



CDL LAND NEW ZEALAND LTD

Stonebrook Subdivision Global Road Setback

**Subdivision Consent Application to the
Selwyn District Council
June 2015**

CDL Land New Zealand Ltd

Stonebrook Subdivision Global Road Setback

ODP Area 1: Rolleston

Prepared by:

*Rhelyn Law
Consultant Planner
RMG Ltd*

Reviewed by:

*David McMahon
Director
RMG Ltd*

June 2015

Approved for Release by

*Jason Adams
General Manager Projects
CDL Land New Zealand Ltd*

Status: FINAL



Resource and Environmental Management Consultants

**APPLICATION FOR SUBDIVISION CONSENT UNDER SECTION 88
OF THE RESOURCE MANAGEMENT ACT 1991**

TO: THE SELWYN DISTRICT COUNCIL

1. CDL Land New Zealand Ltd applies for the following types of resource consents:

- Land use consent – to locate any dwelling, family flat and any rooms within any accessory buildings used for sleeping or living purposes within 40m of State Highway 1 for Lots 187 – 194 (Stage 9) and Lots 195 – 203 (Stage 10).

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

To locate any dwelling, family flat and any rooms within any accessory buildings used for sleeping or living purposes within 40m of State Highway 1 for Lots 187 – 194 (Stage 9) and Lots 195 – 203 (Stage 10) of the Stonebrook subdivision.

A site proposal is more fully described in the attached AEE and plans which form part of this application.

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

Owner	Legal Description
CDL Land New Zealand Limited	▪ Lots 187 – 203 DP 481923

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

Those portions of the site legally described above. The extent of the application site within this area is shown on the plans in **Appendix One**.

5. No other RMA consents are required in relation to this activity.

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 lodgement fee of \$1,000 for a non-notified application, based upon a non-notified resource consent, should be invoiced directly to the applicant at the below address for billing and monitoring.



Rhedyn Law
Consultant Planner
Resource Management Group Limited
On behalf of **CDL Land New Zealand Ltd**

June 2015



David McMahon
Director
Resource Management Group Limited
On behalf of **CDL Land New Zealand Ltd**

Address for Service:

CDL Land New Zealand Ltd
C/- Resource Management Group Limited
PO Box 908
CHRISTCHURCH BOX LOBBY
CHRISTCHURCH 8140
Attention: Rhedyn Law/David McMahon

Phone: (04) 903 5344
Email: rhedyn@rmgroup.co.nz

Address for Monitoring and Billing:

CDL Land New Zealand Ltd
PO Box 3248
Shortland Street
AUCKLAND
Attention: Jason Adams
Email: jason.adams@cdli.co.nz

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

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Annexure: Assessment of Effects on the Environment (containing the following appendices)

Appendix One:	Scheme Plan of Subdivision (Subdivision Plan) (Aurecon)
Appendix Two:	Plan showing 40m Setback
Appendix Three:	RC135261 Decision
Appendix Four:	Acoustic Report
Appendix Five:	Traffic Report

1 INTRODUCTION

- 1.1. This assessment is provided in accordance with the requirements of Section 88 and the Fourth Schedule of the Resource Management Act 1991.
- 1.2. The report is in support of the land use consent application made by CDL Land New Zealand Limited (CDL) to obtain a global consent to provide for the location of any dwelling, family flat and any rooms within any accessory buildings used for sleeping or living purposes within 40m of State Highway 1 for Lots 187 – 194 (Stage 9) and Lots 195 – 203 (Stage 10).
- 1.3. The application sites are zoned Living Z under the operative Selwyn District Plan, with some areas identified as Medium Density.
- 1.4. Subdivision consent (and associated land use) was originally granted 1 June 2012, being RC125017. The consent was amended via a new subdivision consent (RC135262) relating to a slight increase of allotments and the roading network. This was granted on 16 July 2013 and is currently the consent that has effect.
- 1.5. The receiving environment includes the authorised subdivision consents of RC125017 and RC135262. This application does not seek to alter any of the previously authorised subdivision consent in any way. This report is supported by the acoustic assessment previously provided to support the subdivision consent application which forms **Appendix Four** of this application, and proposes that the related Condition 51 of RC135262¹ be adopted for this application.
- 1.6. This report concludes that consent is able to be granted to this project under the provisions of the Selwyn District Plan.

¹ The consent decision forms Appendix Three of this application report

2 THE EXISTING ENVIRONMENT

The application site

- 2.1 The wider application site is approximately 42ha in area located at the western edge of the Rolleston Township.
- 2.2 Part of the site has already been developed as part of the previously approved subdivisions (Stages 1-8). Stages 9 and 10, to which this application pertains, are currently being developed.
- 2.3 Specifically, the application site comprises the following allotments approved under RC135262 being:
- Lots 187 – 194 DP 481923 (Stage 9); and
 - Lots 195 – 203 DP 481923 (Stage 10).
- 2.4 The site is not identified as being subject to any natural hazards, or containing any features scheduled in the District Plan.

Surrounding environment

- 2.5 The site is bordered to the north by SH1 and along its southern boundary by Burnham School Road. Where this road becomes Brookside Road and heads to the north east, there is a small strip of land separating the subject site from the road along the south east boundary. This land, along with land generally along the site's eastern boundary, is at varying stages of residential development. To the west of the site are other landholdings that also form part of ODP Area 1. These are largely undeveloped. To the west of these again is Dunns Crossing Road.
- 2.6 As well as being adjacent to Burnham School Road, the site is also accessible from the ends of both Stonebrook Drive and Newman's Road.

Zoning

- 2.7 The site is zoned Living Z, with some areas identified as Medium Density by the adopted ODP Area 1 Plan.

3 PROPOSAL

- 3.1 The proposal seeks to obtain a land use consent to allow any dwelling, family flat and any rooms within any accessory buildings used for sleeping or living purposes to be constructed within 40m of State Highway 1 for the following allotments:
- Lots 187 – 194 DP 481923 (Stage 9); and
 - Lots 195 – 203 DP 481923 (Stage 10).
- 3.2 The following document help understand the proposal:
- Marshall Day Acoustics traffic noise assessment, Lt001 R01 201111sl RMG Stonebrook traffic noise which forms **Appendix 4**; and
 - RC135261 Resource Consent Application decision containing approved subdivision plan which forms **Appendix 5**.
- 3.3 This application relates solely to the allotments in the recently approved subdivision under RC135261.
- 3.4 On balance, it is considered most efficient to seek consent for these allotments now through a 'global' approval process – rather than via individual applications when future landowners prepare to erect dwellings on new sites.

4 DISTRICT PLAN COMPLIANCE ASSESSMENT

Context

- 4.1 The Selwyn District Plan (the District Plan) is the relevant document for assessing the application. The District Plan was made operative on 10 June 2008. Of note, PC7 established the current zoning and Outline Development Plan for the wider site, and the Commissioners decision to approve this plan change was adopted by the Council on 15 October 2011. PC12 is also of relevance to this application. This plan change sought to provide for integrated transport management, and was made operative on 22 April 2013. Consequently, there are no outstanding variations or appeals that are relevant to the application.
- 4.2 There is no other district, national or regional plan(s) applicable to the application.

Living Zone Rules - Buildings

- 4.3 The following rules apply to setbacks from State Highways and internal noise levels:
- 4.9.3 *Except for the Living 3 Zone at Rolleston identified on the Outline Development Plan in Appendix 39 and 40, and ODP Area 3 and ODP Area 8 in Rolleston, any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes shall be located no closer than 40m from the edge of the sealed carriageway of State Highways with a posted speed limit of 70 Km/hr or greater.*
- 4.9.4 *Except for the Living 3 Zone at Rolleston identified on the Outline Development Plan in Appendix 39 and 40, and ODP Area 3 and ODP area 8 in Rolleston, any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes within 100m from the edge of the sealed carriageway of State Highways with a posted speed limit of 70 Km/hr or greater shall have internal noise levels from road traffic that do not exceed the limits set out below with all windows and doors closed.*

	24 hours
Within Bedrooms	35 dBA (Leq 24 hour)
Within Living Area Rooms	40 dBA (Leq 24 hour)

- 4.4 The proposal is able to comply with the noise levels for a 100m setback under rule 4.9.4. However as the development of dwellings is anticipated within the 40m setback, a consent is required for a restricted discretionary activity under rule 4.9.3

Overall Compliance Assessment

- 4.5 As the proposed location of dwellings does not comply with rule 4.9.3 the proposed activity is a **Restricted Discretionary** activity under rule 4.9.43.

5 STATUTORY CONSIDERATIONS

- 5.1 Section 104(1) of the Resource Management Act 1991 (RMA) sets out the matters which must be considered by a consent authority in considering applications for resource consent. It is considered that in this instance regard shall be had to:
- Any actual and potential effects of allowing the activity (section 104(1)(a));
 - Any relevant objectives, policies, rules, or other provisions of the Operative District Plan (section 104(1)(b)); and
 - Any other relevant matters reasonably necessary to determine the application (section 104(1)(c)).
- 5.2 All matters listed in section 104(1) are subject to Part II of the RMA 1991, which contains its purpose and principles.
- 5.3 In addressing an application for a restricted discretionary activity, the Council in accordance with Section 104(C) may only consider matters over which:
- (a) a discretion is restricted in national environmental standards or other regulations;*
 - (b) it has restricted the exercise of its discretion in its plan or proposed plan.*
- 5.4 Based on the above, the consent authority may either grant or refuse the application, and if granted, may impose conditions under s.108 only for the matters over which it has discretion.
- 5.5 The assessment of the actual and potential effects is set out in section 7 below, and an assessment of relevant Objectives and Policies follows in section 9.

6 ASSESSMENT OF ENVIRONMENTAL EFFECTS

General

- 6.1 The Assessment of Effects (AEE) that follows focusses on the matters to which discretion is limited as it set out under *Rule 4.9.44.2 Road Boundary* in the Selwyn District Plan, being any adverse effects on:
- (a) the character of the street
 - (b) safety and visibility of pedestrians, cyclists and motorists, and
 - (c) shading of the road or footpath in winter;
 - (d) methods to mitigate any adverse effects of traffic noise on the occupants of a dwelling;
- 6.2 As conditions 41, 42 and 51 of the subdivision consent RC135261 require an acoustic fence along the boundary with SH1, matter (d) is considered to be the relevant consent matter to this application.
- 6.3 It is considered that matters a, b and c are not relevant to this particular application as they were considered in the original application for subdivision of the site, and that the approval of the subdivision anticipates the development of these lots for residential use. In particular, their development as a part of the wider subdivision will have a positive contribution to the character of the internal local street which forms a part of the subdivision layout. The allotments do not provide direct access to State Highway 1 and are instead accessed via the internal roading layout approved as a part of the wider subdivision.
- 6.4 Additionally, any shading to State Highway 1 is anticipated to be as a result of the acoustic fence, rather than any dwelling proposed on the relevant allotments, and therefore is anticipated as a part of the approved subdivision.
- 6.5 The original subdivision application was accompanied by various reports prepared by experts within their field. Those reports have been peer reviewed and accepted by Council officers. The reports of most relevance are:
- traffic noise assessment: Appendix Four; and
 - traffic report: Appendix Five;
- 6.6 The above reports have been reviewed in the context of the current application. The traffic noise assessment report applies specifically to this proposal and is adopted as part of this application. This report also demonstrates the proposals ability to meet rule 4.9.4 provided the noise control measures that form a part of the conditions of the subdivision consent are met.

Noise

- 6.7 The potential adverse effects associated with the proposed global setback are the effects of traffic noise on the occupants of a dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes located within 40m of SH1.
- 6.8 A number of noise mitigation measures have been included as conditions to RC135261 to address the effects of the SH1 noise source for Stages 9 and 10. In particular these are:
- a) **Condition 41**, which prescribes a 3m high noise barrier to be constructed along the full length of the State Highway boundary of the site;
 - b) **Condition 42** requiring detail of the landscaping of the bund which may form a part of the noise barrier, to be provided to Councils Asset Management Department for approval; and
 - c) **Condition 51**, which is a covenant and consent notice requiring the lots which are subject to this application to comply with conditions regarding the maintenance of the 3m high acoustic fence required under Condition 41, and specific conditions for acoustic insulation for any dwelling erected on any of the specified allotments.
- 6.9 Marshall Day Acoustics (MDA) has provided an assessment of the traffic noise anticipated at the road boundary until 2021 based on a conservative extrapolation of traffic flow. Their assessment and accompanying report forms **Appendix Four** of this application.
- 6.10 The MDA assessment, which has been based on the assessment undertaken for the Millgate subdivision, concludes that there is negligible anticipated increase in traffic noise from 2017 until 2021 (0.6dBA), and resultantly this increase will not alter the appropriateness of mitigation measures proposed for both Millgate and the Stonebrook subdivision which is the subject of this application.
- 6.11 The mitigation methods include a noise barrier of a minimum of three metres in height at the north of the site, in addition to specific construction elements required to be used on any north east or west facing portion of any dwelling within 40 metres of SH1. Provided that dwellings are constructed in accordance with the elements and restrictions stated in the MDA report and condition 51 of RC135261 the noise limits specified in rule 4.9.4 will be met. The requirement for a three metre noise barrier, and the aforementioned acoustic construction elements, are also secured by way of in the Conditions 41, 42 and 51 of RC135261 detailed in paragraph 6.8 above.
- 6.12 The extent of the 40 metre setback is shown in the plans which form Appendix Two. Given the requirement for the fence and construction elements identified in the MDA report as being required to comply with rule 4.9.4, it is considered that Condition 51 of RC135261 is required as a condition of consent for this application. The adoption of this condition will mitigate the effects of traffic noise on Lots 187 to 194 (Stage9) and Lots 195 to 203 (Stage 10) inclusive.
- 6.13 Given the mitigation measures proposed, which are to be ensured by way of conditions, the adverse effects of noise from SH1 on the amenity of Lots 187 to 194 (Stage9) and Lots 195 to 203 (Stage 10), and subsequent reverse sensitivity effects on SH1, are no more than minor.

Conclusion Assessment of Environmental Effects

- 6.14 On the basis of the above assessment, the effects of traffic noise the proposed global reduction in setback from the sealed carriageway of State Highway 1 are considered to be no more than minor.

7 POLICY ASSESSMENT

- 7.1 The following is an assessment of the proposed activity against the relevant policy framework of the District Plan.

Transport

- Objective B2.1.2** *An integrated approach to land use and transport planning to manage and minimise adverse effects of transport networks on adjoining land uses, and to avoid “reverse sensitivity” effects on the operation of transport networks.*
- Objective B2.1.4** *Adverse effects of land transport networks on natural or physical resources or amenity values, are avoided, remedied or mitigated, including adverse effects on the environment from construction, operation and maintenance.*
- 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.*

- 7.2 The proposal is considered to be consistent with the relevant transport objectives and policy in that adverse effects on the amenity of the residential receiving environment resulting from the reverse sensitivity effects of the State Highway are appropriately mitigated by the proposed conditions.

Quality of the Environment

- Objective B3.4.1** *The District’s townships are pleasant places to live and work in.*
- Objective B3.4.2** *A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.*
- Objective B3.4.3** *“Reverse sensitivity” effects between activities are avoided.*

Noise

- Policy B3.4.10** *Ensure noise in all zones does not adversely affect the health or well-being of people.*

- 7.3 Having regard to objective B3.4.3 which seeks to “avoid” reverse sensitivity effects between activities, it is considered that effects of traffic on residential activities cannot always be avoided, given the interactive nature of the two activities. Where effects cannot be avoided, mitigation is considered to be an appropriate measure.

- 7.4 Given the above, the proposal is considered to be not inconsistent with the objectives and policies around the quality of the environment.

Summary

- 7.5 The above assessment concludes that the proposal is not inconsistent with the relevant objectives and policies of the District Plan.

8 PART 2 MATTERS

- 8.1 The purpose of the Act under section 5 is to promote the sustainable management of natural and physical resources. The term sustainable management includes *...enabling people and communities to provide for their ... well being ... while – sustaining the potential of natural and physical resources... and avoiding, remedying, or mitigating any adverse effects of activities on the environment.* The proposed activity will not conflict with any of the matters in section 5(a) – (c).
- 8.2 The matters of national importance recognised in s6 of the Act are not relevant to this application. In terms of s7, matters (c) and (f) are of most relevance. It is concluded that the proposed activity will maintain residential amenity values within the Living Zone, whilst preserving the rural amenity values on the adjoining areas. On balance the quality of the environment will be enhanced as a result of the proposed landscape treatments.
- 8.1 The proposal will provide for the efficient use and development of the CDL land subdivision, which will provide for the well-being of communities. The proposal for a global reduction in the setback from SH1 mitigates any adverse effects whilst providing opportunity to access the amenity features, opportunities for recreation and enjoyment of the natural environment offered by the wider subdivision.
- 8.2 On balance, it is considered that the proposal is consistent with the purpose and principles of the Act and the application is in order for approval.

9 CONCLUSION

- 9.1 The proposal is for a global reduction in setback to apply to Lots 187 – 194 (Stage 9) and Lots 195 – 203 (Stage 10) to erect any dwelling, family flat and any rooms within any accessory buildings used for sleeping or living purposes within 40m of State Highway 1.
- 9.2 The recent seismic events in the Canterbury area and the damage sustained to housing stock, has led to a shortage of housing. The consented subdivision responds to this situation by proposing a comprehensively planned subdivision, in line with the aspirations for growth in the Rolleston Township outlined in various statutory and non-statutory documents.
- 9.3 This proposal allows for full and efficient residential development within the approved subdivision. The proposed consent condition will adequately mitigate any adverse effects of traffic noise on any future residential activity to occur on the particular allotments.
- 9.4 Further, the proposal is consistent with the objectives and policies of the Selwyn District Plan. The proposal is also in accordance with the principles, and achieves the purpose of the RMA.
- 9.5 As such it is considered that consent can be granted to the proposal.



WELLINGTON

June 2015

APPENDIX ONE

APPENDIX TWO

APPENDIX THREE

APPENDIX FOUR

APPENDIX FIVE