"

before proceeding on a non-notified basis has been removed. Instead, public notification is only required if the Council “decides” that the activity:

... will have or is likely to have adverse effects on the environment that are more than minor.

The nature of the proposal and resulting non-compliance with the District Plan are such that the adverse effects of the proposal will not be more than minor, nor are there any special circumstances that would warrant public notification. The proposal therefore does not require public notification.

The applicant is also the owner of the property opposite the site at 1 Markham Way/61 Tennyson Street, and their approval to the proposal is inherent in the application.

10 Conclusion

The proposed development is a non-complying activity under the Selwyn District Plan. The adverse effects of the proposal relate to residential character and amenity, noise and traffic, and are considered to be no more than minor. The proposal is also anticipated to result in some positive effects in terms of contributing to the development of a Rolleston town centre and ‘high street.’

The proposal is consistent with the Canterbury Regional Policy Statement, which seeks for commercial development to be focussed within Key Activity Centres. The proposal is also consistent with the outcomes the Rolleston Town Centre Master Plan seeks.

The application can be processed without need for public notification, as the adverse effects will not be more than minor, and there are no special circumstances that would warrant public notification.

The proposal is also considered to be generally consistent with the relevant objectives and policies.

The proposal therefore meets both ‘gateway’ tests for non-complying activities under s.104D, and consent can be granted.

APPENDIX 1:

Application plans

APPENDIX 2:

Certificate of title

APPENDIX 3:

Acoustic assessment

APPENDIX 4:

Traffic Assessment

Appendix 5:

Landscape Plans