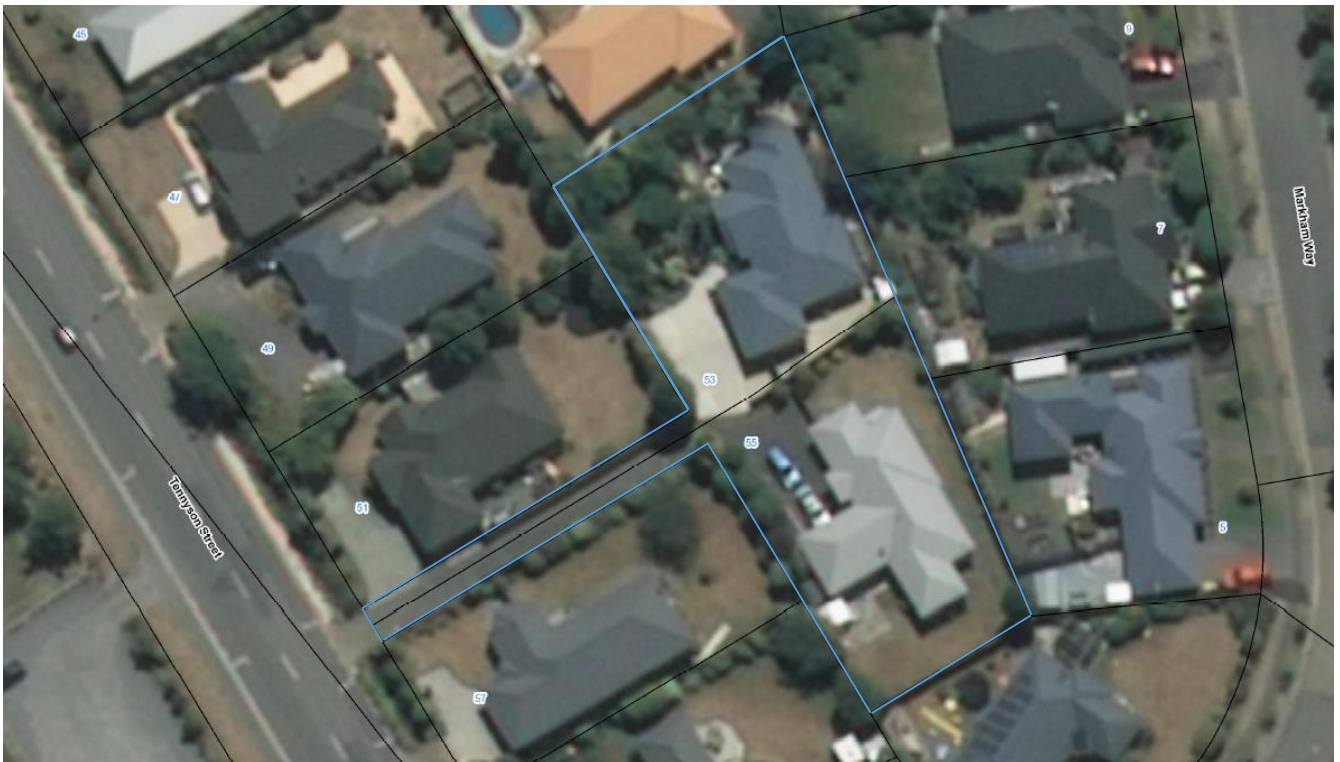


# Rolleston Town Centre Development – Tennyson Street Public Car Park

Site Address: 53 and 55 Tennyson Street, Rolleston

Resource Consent Application to Selwyn District Council

Date: November 2019



## Application for Resource Consent Under Section 9 of the Resource Management Act 1991

**TO: SELWYN DISTRICT COUNCIL**

1. **Selwyn District Council** applies for the resource consent described below.

2. **A description of the activity to which the application relates is:**

To construct and operate a public carpark to support the development of the Rolleston Town Centre, comprising the following:

- 39 sealed and marked parking spaces (including two accessible spaces);
- 6-metre-wide sealed access, with a footpath constructed on both sides;
- Erection of new acoustic fencing; and
- Associated earthworks, servicing and landscaping.

The site plan is contained in **Appendix One**.

3. **The legal descriptions and names of the owners of land to which the application relates are as follows:**

Owner:	Selwyn District Council
Legal description:	Lot 274 DP 81713
	Lot 275 DP 81713

The Computer Freehold Registers form **Appendix Two**.

4. **The location of the proposed activity is as follows:**

- 53 Tennyson Street, Rolleston
- 55 Tennyson Street, Rolleston

5. **Any consents required from Environment Canterbury will be sought separately.**

6. **In accordance with the Fourth Schedule of the Resource Management Act 1991, please find attached an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.**

7. **The application deposit fee will be managed internally by the Council.**



Prepared By:  
John Scheele  
Consultant Planner  
Resource Management Group Limited



Reviewed By:  
Hamish Osborne/Darryl Millar  
Principal Consultant/Director  
Resource Management Group Limited

On behalf of Selwyn District Council  
November 2019

**Address for Service:**

Selwyn District Council  
C/- Resource Management Group Limited  
PO Box 908  
Christchurch Box Lobby  
Christchurch 8140

Attention: John Scheele  
Email: [john@rmgroup.co.nz](mailto:john@rmgroup.co.nz)  
Phone: 03 961 0498

**Address for Monitoring and Billing:**

Selwyn District Council  
PO Box 90  
Rolleston 7643

Attention: Joanne Nikolaou  
Email: [Joanne.Nikolaou@selwyn.govt.nz](mailto:Joanne.Nikolaou@selwyn.govt.nz)

**COUNCIL CHARGES:** Resource Management Group accepts no liability for any Council costs or charges.  
All such invoices are to be sent to the Applicant's address for billing.

## Contents: Assessment of Effects on the Environment

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## Annexure: Assessment of Effects on the Environment

<b>Appendix One:</b>	Site Plan
<b>Appendix Two:</b>	Computer Freehold Register
<b>Appendix Three:</b>	Rolleston Town Centre Development – Concept Masterplan Report
<b>Appendix Four:</b>	Integrated Transport Assessment (Stantec)
<b>Appendix Five:</b>	Acoustic Assessment (Acoustic Engineering Services)
<b>Appendix Six:</b>	Environment Canterbury Listed Land Use Register reports (Environment Canterbury)

# Introduction

## General

1. This assessment is provided in accordance with the requirements of Section 9 and the fourth schedule of the Resource Management Act 1991 (“the RMA”).
2. This application for resource consent is for the construction and operation of a public carpark to support the development of the Rolleston Town Centre. The proposal consists of the following:
  - 39 sealed and marked parking spaces (including two accessible spaces);
  - 6-metre-wide sealed access, with a footpath constructed on both sides;
  - Erection of new acoustic fencing; and
  - Associated earthworks, servicing and landscaping.
3. This application and Assessment of Environmental Effects are provided to address the statutory requirements under the Act for the land use consent required under the Selwyn District Plan.
4. This report concludes that consent is able to be granted to this project under the Selwyn District Plan.

## Background

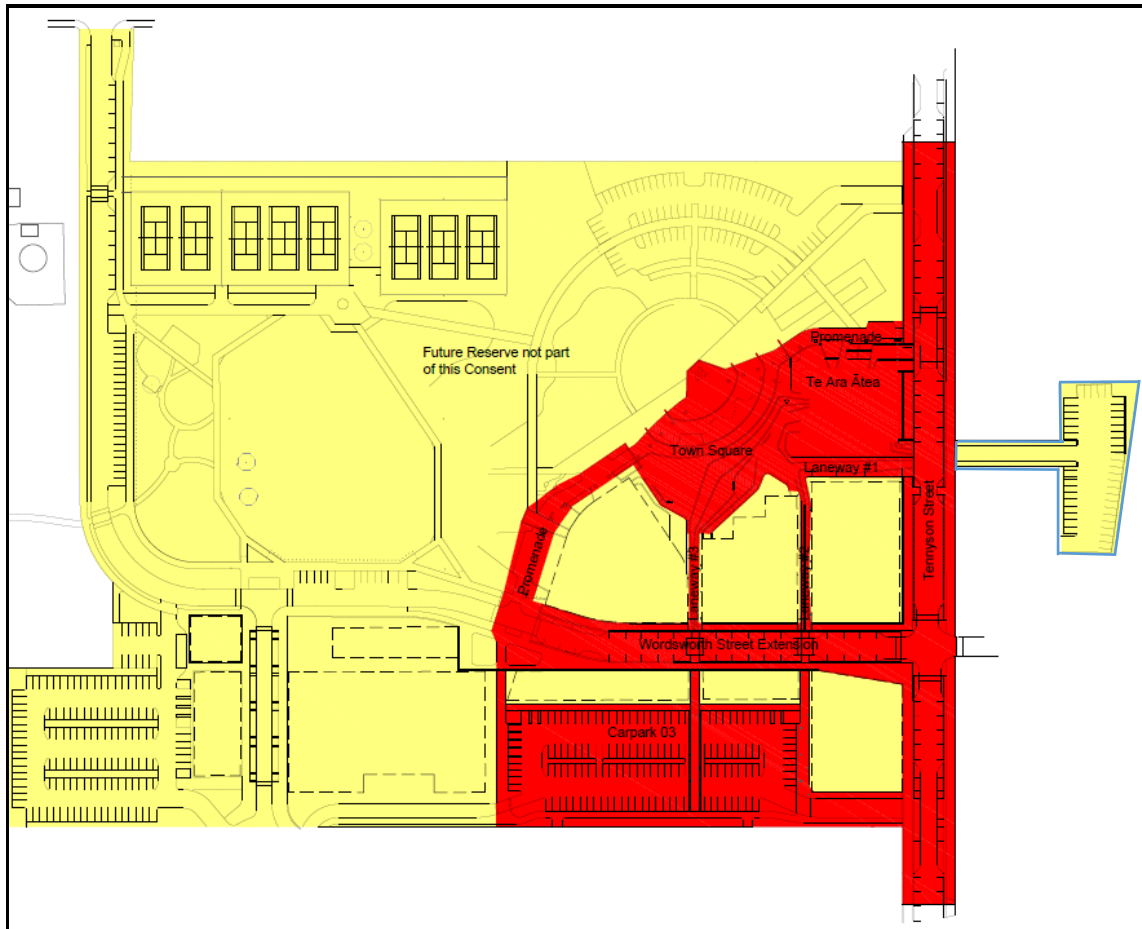
5. Selwyn District Council has been working to develop the town centre in Rolleston to support the requirements of a growing district population. To plan for this growth and guide future initiatives the Council developed the Rolleston Structure Plan in September 2009 and a subsequent Town Centre Masterplan in 2014.
6. The 2014 Masterplan was prepared in consultation with the local community and key stakeholders and provided direction for the transformation of the centre, including the use of part of Rolleston Reserve. Following the 2014 Masterplan, Action 27 of the Land Use Recovery Plan required the Council to change the District Plan to provide for the Rolleston Key Activity Centre (KAC). This included the introduction of an Outline Development Plan (ODP) and KAC Plan for the Rolleston Town Centre (Appendix E29) and associated rules in Appendix E29 of the Selwyn District Plan.
7. In addition, to enable the development, part of Rolleston Reserve was exchanged for the land comprising Foster Park. This exchange went through a public process under the Reserves Act 1977 which involved notification, public submissions and a hearing. A total of 59 submissions were received. A hearing was held on 18 August 2016.
8. A further report, titled the Concept Masterplan Report, was completed in July 2018. This concept report outlines a masterplan and landscape concept solution that responds to the overall vision of the Rolleston Town Centre Masterplan.
9. The Concept Masterplan Report sets out a long-term vision for the Town Centre, implemented in phases by both the Council and private sectors. Consultation with Te Taumutu Rūnanga has influenced the design of the Town Centre which draws upon the legend of Te Maru as the overarching narrative. Tū Te Rakiwhānoa was a taniwha who lived in, and travelled between, Te Waihora (Lake Ellesmere) and the Rakaia River. The north west wind is known to Maori as Te Maru.
10. The Rolleston Town Centre Development Concept Masterplan Report forms **Appendix Three**.

## Stage 1: Rolleston Town Centre Development

11. The relevant consents for Phase 1 of the Rolleston Town Centre Development have recently been lodged with Council. The consent for Phase 1 comprises the following components:
  - Library and community centre building;
  - Town square;
  - Promenade;
  - “Carpark 3”, comprising 153 spaces;
  - Three laneways;

- Upgrades to Tennyson Street;
- Extension to part of Wordsworth Street;
- Pedestrian and cycle connections; and
- Associated earthworks, servicing and landscaping.

12. The extent of Phase 1 is illustrated in red in **Figure 1** below.



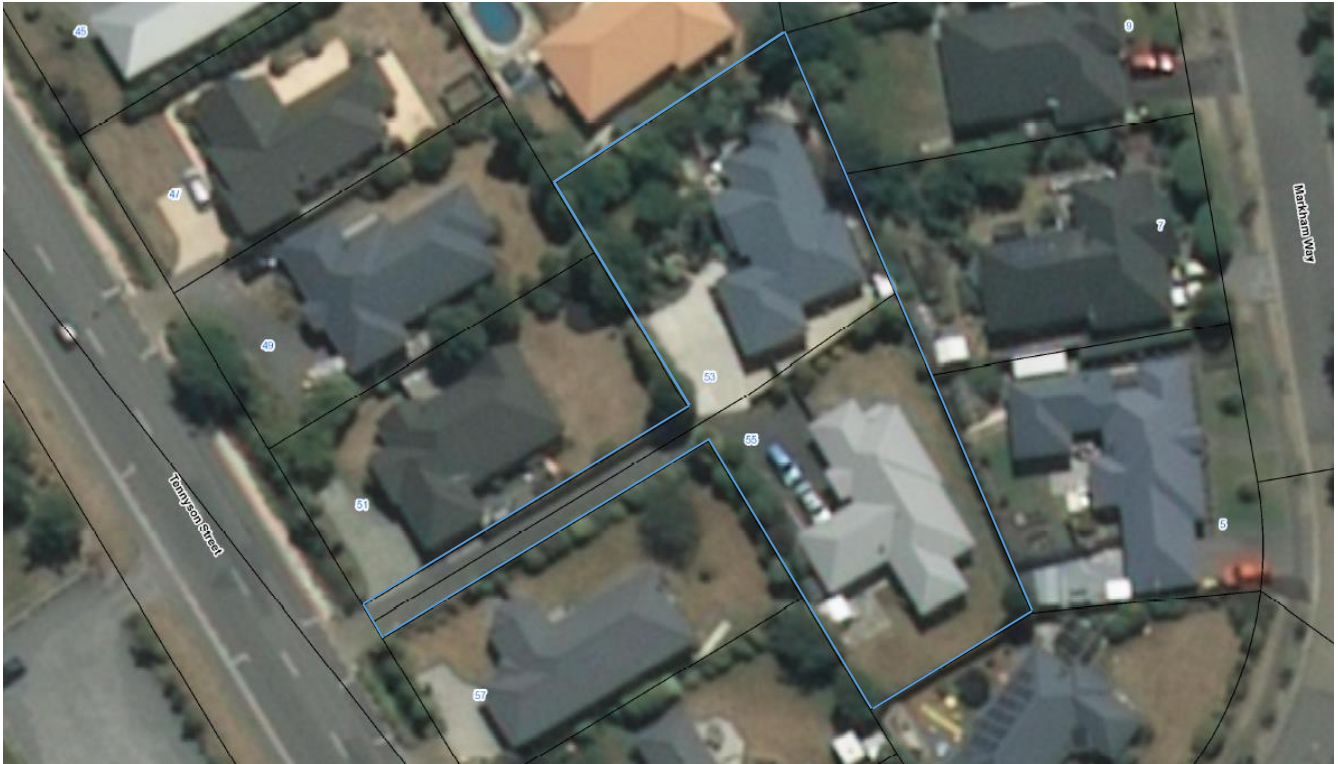
**Figure 1: Extent of Phase 1 Activities (red)**

13. The public car parking proposed with this application will serve the key activities and anchors envisaged by the Masterplan.

## The Site and Existing Environment

### The Application Site

14. The site is legally described as Lots 274 and 275 DP 81713. The site comprises an area of 1,747m<sup>2</sup>. The boundaries of the site are outlined in blue as identified in **Figure 2** below.



**Figure 2: Aerial photograph of application site (Source: Canterbury Maps)**

15. The application site contains two residential dwellings, one located on each title. Access to each dwelling is via a shared right of way extending from Tennyson Street.
16. The northern portion of the site (53 Tennyson Street) contains well established landscaping surrounding the residential outdoor living area. The remainder the allotment is dominated by large areas of sealed surfaces which forms part of the vehicle manoeuvring areas.
17. The southern portion of the site (55 Tennyson Street) contains minimal landscaping adjacent to the internal boundaries. The remainder of the site consists primarily of a sealed vehicle parking/manoeuvring area and grassed outdoor living areas.
18. The site is zoned Living 1 in the Selwyn District Plan.

### The Surrounding Environment

19. The site is located within the Key Activity Centre Precinct Plan contained in Appendix E29 of the District Plan. The Precinct Plan separates the Rolleston Key Activity Centre into eight precincts. While the site is not located within a precinct itself, it is located immediately adjacent to Precinct 5. The KAC plan is contained in **Figure 3** below.



**Figure 3: Rolleston Key Activity Centre – Precinct Plan (Source: Selwyn District Plan)**

20. The surrounding environment contains a mix of residential, recreational and commercial activities. The effect of the KAC Precinct Plan is that the surrounding area will experience land use change in the short to medium term as the KAC is developed.
21. The eastern side of Tennyson Street is zoned Living 1 and is located in Precinct 5 (Transitional Living) of the KAC. These sites are progressively being developed by Markham Trust for retail and hospitality activities. Resource consent RC165656 was granted for 63 – 67 Tennyson Street. A variation to this consented occurred in 2018 under RC185456. A consent application (RC185298) has also recently been approved for 57 – 61 Tennyson Street for further retail and hospitality activities.
22. East of the application site are residential properties located on either side of Markham Way. Markham Way is a cul-de-sac road.
23. The existing commercial area of Rolleston is located to the south, along Rolleston Drive, and further east, along Masefield Drive. A resource consent application is currently being processed by Council to construct and operate a new PAKnSAVE supermarket with associated car parking at 84 – 92 Rolleston Drive (site of the existing New World supermarket), which is located within Precinct 1 of the Rolleston KAC.
24. The vision of the Rolleston Town Centre, as articulated in the Concept Masterplan Report, is to create a vibrant town centre and a focal point for the Rolleston Community. The Masterplan seeks to create a social centre and high amenity precinct at the heart of a retail core which will be focused around a new library and community centre building, town square and reserve.

## Description of Proposed Activity

### General

25. Resource consent is sought to construct a car park to provide public parking to accommodate demand from the Rolleston Town Centre redevelopment and adjacent retail/commercial activities. The car park will accommodate 39 formed, sealed and marked parking spaces, incorporating two accessible spaces. The southern aisle includes a manoeuvring area. This area provides the opportunity to create a future connection to the adjacent privately-operated car park, but the connection is otherwise beyond the scope of this application.
26. Construction works incorporate the demolition of all existing buildings and vegetation. Proposed earthworks include site preparation works (estimated excavation volume of 575m<sup>3</sup> to a depth of 380mm) prior to the importing of cleanfill material (AP65 and AP40). The site will then be sealed with asphalt. All construction works will be carried out in accordance with:
- NZS 6803:1999 Acoustics – Construction Noise; and
  - An Erosion and Sediment Control Plan prepared in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox.
27. The vehicle access to the site will be via a 6 metre wide access with a footpath created on either side. While the access forms part of the application site, it will be constructed by Markham Trust in association with their consented carpark and commercial development. A private agreement has been reached between the applicant and Markham Trust regarding the Trust's use of the accessway. However, for clarity, use of the accessway by Markham Trust has already been authorised via a separate resource consent and is therefore beyond the scope of the current application.

### Car Park Management

28. The car park will be available for use by the public during the following hours:
- (a) 0700-2200 Sunday to Thursday; and
  - (b) 0700-2300 Friday and Saturday.
29. In addition to the above, public entry into the carpark 30 minutes prior to the operational closing time will be prevented.
30. Entry and exit to the carpark will be controlled via a barrier arm located at the eastern most end of the accessway. The barrier arm will operate on a timer, with the option for manual override (either remotely or on site via a coded key pad or similar). The override provides the ability for the consent holder (or authorised agent) to release a vehicle from the site outside of the operational hours if necessary; for example, in the case of an emergency. However, releasing of a vehicle outside of the operational hours will incur a fee payable by the occupant of the vehicle. While the release fee is still to be determined, it will be set at a level that is intended to discourage operation of the car park outside of the standard hours, unless circumstances dictate otherwise.
31. Information regarding the operational hours of the carpark and procedure for releasing vehicles outside of the operational hours (including any release fee) will be clearly identified on site via erected signage within the parameters set out below in paragraph 32.

### Signs

32. Signage erected on site will comply with the relevant standards of Rule 19.1 of the District Plan, specifically signage will:
- relate to the activities on site e.g. car park operational matters (hours of operation, how to get the barrier released 'after hours', etc.;
  - not exceed two;
  - not have any flashing or revolving lights, sound effects, balloons or blimps;
  - be located so not to obstruct the view of any motorist, pedestrian of any traffic signal, intersection, vehicle crossing, road bend or corner;
  - have a maximum height of 2 metres;
  - not exceed 1m<sup>2</sup>;

- not resemble any traffic sign or signal; and
- have a minimum height of 2.5 metres if it is an overhanging attached sign.

### Lighting

33. The car parking area will be illuminated at night for safety reasons and achieve compliance Rule 5.5.1.2 (Appendix E13.1.11). Any glare from lighting onto adjacent properties will also comply with Rule 10.7.1 (Activities and light spill).

### Landscaping and Fencing

34. The boundary fencing will be replaced with an acoustic fence where it is adjacent to a residential property. The fence will be constructed to a height of 2 metres with a surface mass of 10 kg/m<sup>2</sup>, will be continuous and maintained with no gaps or cracks.

35. The fence will be screened from within the application site with proposed landscaping. The landscaping will consist of Sophora microphylla, Dianella revelation and Coprosma virescens. Ten existing mature trees are also being retained. Full details of the proposed landscaping are illustrated on the Site Plan in **Appendix One**.

# District Plan Compliance Assessment

## Selwyn District Plan

36. The site is located in the Living 1 Zone in the Selwyn District Plan.

37. A comprehensive planning assessment of the relevant rules has been undertaken, including that contained within the Integrated Transport Assessment (**Appendix Four**) and the Acoustic Assessment (**Appendix Five**). In summary, land use consent is required under the District Plan rules outlined in **Table 1** below.

**Table 1: District Plan Non-compliances**

Rule	Discussion	Activity Status								
10.6.1 Activities and noise	<p>Any activity which is not a residential activity, spiritual activity or educational activity, shall be a permitted activity if the following noise limits are not exceeded within the time-frames stated:</p> <table><tr><td>7.30 am – 8.00 pm</td><td>50 dBA L<sub>10</sub></td></tr><tr><td>8.00 pm – 7.30 am</td><td>35 dBA L<sub>10</sub></td></tr><tr><td>7.30 am – 8.00 pm</td><td>85 dBA L<sub>max</sub></td></tr><tr><td>8.00 pm – 7.30 am</td><td>70 dBA L<sub>max</sub></td></tr></table> <p>As set out in section 6 of the Acoustic report, a non-compliance with the noise standards may occur in the following circumstances:</p> <ul style="list-style-type: none"><li>• Exceedance of the 35 dBA L<sub>A10</sub> night time standard to the adjacent residential properties due to vehicles maneuvering on site; and</li><li>• Exceedance of the 35 dBA L<sub>A10</sub> night time standard to the adjacent residential properties due to conservations of visitors within the car parking area.</li></ul>	7.30 am – 8.00 pm	50 dBA L <sub>10</sub>	8.00 pm – 7.30 am	35 dBA L <sub>10</sub>	7.30 am – 8.00 pm	85 dBA L <sub>max</sub>	8.00 pm – 7.30 am	70 dBA L <sub>max</sub>	Discretionary Activity
7.30 am – 8.00 pm	50 dBA L <sub>10</sub>									
8.00 pm – 7.30 am	35 dBA L <sub>10</sub>									
7.30 am – 8.00 pm	85 dBA L <sub>max</sub>									
8.00 pm – 7.30 am	70 dBA L <sub>max</sub>									
10.8.1.3 Activities and Scale of Activities	Vehicle movements are limited to no more that 20 per day. The ITA estimates the site will generate 330-340 vehicle movements per day.	Discretionary Activity								
10.9.1.2 Hours of operation	Visits by customers, patrons, clients or other people to the site who are not resident are limited to the hours of 7.00 am to 10.00 pm each day. While parking will not be provided for any events occurring within the Town Square or Reserve that occur after 10.00 pm, the car park will be accessible by other members of the public on a 24/7 basis.	Discretionary Activity								
17.5.1.6 Vehicle parking and cycle parking	No cycle parking spaces are provided on site as set out in Appendix E13.1.4.	Restricted Discretionary								

## Activity Status

38. Overall, the proposal is to be assessed as a **discretionary activity**.

## National Environmental Standard

39. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) controls activities on land on which any activity or industry on the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken, or more likely than not is, or has been, undertaken on it.

40. The Environment Canterbury Listed Land Use Register (LLUR) contains information relating to any known HAIL activity that may have occurred on site. The LLUR summary is attached to **Appendix Six** for information purposes. It confirms there are no known current or previous HAIL activities that have occurred on site.

41. Given that there are no records that a HAIL activity has been undertaken on site, the site is not identified as a piece of land subject to the NES under Clause 5, subclause 7. Consequently, the provisions of the NES do not apply.

# Assessment of Environmental Effects

## Overview

42. Section 88 of the RMA requires the applicant to undertake an assessment of any actual or potential effects on the environment that may arise from a proposal, and the ways in which any adverse effects may be avoided, remedied or mitigated. For this application, it is considered that these matters relate to:

- Noise Effects
- Transport Effects
- Earthworks and Construction
- Scale of activities
- Positive Effects

43. The Assessment of Environmental Effects is informed by the following technical documents:

- Integrated Traffic Assessment – Stantec (**Appendix Four**)
- Acoustic Assessment – Acoustic Engineering Services (**Appendix Five**)

## Noise Effects

44. The Acoustic Report in **Appendix Five** provides an assessment of the environmental noise effects of the proposal.

45. The District Plan noise limits for the Living 1 Zone are set out in Table 1: District Plan non-compliances above. These standards are more restrictive than the limits recommended by the World Health Organisation and NZS 6802:2008 Acoustics – Environmental Noise. The Acoustic Report states that the following noise limits, when received at the boundary of adjoining Living Zone properties, are appropriate for ensuring noise levels are not unreasonable and any effects are minimal:

- Daytime: 0700 to 2200 hours  
55 dB LAeq
- Night-time: 2200 to 0700 hours  
45 dB LAeq and 70 dB LAFmax

46. In this case, key noise sources are anticipated to arise from:

- Traffic in the car park;
- People (conservations) within the car park;
- Traffic on road;
- Cumulative noise; and
- Construction noise.

47. The predicated noise levels have been calculated on the basis that a 2.0 metre high acoustic fence will be constructed along all boundaries shared with a residential dwelling. The location of the fence is identified in **Figure 3** below.



**Figure 3: Location of proposed acoustic fence**

48. The applicant has volunteered a condition of consent in relation to the acoustic fence.

49. Circumstances where there may be an exceedance of the District Plan noise limits are:

- A moderate exceedance of the 35 dB  $L_{A10}$  night-time standard as identified by the District Plan (by a maximum of 10 dB) at the boundary of the adjoining residential properties due to vehicle manoeuvring; and
- An 8 dB exceedance of the 35 dB  $L_{A10}$  night-time standard at the boundary of the adjoining residential properties due to people occupying the site (conservations).

50. With regard to any adverse effects associated with these non-compliances, the Acoustic Assessment has concluded that alternative noise levels (as set out in paragraph 45) should apply to the proposed activity rather than the noise standards identified in the District Plan. On that basis, the acoustic report concludes that:

- Operational noise effects will be adequately mitigated via the proposed 2.0 metre acoustic fence.
- Predicted noise levels during the night time period for vehicles operating in the car park are will to comply with the 45 dB  $L_{Aeq}$  limit as adopted by AES<sup>1</sup>(based upon an anticipated 5 vehicle movements within any 15 minute period as set out in the Integrated Transportation Assessment).
- Conversations within the car park during the night time period are anticipated to generate a noise level of 41 dB  $L_{Aeq}$  at the boundary. This assumes a continuous conversation of 15 minutes, which AES consider conservative.
- Construction effects can be adequately mitigated by ensuring construction activities are planned and managed in accordance with NZS 6803:1999 *Acoustics – Construction Noise*.

<sup>1</sup> Based upon the World Health Organisation and NZS 6802:2008 *Acoustics – Environmental Noise Standard*

51. In addition to the above, the use of use of the car park has been restricted to the hours of:
  - (a) 7am to 10pm Sunday to Thursday; and
  - (b) 7am to 11pm Friday and Saturday.
52. Use of the car park outside of those hours (e.g. emergency exit) will incur a fee specifically designed to discourage such instances from occurring.
53. Based on the above, AES have concluded that any actual or potential noise effects can be mitigated through the construction of an acoustic fence and the volunteering of appropriate conditions of consent. To ensure that noise levels associated with vehicle movements are robust and to ensure that the recommended 45 db LAeq threshold is not exceeded, the applicant has volunteered a review condition.
54. Based on the above, any actual or potential adverse noise effects will be less than minor.

## Transport Effects

55. The only traffic non-compliance<sup>2</sup> relates to the provision of on-site cycle spaces.
56. The Integrated Transport Assessment in **Appendix Four** has assessed cycle space demand under Rule 17.5.1.6. The ITA concludes that it is impractical to provide cycle parking with in public car park on the basis that as the activity itself does not generate any cycle parking demand. The car park itself is not directly linked to a specific activity that generates a cycle parking demand.
57. Furthermore, cycle parking is accommodated in key locations within the town centre which will accommodate anticipated parking demand.
58. In this regard, it is considered that any potential transport-related adverse effects will be less than minor.

## Earthworks and Construction

59. Earthworks and construction activities are necessary to enable the formation of the car park and associated landscaping. It is noted that the proposed earthworks will comply with the relevant standards set out under Rule 2.1.1 of the District Plan.
60. In order to mitigate any potential adverse effects from the earthworks associated with this development, an Erosion and Sediment Control Plan (ESCP) will be prepared and implemented as part of the proposed earthworks. The ESCP will be prepared in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox.
61. An ESCP is a recognised method to prevent undue erosion and the risk of sediment laden stormwater discharge entering any drains or waterbodies. This may include the use of silt fences, sediment basins, clean water diversions, minimising the area of ground disturbed at any one time and re-establishing ground cover.
62. Measures will also be implemented to suppress dust during earthworks. The suppression measures will be developed in accordance with Schedule 2 of the Canterbury Air Regional Plan to meet the permitted activity conditions of Rule 7.33 of that Plan. Subject to the appropriate construction methods, the dust control measures are considered to protect the surrounding environment from dust emissions that may arise during the construction works.
63. The contractors for the development will be required to adhere to the ESCP and dust suppression measures.
64. As previously stated, all works will be undertaken in accordance with NZS 6803:1999 *Acoustics – Construction Noise*.
65. Overall, it is considered that any adverse effects associated with construction works can be appropriately managed through consent conditions which require management plans to be developed and implemented.

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<sup>2</sup> Noting that Rule 10.8.1.3 relates to traffic movements in regard to the scale of the proposed activity

## Scale of activities

66. Scale of non-residential activities within a Living 1 zone are limited in terms of vehicle movements per day (Rule 10.8.1.3) and hours of operation (Rule 10.9.1). The proposal will exceed the permitted number of 40 vehicle movements per day (330-340 proposed) and hours of operation (24/7 operation proposed). The activity will not directly employ staff on site.

67. The purpose of the rules is to ensure non-residential activities operate at a scale and in a manner which are compatible with residential activities. In assessing any adverse effects:

- The Rolleston Town Centre Masterplan incorporates a range of activities, including a new Library/Community Centre, cinema, retail, food and beverage, offices and car parking. Expected traffic forecasts predict traffic volumes within the Town Centre will be about 4,100mpd by 2021, increasing to over 5,000 by 2031. Increased traffic volumes will increase demand for parking spaces.

The application site is located within the Rolleston Key Activity Centre Precinct. Consequently, the application site and surrounding residential area are within a state of transitional change as evidenced by both the implementation of the Rolleston Town Centre Masterplan and recent resource consents for commercial/retail activities on the eastern side of Tennyson Street.

- The car parking activity will accommodate parking demand for activities within the Rolleston Town Centre. The car park itself will not generate any new or additional vehicle movements to the surrounding area.
- As discussed above, noise effects will be adequately mitigated, and no staff will permanently be located on site.
- The car park will be screened from adjoining residential properties by proposed landscaping and a new 2 metre acoustic fence.

68. Given the transitional change in the residential environment, and in context of the future environment (as anticipated by the Rolleston Town Centre Masterplan and the Rolleston Key Centre Precinct) the car park will not be inconsistent with surrounding activities. Furthermore, the car park will accommodate future parking demand and consequently facilitate the outcomes sought via the Masterplan process.

69. Any actual or potential adverse effects will be less than minor.

## Positive Effects

70. The Rolleston Town Centre development is anticipated to enhance the social and cultural well-being of the Rolleston community. However, if adequate parking provision is not provided, access to the facilities located within the development may become difficult to access via restricting available parking.

71. Overall, the proposed car park development will result in positive effects in providing access to the Town Centre which therefore will enhance the social and cultural well-being of the Rolleston community.

## Conclusion on Effects

72. Overall, based on the assessment above and the conclusions reached in the technical reports, any adverse effects are considered to be less than minor.

## Volunteered Conditions of Consent

73. Section 108 of the RMA allows a consent authority to include conditions on resource consents. However, section 108AA states that any condition must:

- Be agreed by the applicant;
- Directly relate to an adverse effect on the environment or an applicable district rule; or
- Relate to administrative matters that are essential for the implementation of the resource consent.

74. As part of this application, the applicant volunteers the following conditions of consent.

### General

1. The development shall proceed in general accordance with the information and plans submitted with the application documentation, except where modified by conditions of consent.

### Noise

2. Acoustic fencing, with a minimum height of 2 metres, shall be installed along the common boundary with the sites located at 49 and 59 Tennyson Way and 3-13 Markham Way. The fencing shall comply with the following specifications:

- Surface mass – at least 10 kg/m<sup>2</sup>
- The fence must be continuous and maintained with no gaps or cracks. For timber fences, this will require palings to be well overlapped (25mm minimum) or a “board and batten” system, and a sleeper rail connecting the base of the palings to the ground.
- A paling thickness of at least 25mm to resist warping.
- Suitable fencing materials which are commonly used include 25mm timber, 9mm fibre cement, 21mm plywood, masonry or concrete.

3. Construction works shall be undertaken and managed in accordance with NZS 6803:1999 Acoustic – Construction Noise.
4. A barrier arm shall be erected at the eastern most portion of the vehicle accessway. The barrier arm shall prevent all vehicles entering and exiting the carpark to the hours identified in the below table:

	Entry	Exit
Sunday to Thursday	7am to 9:30pm	7am to 10pm
Friday or Saturday	7am to 10:30pm	7am to 11pm

5. The barrier arm identified in condition 4 shall incorporate a mechanism (either remotely or on site) to enable vehicles to exit outside the operational hours identified in condition 4. Any vehicle released outside of the operational hours identified in condition 4 shall incur a release fee set by the consent holder specifically designed to discourage (but not unduly prevent) the release of vehicles.
6. Any signage associated with the car park is to be limited to informational purposes only. The signage will include operational hours and the procedure for the release of vehicle following the closure of the car park and any associated fees.
7. Pursuant to Section 128 of the Resource Management Act 1991, the Council may review conditions 4 and 5 in relation to noise effects associated with vehicle movements on site between the period of 10pm to 7am of the following day by serving notice on the consent holder within 1 month of any 12 month period following the date of this decision, in order to deal with any adverse effects on the environment that may arise from the exercise of this consent.

75. The applicant requests an opportunity to review a draft set of conditions prior to the granting of the consent.

## Assessment of Objectives and Policies

76. The relevant objectives and policies of the Selwyn District Plan relate to amenity, traffic, noise, and development of Key Activity Centres. A full assessment of the proposal against the relevant objectives and policies is undertaken in the below table. The assessment concludes that the proposal is entirely consistent with the relevant objectives and policies.

Objective/Policy	Assessment
<b>Physical Resources</b>	
<p><b>Objective B2.1.1:</b> <i>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.</i></p> <p><b>Policy B2.1.2:</b> <i>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.</i></p>	<p>The Rolleston Town Centre Masterplan seeks to respond to the needs of the Rolleston community, including the provision of new key facilities such as the new library and community centre, retail facilities, town square.</p> <p>The proposed car park has been designed to accommodate the increased parking demand that is anticipated to be generated through the implementation of the Masterplans.</p>
<p><b>Policy B2.1.6(a):</b> <i>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.</i></p>	<p>The proposed car park will not generate parking demand itself, but rather accommodate parking demand from surrounding (and anticipated) community, retail and commercial activities.</p>
<p><b>Policy B2.1.7:</b> <i>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.</i></p>	<p>The proposed car parks, laneways and roading improvements are intended to promote a low speed, pedestrian friendly environment. This is further evidence via the proposed pedestrian footpath located on either side of the vehicle accessway.</p>
<p><b>Objective B2.3.1:</b> <i>Residents have access to adequate community facilities.</i></p> <p><b>Policy B2.3.7:</b> <i>Facilitate multiple use of individual community facilities, where appropriate.</i></p>	<p>The Rolleston Town Centre Masterplan incorporates a range of community facilities. The proposed parking spaces will enhance access to the facilities by providing parking spaces in close proximity.</p>
<b>Health, Safety and Values</b>	
<p><b>Objective B3.4.2:</b> <i>A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.</i></p> <p><b>Policy B3.4.2:</b> <i>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.</i></p>	<p>While the application site is located within the Residential 1 zone, it is also subject to the Rolleston KAC Precinct Plan and the Rolleston ODP.</p> <p>The surrounding area is in a state of transitional change. Any adverse effects will be consistent with both the existing receiving and the anticipated future environments.</p>

Objective/Policy	Assessment
<b>Policy B3.4.10:</b> <i>Ensure noise in all zones does not adversely affect the health or well-being of people.</i>	The proposal is considered to be consistent with these policies. Noise received at residential properties will comply with daytime noise limits, and will not exceed guideline levels for protecting against sleep disturbance during night time hours.
<b>Policy B3.4.11:</b> <i>Maintain background sound levels which are appropriate to the quality of the environment and amenity values of each zone.</i>	
<b>Policy B3.4.12:</b> <i>Avoid night lighting and, where practical, glare from reflections shining directly into adjoining sites, in all zones.</i>	Any exterior lighting will be designed so that light spill on to any part of any adjoining property will comply with the relevant District Plan standards.

77. The general thrust of the relevant objectives and policies is to safeguard amenity and environmental outcomes. In addition, the car park will support the anticipated future development identified by the Rolleston Town Centre Concept Masterplan Report, the Rolleston KAC Precinct Plan and the Rolleston ODP.
78. The Assessment of Environmental Effects and supporting technical reports demonstrates that the operational characteristics of the development are appropriate and will achieve the quality of environment and amenity values anticipated within the Rolleston KAC and maintain the amenity of the surrounding area.
79. A number of measures will be employed to ensure that any adverse effects during construction are mitigated to the extent that any effects will be less than minor.
80. Overall, consistency with the relevant objectives and supporting policies is clearly demonstrated within the Assessment of Environmental Effects and supporting technical reports.

# Statutory Considerations

## Purpose and Principles of the RMA

81. The Court of Appeal decision on *RJ Davidson Family Trust v Marlborough District Council* (2018) found that the High Court made an error by finding that consideration of Part 2 was not required in the case of the application by RJ Davidson Family Trust. The Court of Appeal determined that RMA decision makers should consider Part 2 of the RMA when making decisions on resource consents, when it is appropriate to do so. While it is not considered that an assessment of Part 2 is necessarily required, consideration of Part 2 is set out below.
82. The purpose of the Act under Section 5 is to promote the sustainable management of natural and physical resources. Sustainable management involves managing the use, development and protection of these resources in order to enable people and communities to provide for their social, economic and cultural well-being and for their health and safety, while –
- Sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
  - Safeguarding the life supporting capacity of air, water, soil and ecosystems; and
  - Avoiding, remedying, or mitigating any adverse effects of activities on the environment.
83. No matters of national importance in section 6 of the Act are applicable to the application.
84. With regard to section 7, the following matters are considered relevant:
- the efficient use and development of natural and physical resources;
  - the maintenance and enhancement of amenity values; and
  - maintenance and enhancement of the quality of the environment.
85. Section 8 requires the principles of the Treaty of Waitangi to be taken into account.
86. As discussed in the Assessment of Environmental Effects, the proposal will support the implementation of the Rolleston Town Centre Development and surrounding consented commercial activities. This is achieved by ensuring parking demand will be adequately accommodated and therefore maintain surrounding amenity values anticipated by the Rolleston Town Centre Concept Masterplan Report, the Rolleston KAC Precinct Plan and the Rolleston ODP.
87. On balance, it is considered that the proposal is consistent with the purpose and principles of the Act.

## Notification of the Application

88. Notification of an application lies at the discretion of the Consent Authority.
89. Section 137 of the Resource Legislation Amendment Act amended the provisions of sections 95A to 95E on 18 October 2017. Section 95A and 95B now include steps to determine whether an application should be notified. These steps are assessed in relation to the application as follows:

**Table 3: Section 95A – Public notification**

<b>Step 1: Mandatory notification – section 95A(3)</b>	
Has the applicant requested that the application be publicly notified?	<b>No</b>
Is public notification required under s95C (following a request for further information or commissioning of report)?	<b>No</b>
Is the application made jointly with an application to exchange reserve land?	<b>No</b>
<b>Step 2: If not required by Step 1, notification is precluded if any of these apply – section 95A(5)</b>	
Does a rule or NES preclude public notification for all aspects of the application?	<b>No</b>
Is the application a controlled activity?	<b>No</b>
Is the application a restricted discretionary or discretionary activity for a subdivision?	<b>No</b>
Is the application a restricted discretionary or discretionary activity for residential activity?	<b>No</b>
Is the application a boundary activity (other than a controlled activity)?	<b>No</b>

<b>Step 3: Notification required in certain circumstances if not precluded by Step 2 – section 95A(8)</b>	
Does a rule or NES require public notification	<b>No</b>
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	<b>No</b>
<b>Step 4: Relevant to all applications that do not already require notification – section 95A(9)</b>	
Do special circumstances exist that warrant the application being publicly notified?	<b>No</b>

90. In accordance with the provisions of section 95A, the application should not be publicly notified.

**Table 4: Section 95B – Limited notification**

<b>Step 1: Certain affected groups/persons must be notified – section 95B(2) and (3)</b>	
Are there any affected protect customary rights groups or customary marine title groups?	<b>No</b>
If the activity will be on, adjacent to, or might affect land subject to a statutory acknowledgement – is there an affected person in this regard?	<b>No</b>
<b>Step 2: If not required by Step 1, notification is precluded if any of these apply – section 95A(5)</b>	
Does a rule or NES preclude limited notification for all aspects of the application?	<b>No</b>
Is this a land use application for a controlled activity?	<b>No</b>
<b>Step 3: Notification of other persons if not precluded by Step 2 – sections 95B(7) and (8)</b>	
Are there any affected persons under s95E (persons on whom the effects are minor or more than minor, and who have not given written approval)?	<b>No</b>
<b>Step 4: Relevant to all applications – section 95B(10)</b>	
Do special circumstances exist that warrant notification to any other persons not identified?	<b>No</b>

91. In accordance with the provisions of section 95B, the application should not be limited notified. Furthermore, as the adverse effects of the proposal are deemed to be less than minor, no written approvals are required.

### Consideration of Application

92. Section 104(1) of the Act requires, amongst other matters, that when considering an application for resource consent, a Consent Authority must have regard to:
- any actual and potential effects on the environment;
  - any relevant provisions of a regional policy statement and regional plan; and
  - any other matters relevant and reasonably necessary to determine the application.
93. In respect of a discretionary activity, section 104B of the Act states that a consent authority may grant or refuse the application. If it grants the application, it may impose conditions under section 108. However, section 108AA, a consent must not include a condition unless:
- The applicant agrees to the condition;
  - The condition is directly connected to an adverse effect on the environment or an applicable district rule or national environmental standard; or
  - The condition relates to an administrative matter that is essential for the implementation of the resource consent.
94. The applicant has volunteered a number of conditions as part of this application.

## Conclusion

95. Selwyn District Council seeks land use consent for the development of a car park incorporating 42 spaces. The car park will accommodate parking demand for various consented and anticipated activities within the surrounding area.
96. It is considered that any adverse effects that may arise from this proposal will be less than minor, and that the proposal is consistent with Part 2 of the RMA and the relevant objectives and policies of the Selwyn District Plan.
97. For the reasons outlined above, the application is in order to be granted.

Resource Management Group  
November 2019