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| --- | --- |
| Resource Management Act 1991 | CCC logo Black&White |
| **Report / Decision on a Resource Consent Application**  (Sections 95A, 95B and 104 / 104B / 104C / 104D) | |

*Applications for at-grade temporary carparks in CCZ and CCMU/SF zones*

|  |  |
| --- | --- |
| **Application number:** | **RMA/+** |
| **Applicant:** | Wilson Parking NZ Limited |
| **Site address:** | + |
| **Legal description:** | + |
| **Zone:** | City Centre Zone |
|  | Central City Mixed Use zone (South Frame) |
| **Overlays and map notations:** | Central City Core / Frame overlay |
|  | Liquefaction Management Area |
|  | Flood Management Area |
|  | + |
| **Adjacent to:** | e.g. Heritage item or setting, Open Space zone, Ngai wai, Laneway |
|  |  |
| **Activity status:** | Restricted Discretionary / Discretionary |
|  |  |
| **Application:** | To establish a temporary carpark for + months/years |

# Proposed activity

Consent is sought to establish / operate a temporary carpark for a period of + months / years. The proposal is described on page + / in section + of the application, and in brief it will provide + parking bays, and will operate 24 hours a day, 7 days a week.

The site has been used as a temporary carpark since + when it was established via a temporary accommodation approval under earthquake recovery legislation (RMA+).

The applicant has reviewed the proposed conditions of consent and has / has not accepted all of these. Further discussion on this is included below.

# Description of site and existing environment

The application site and surrounding environment are described in section + of the application. I adopt the applicant’s description and note the following additional points:

* +

*Make sure the site is clearly identified, especially if it is only part of a site.*

Note the type, size and location of any signage that would potentially impact on total signs permitted on the site or would reduce the effectiveness of landscaping as mitigation, i.e. “display boards” on corners.

*Insert aerial photo and/or street view*

# Activity status

**Christchurch District Plan**

The site is zoned Central City Business / Central City Mixed Use / Central City Mixed Use (South Frame) in the Christchurch District Plan.

The proposal requires resource consent for a restricted / discretionary activity under the following rules:

| **Activity status rule** | **Standard not met** | **Reason** | **Matters of discretion** | **Notification clause** |
| --- | --- | --- | --- | --- |
| **Chapter 5 Natural hazards** | | | | |
| 5.4.1.5 RD2 | 5.4.1.1 P14 | Up to 20m3 of fill and 50m3 of total cut and fill are permitted in the FMA to a depth of 0.6m and height of 0.3m.  A 150mm layer of compacted new AP40 metalcourse will be placed requiring some +m3 of fill. | Timing, location, scale and nature of earthworks  Earthworks method  Mitigation of flooding and surface drainage effects  5.4.1.5 RD2 b. | No clause |
| **Chapter 7 Transport** | | | | |
| 7.4.2.3 RD1 | 7.4.3.1 b.ii. Minimum dimensions of car parking spaces provided | The dimension of carparks + is less than the required +m in Appendix 7.5.1, Table 7.5.1.3 - +m proposed. | 7.4.4.1 - Parking space dimensions | No clause |
| 7.4.2.3 RD1 | 7.4.3.1 b.iii. Mobility parking spaces | 2 mobility spaces are required. None are provided. | Rule 7.4.4.2 – Mobility parking spaces | No clause |
| 7.4.2.3 RD1 | 7.4.3.4 Manoeuvring for parking areas and loading areas | On-site manoeuvring does not meet the requirements of Appendix 7.5.6 as +  On-site manoeuvring is not provided for + | 7.4.4.5 - Manoeuvring for parking areas and loading areas | Shall not be limited or publicly notified |
| 7.4.2.3 RD1 | 7.4.3.6 Design of parking areas and loading areas | Lighting of parking areas / loading areas will not be maintained at a minimum level of two lux during the hours of operation.  The surface of the parking areas / loading areas and associated access areas will not be formed, sealed, drained and spaces permanently marked. | 7.4.4.7 - Illumination of parking areas and loading areas  7.4.4.8 - Surface of parking areas and loading areas | Shall not be limited or publicly notified |
| 7.4.2.3 RD1 | 7.4.3.7 Access design | Appendix 7.5.7 requires a minimum legal access width of 5m and a formed width of between 5.5m and 9m where more than 15 parking spaces are provided. The proposed access width is +m.  at the road boundary, and a visibility splay either side of the entrance, and for a length of at least 2m measured from the road boundary. The proposed vehicle access does not comply as +  A +m queue space is required where +-+ parking spaces are provided. No queue space is proposed / The proposed queue space +  An audio and visual pedestrian warning method is required for vehicle access onto streets within the Core. No warning method is proposed.  Either a visibility splay in accordance with Appendix 7.5.9, or an audio and visual pedestrian warning method, is required for vehicle access onto streets within the Central City outside the Core. No visibility splay or warning method is proposed. | 7.4.4.9 - Vehicle access design  7.4.4.10 – Queuing spaces  7.4.4.11 – Visibility splay | Shall not be limited or publicly notified |
| 7.4.2.3 RD1 | 7.4.3.8 Vehicle crossings | The proposed vehicle crossing does not comply as + | 7.4.4.12 - Vehicle crossing design  7.4.4.13 - Minimum distance between vehicle crossings  7.4.4.14 - Maximum number of vehicle crossings  7.4.4.15 - Minimum distance between vehicle crossings and intersections | Shall not be publicly notified and shall be limited notified only to NZTA where there is direct access to a state highway and NZTA has not given its written approval |
| 7.4.2.3 RD1 | 7.4.3.10 High trip generators | The proposed activity is classified as a high trip generator as + | 7.4.4.18 - High trip generators | No clause |
| 7.4.2.3 RD1 | 7.4.3.11 Vehicle access to sites fronting more than one street, within the Central City | Vehicle access must be gained from the preferred road(s), as per Appendix 7.5.14. The proposal does not comply as + | Rule 7.4.4.21 - Vehicle access to sites fronting more than one street - within the Central City | No clause |
| 7.4.2.3 RD8 | - | In the Central City, any permanent car parking buildings or parking lots where the car parking is the primary activity on that site is a restricted discretionary activity. | 7.4.4.25 - Commercial car parking buildings and parking lots | No clause |
| **Chapter 8 Earthworks** | | | | |
| 8.9.2.3 RD1 | 8.9.2.1 P1 a. Earthworks volume and depth | The proposed earthworks may exceed the maximum permitted volume in Table 9 of 200m3/ 1000m3 per hectare / depth of 0.6m.  A capping layer of 150mm would result in approximately +m3 of fill (approximately +m3 permitted). | 8.9.4 - Matters of discretion for earthworks, incl: 8.9.4.1 Nuisance 8.9.4.3 Land stability  8.9.4.6 Amenity | 8.9.1 a. - Must not be publicly notified |
| **Chapter 15 City Centre zone** | | | | |
| 15.11.1.3 RD5  An activity listed in rule 15.11.1.3 **RD8** (parking lot) that does not meet one or more of the built form standards in Rule 15.11.2. | 15.11.2.6 Location of onsite parking areas | Parking areas within the Core shall be located to the rear of, on top of, within or under buildings.  The car park is not in one of these locations as there is no building on the site. | 15.14.3.20 – Location of on-site car parking | Shall not be publicly or limited notified. |
| 15.11.1.3 RD5  An activity listed in rule 15.11.1.3 **RD8** (parking lot) that does not meet one or more of the built form standards in Rule 15.11.2. | 15.11.2.7 Fences and screening structures | The maximum height of any fence or screening structure located within 4.5m of the road boundary is 2m where at least 50% of the fence structure is visually transparent, or 1.2m where less than 50% of the fence structure is visually transparent.  The proposed fence … | 15.14.3.21 - Fencing and screening structures | Shall not be publicly or limited notified. |
| 15.11.1.3 RD8 Parking lot / parking building | - | The proposal is a parking lot. | 15.14.2.6 – City Centre Zone urban design | No clause |
| **Chapter 15 Central City Mixed Use zone** | | | | |
| 15.12.1.4 D1  Parking lot / parking building | - | The proposal is a parking lot. | - | No Clause |
| **Chapter 15 Central City Mixed Use zone (South Frame)** | | | | |
| 15.13.1.4 D1  Permanent car parking buildings or lots upon which car parking is the primary activity | - | The proposed carpark will be the primary activity on the site, for a period of + months / + years. | ***For guidance only as the proposal is fully discretionary***  *15.14.2.11 Urban Design in the Central City Mixed Use zone (South Frame)* | No clause |

For completeness I note the following

* An advice note to the above-tabled rule 15.11.1.3 RD8 refers the reader to rule 7.4.2.5 NC3 in the Transport chapter, which states that any activity within the Commercial Central City Business zone (Core) that does not comply with rule 7.4.3.1 b. i is a non-complying activity. Rule 7.4.3.1 b i limits the amount of parking and manoeuvring area on a site to 50% of the gross leasable floor area GLFA of the building on the site. This proposal has no building on the site and therefore no floor area, so the rule does not apply. *Core only*
* Rule 7.4.2.3 RD6 only provided for temporary use of Central City sites for car parking until 30 April 2018.
* The proposal will comply with District Plan rules for freestanding signs which permit one permitted per vehicle access and one per pedestrian access. Signs relating to a formed vehicle access do not need to be located at the vehicle entrance they relate to. *See rule 6.8.4.2.6 - Free standing signs to determine full compliance*

**National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)**

*This may be triggered as demolition sites are considered to more likely that not to contain asbestos. Should earthworks remove more than 5m3 of this material off site resource consent under the NES is required – EH review required.*

*For identified HAIL sites…….*

The [NES](http://www.legislation.govt.nz/regulation/public/2011/0361/latest/whole.html) controls soil disturbance on land where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or is more likely than not to have been carried out.

The application site has been identified as HAIL land but the NES is not applicable as the proposed soil disturbance and removal does not exceed the permitted volumes. *Note though for a fully discretionary activity all effects can be considered.*

OR

The application site has been identified as HAIL land therefore the NES applies. The proposal requires consent as a + activity under the following regulations:

| **Activity status regulation** | **Regulation not met** | **Reason** | **Matters of control or discretion** | **Notification clause** |
| --- | --- | --- | --- | --- |
| As below | Regulation 8(3) Disturbing soil | The volume of soil disturbed will exceed 25m3 per 500m2. Approx. +m3 disturbance is proposed.  The volume of soil to be removed from the site will exceed 5m3 per 500m2. Approx. +m3 is proposed to be removed. | As below | As below |
| Regulation 9(1) Controlled activities | As above | A Detailed Site Investigation exists and the report states that soil contamination does not exceed the applicable standard in Regulation 7. | Specified in Regulation 9(2) | Must not be publicly notified |
| Regulation 10(2) Restricted discretionary activities | As above | A Detailed Site Investigation exists and the report states that soil contamination exceeds the applicable standard in Regulation 7. | Specified in Regulation 10(3) | No clause |
| Regulation 11 Discretionary activities | As above | A Detailed Site Investigation has not been carried out / has not been provided to the Council. | N/A | No clause |

**Overall activity status**

Overall, the application must be assessed as a restricted / discretionary activity.

# Written approvals [Sections 95D, 95E(3)(a) and 104(3)(a)(ii)]

No written approvals have been provided with the application.

# NOTIFICATION ASSESSMENT

# Adverse effects on the environment and affected persons [Sections 95A, 95B, 95E(3) and 95D]

*If notification is precluded by a rule in the Plan or because the application is a controlled activity, delete this section and assess effects under the s104 heading instead, replacing references to s95A-E with the s104 equivalents.*

When assessing whether adverse effects on the **environment** will be, or are likely to be, more than minor, any effects on the owners and occupiers of the application site and adjacent properties must be disregarded (section 95D(a)). The assessment of **affected persons** under section 95E includes persons on adjacent properties as well as those within the wider environment.

As a restricted discretionary activity, assessment of the effects of this proposal is limited to the matters of discretion for the rules breached as referenced above.

OR

As a discretionary activity, assessment of this proposal is unrestricted and all actual and potential effects must be considered. Guidance as to the effects that require consideration is contained in the relevant objectives and policies, and associated matters of discretion for rules breached as reference above.

The objectives and policies in the District Plan set the context for assessing the effects of the application including those in chapter 4, 7, 14 and 15. I note that while Chapter 7 includes objectives and policies that seek to *promote* public transport and active transport (walking and cycling), the development of parking buildings and parking lots is to be *managed* (i.e. Policy 7.2.1.4) in the Central City so that they

* 1. *support the recovery of the*[*Central City*](https://districtplan.ccc.govt.nz/common/user/contentlink.aspx?sid=123598)*;*
  2. *are easily*[*accessible*](https://districtplan.ccc.govt.nz/common/user/contentlink.aspx?sid=123528)*for businesses within the*[*Central City*](https://districtplan.ccc.govt.nz/common/user/contentlink.aspx?sid=123598)*;*
  3. *minimise any adverse effects on the efficiency and safety of the transportation networks of all users, to the extent practicable;*
  4. *protect the amenity values of the Central City;*
  5. *reduce the need for activities to provide their own on-site parking;*
  6. *do not significantly adversely affect the demand for public transport to, from or within the*[*Central City*](https://districtplan.ccc.govt.nz/common/user/contentlink.aspx?sid=123598)*.*

The objectives and policies in Chapter 15 build on the themes in A to F and include a focus on buildings that define the edge of roads and open space, achieving a high standard of amenity, creating a high quality pedestrian environment, intensifying commercial activity (especially retail and office) in the Commercial Central City Business zone and activities in the mixed-use zones that support and do not compromise the Commercial Central City Business zone.

Having regard to the above, I consider that the potential effects of the activity relate to: *Please make sure you read and understand objectives and policies. An example assessment for a discretionary activity for the commercial zone is as follows:*

**Effects on Central City Revitalisation**

The granting of consent for a limited duration is not expected to preclude the establishment of buildings/intensified activities for the benefit of the Central City recovery/revitalisation. In addition, the temporary car park will provide for a higher level of amenity than a vacant site.

**Visual Effects/Urban Design**

Landscaping is used to mitigate the adverse visual effects of the car park on the streetscene but will not fully mitigate the lack of continuity of built form and a lack of active engagement along the street edge. Notwithstanding any adverse effects are for a limited duration (X years) and do not foreclose the opportunity to construct a building on the site in the future.

**Crime Prevention / Lighting**

The applicant’s assessment on page XXX of the application demonstrates that the proposal is in keeping with CPTED principles noting that landscaping allows for good visibility between the parking area and public realm, the boundary of the public/private land is demarcated by landscaping, regular maintenance of the site will create a perception of care and safety and lighting is provided for night-time use (minimum of 2 lux). The proposal will comply with the lighting spill standards in 6.3 of the District Plan

**Noise**

The car park will comply with noise standards in the District Plan and is considered to effect surrounding land in much the same way as a permitted activity.

**Parking Surface**

*Assess here if it is not sealed as per the District Plan.*

**Transport Safety**

The transport safety assessment in Appendix X of the application has been reviewed by XXXX, Transport Planner. In summary he/she advises that:

I adopt that assessment

**Earthworks**

The applicant has adopted conditions requiring preparation and adherence to an erosion and sediment control plan, and the unloading of trucks within the application site. The works are largely limited to a capping / compaction layer of fill, therefore will not result in any noticeable difference to the visual appearance of the site beyond existing.

**Human Health**

The land contamination assessment in Appendix x of the application has been reviewed by XXXX Environmental Health Officer. In summary she/he advises that

I adopt this assessment.

**Stormwater**

The stormwater system includes a swale and sump system which will also require separate stormwater approval by a Council Stormwater Engineer.

**Transport Demand**

The site is relatively small scale and the overall use is for a limited duration and therefore the proposal on its own and cumulatively with other parking facilities will have an insignificant effect on public transport and encouraging walking and cycling.

**Conclusion**

Overall, I consider that any adverse effects on the wider environment will be less than minor and that there will be no affected persons.

# Notification tests [Sections 95A and 95B]

Sections 95A and 95B set out the steps that must be followed to determine whether public notification or limited notification of an application is required.

|  |  |
| --- | --- |
| **PUBLIC NOTIFICATION TESTS – Section 95A** | |
| ***Step 1: Mandatory notification – section 95A(3)*** | |
| * Has the applicant requested that the application be publicly notified? | **No** |
| * Is public notification required under s95C (following a request for further information or commissioning of report)? | **No** |
| * Is the application made jointly with an application to exchange reserve land? | **No** |
| ***Step 2: If not required by Step 1, notification is precluded if any of these apply – section 95A(5)*** | |
| * Does a rule or NES preclude public notification for all aspects of the application? | **No** |
| * Is the application a controlled activity? | **No** |
| * Is the application a boundary activity? | **No** |
| ***Step 3: Notification required in certain circumstances if not precluded by Step 2 – section 95A(8)*** | |
| * Does a rule or NES require public notification? | **No** |
| * Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor (discussed above)? | **No** |
| ***Step 4: Relevant to all applications that don’t already require notification – section 95A(9)*** | |
| * Do special circumstances exist that warrant the application being publicly notified? | **No** |

[Comments]

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

|  |  |
| --- | --- |
| **LIMITED NOTIFICATION TESTS – Section 95B** | |
| ***Step 1: Certain affected groups/persons must be notified – sections 95B(2) and (3)*** | |
| * Are there any affected protected customary rights groups or customary marine title groups? | **No** |
| * If the activity will be on, adjacent to, or might affect land subject to a [statutory acknowledgement](http://legislation.govt.nz/act/public/1998/0097/latest/DLM431351.html) - is Te Rūnanga o Ngāi Tahu an affected person in this regard? | **No** |
| ***Step 2: If not required by Step 1, notification is precluded if any of the following apply – section 95B(6)*** | |
| * Does a rule or NES preclude limited notification for all aspects of the application? | **No** |
| * Is this a land use consent application for a controlled activity? | **No** |
| ***Step 3: Notification of other persons if not precluded by Step 2 – sections 95B(7) and (8)*** | |
| * Are there any affected persons under s95E, i.e. persons on whom the effects are minor or more than minor, and who have not given written approval (discussed above)? | **No** |
| ***Step 4: Relevant to all applications – section 95B(10)*** | |
| * Do special circumstances exist that warrant notification to any other persons not identified above? | **No** |

[Comments]

In accordance with the provisions of section 95B, the application **must not be limited notified**.

# Notification recommendation

That, for the reasons outlined above, the application be processed on a **non-notified** basis pursuant to sections 95A and 95B of the Resource Management Act 1991.

**Reported and recommended by:** name and position **Date:** +

**Reviewed by:** name and position**Date:** +

*(review required if Planner Level 2 or Planning Technician - delete if not required)*

# Notification decision

That the above recommendation be accepted for the reasons outlined in the report.

|  |
| --- |
| Decision maker notes *Delete this box if not used*  + |

**Delegated officer:**

[Insert digital signature]

**Commissioner:**

|  |  |  |  |
| --- | --- | --- | --- |
| Name: |  |  |  |
| Signature: |  |  |  |
| Date: |  |  |  |

# SECTION 104 ASSESSMENT

# Actual and potential effects on the environment [Section 104(1)(a)]

The adverse effects on the environment are assessed in the preceding section 95 discussion, and that assessment is equally applicable here.

In addition, I note that the proposal will have the following positive effects:

* *Delete if no particular effects worth mentioning, or for RD activities only include if the positive effects relate to the matters of discretion*

Discuss any conditions not agreed

Overall, I consider that the effects of the proposed activity on the environment will be acceptable.

Overall, I consider that the effects on the environment are able to be mitigated through compliance with recommended conditions such that they will be **+** and acceptable.

# Relevant objectives, policies, rules and other provisions of the Plan [Section 104(1)(b)(vi)]

I have considered the relevant objectives and policies in the District Plan in chapters 4, 7, 14 and 15 and Plan Change 14. The assessment of effects generally addresses the resource management issues that need to be considered under these objectives and policies. I consider that the proposal is not contrary to them on the basis that this consent is for a limited duration.

*A more detailed assessment may be required for a residential zoned car park.*

# Relevant provisions of a National Environmental Standard, National Policy Statement, Regional Plan, Regional Policy Statement or Coastal Policy Statement [Section 104(1)(b)]

The National Environmental Standard for managing contaminants in soil to protect human health is relevant to this application and is discussed above.

The District Plan gives effect to the higher order documents referred to in s104(1)(b) for all matters except the National Policy Statement on Urban Development (NPS-UD) which came into effect on 20 August 2020. The Council has commenced the Plan change process to give effect to the NPS-UD, with proposed Plan Change 14 including provisions enabling urban intensification around centres and other amenities, services, and transport corridors, however its provisions do not yet have legal effect.

Overall I consider this proposal is not inconsistent with the NPS-UD as proposed to be given effect to by PC14

# Other relevant matters [Section 104(1)(c)]

It is considered that there are no other relevant matters relevant to the determination of this application.

# Part 2 of the Resource Management Act [Section 104(1)]

Taking guidance from case law[[1]](#footnote-1), the District Plan is considered to be the mechanism by which the purpose and principles of the Act are given effect to in the Christchurch District. It was competently prepared through independent hearing and decision-making processes in a manner that appropriately reflects the provisions of sections 5-8 of the Act. Accordingly no assessment against Part 2 is considered necessary.

# Section 104(3)(d) notification consideration

Section 104(3)(d) states that consent must not be granted if an application should have been notified and was not. No matters have arisen in the assessment of this application which would indicate that the application ought to have been notified.

# Section 104 Recommendation

That, for the above reasons, the application **be granted** pursuant to Sections 104,104B, 108 and 108AA of the Resource Management Act 1991, subject to the following conditions:

*Tailor the conditions to the specific site / proposal*

1. The activity shall proceed in accordance with the information and plans submitted with the application, including +.

**Site surface and layout**

1. The site shall be sealed with asphalt, except for landscaped areas, and drain to required stormwater treatment. All carparks shall be painted on site.

OR

The existing site surface shall be resurfaced.  This shall be undertaken by:

- Regrading the surface to drain to the installed internal stormwater treatment system required by condition 8. *Required for all carparks*

- Using clean fill or reuse of excavated material where necessary for levelling.

- Compacting the base layer to provide a firm unyielding surface.

- Finishing with a 100/150mm layer of new AP40 metalcourse placed and compacted to a minimum dry density of 2150kg/m3. There shall be no surface stone/metalcourse greater than 40mm. *Discuss with EH – generally 100mm for 12 months and 150 for up to 5 years. For HAIL sites additional capping may be required over all or part of site.*

1. The entry and exit shall be hard sealed with asphalt for a minimum length of 5m from the front boundary and for the full width of the access/specify width. This shall be completed within 3 months of the date of this consent.

*Note: This is to prevent debris tracking to public space/footpath/road.*

*Adjust for 12 month consents/smaller sites – i.e. 5.5m wide x 5m length, but all should provide sealing of access.*

1. *Can add earthwork general conditions as necessary. Earthworks within Flood management areas are limited to 20m³ per site 0.3m of filling above ground level and 0.6m depth of excavation below ground level.*
2. An Engineering Completion Certificate (IDS – Part 3, Appendix VII), signed by an appropriately qualified and experienced engineer, is completed and presented to Council. This is to certify that the metalled surface has been formed in accordance with the consent conditions. This certificate shall be presented to council *before the site is opened to public use / by <date>*.
3. Physical barriers shall be provided to demarcate parking aisle areas. These shall be waratah and cable (not rope or tape) or permanent in-ground open fencing to a maximum of 1.2m height. Any wood shall be painted.
4. Carparks shall be marked with painted timber half rounds at least 1.3m in length for each carpark. *For carparks on compacted gravel surfaces*
5. A +m queue space shall be provided. This can be formed by e.g. removing carpark/s + and replacing with additional landscaping either in ground or specified continuous planters. *Describe what is required*
6. Any Wilson Carparks signage shall be located at the vehicle access, and not within corner landscaping areas which are required for visual mitigation. Signage shall not block visibility splays.
7. A mirror/mirrors shall be installed at the exit to ensure clear visibility for drivers exiting the site.
8. An audio and visual warning method to alert pedestrians of exiting vehicles shall be installed prior to commencement of operation of the carpark / by <date>. *Use or remove as required - site and scale of carpark dependent, planner to use discretion - may not be necessary for every application.*

**Stormwater**

1. Within + months of issuing this consent the consent holder shall submit engineering plans for approval of the stormwater first flush treatment design to [stormwater.approvals@ccc.govt.nz](mailto:stormwater.approvals@ccc.govt.nz). This must be located outside the required landscape areas. The acceptable options for first flush treatment are: *There might be an update to this condition to add more treatment types coming soon.*
   1. A rain garden or tree pit designed to the Council’s Rain Garden Design Criteria and/or Tree Pit Design Criteria.
   2. A soil absorption or sedimentation basin designed to capture the runoff from the first 25mm of rainfall.
   3. A vegetated swale designed in general accordance with Auckland Council's TP10 to treat the runoff from a 5mm/hr intensity storm.
   4. One of the following proprietary devices designed to treat the runoff from a 5mm/hr intensity storm:
      * Stormwater360 Stormfilter.
      * Stormwater360 Filterra.
      * Hynds Up-Flo Filter.
      * SPEL Bayfilter.
      * SPEL Hydrosystem.
2. Within 3 months of issuing this consent / Prior to commencement of the parking activity the approved stormwater first flush treatment system is to be installed and operational. Engineering works are to be installed in accordance with the approved plans.

***Note:*** *The consent holder must obtain authorisation for the discharge of construction phase and operational phase stormwater from Christchurch City Council (contact the Stormwater Approvals team via* [*StormwaterApprovals@ccc.govt.nz*](mailto:StormwaterApprovals@ccc.govt.nz)*), otherwise separate authorisation from Environment Canterbury must be obtained.*

**Landscaping**

*When considering carparks that have had a 12month approval and are now seeking longer – e.g. up to 5 years, much greater landscaping that what was provided should be sought.*

1. The existing landscaping comprising +, located +, as shown the Site / Landscape Plan / photographs labelled RMA/+ Page + of the Approved Consent Plans, shall be maintained. Any dead, diseased, or damaged landscaping shall be replaced by the consent holder within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species and capable of achieving a minimum height of + m *and location if necessary.*
2. Landscaping shall be established in accordance with the Site / Landscape Plan labelled RMA/+ Page + of the Approved Consent Plans, except as amended by subsequent conditions.

***Note:*** *If the stormwater treatment required by previous conditions is located within the landscaped area and requires a reduction in approved trees, an application to change the conditions under s127 is likely to be needed.*

1. The proposed trees / shrubs *state species and number*, as shown on the landscape plan referred to in Condition + must be at least + m in height at the time of planting and once established must be maintained at a height of at least + m thereafter.
2. The proposed planting providing lower level coverage within the landscaped area shown on plan + shall be generously filled with plants to ensure there are no gaps greater than 300mm between plants at the time of planting. *In-ground planting*
3. The proposed landscaping shall be established on site within 6/12 weeks of the date of this consent *or*  *adjust to the next planting season if appropriate.*  Note the planting season extends from 1 April to 30 September and planting during this period will enable the best chance of survival of the plants.

*Advice note: Given planting would be undertaken outside of planting season of 1 April to 30 September plants should be deep watered at least once weekly to ensure survival, noting any dead or diseased*

*plants would have to be replaced under condition 25 below. (Use or remove as required)*

1. The size of the planters shall be 1m wide x 1m high *(for 12+ months, or amend as needed, e.g. two level planters to provide lower and higher depth planting or wider planter for mitigation on highly visible sites)* and shall be continuous along the road frontages, except for vehicle access and one pedestrian access per frontage.
2. Any wooden planters shall be stained.
3. All above-ground planters shall be lined and filled with compost and plant food when installed, to enable the best chance of survival of the plants.
4. All above-ground planters shall be generously planted to ensure there are no gaps greater than 300mm between plants at the time of planting.
5. All above-ground planters shall be located so as to not obstruct required visibility splays.
6. Fencing along the front boundary/internal boundary shall be open … *further describe type and height*.

e.g. Fencing must be either a post and cable fence as per the CSS detail SD714 or a post and chain fence as per the CSS detail SD715.

1. Part of the site shall be fenced off to prevent access to areas outside of the approved carparking location. This fencing shall be located *(where)* and consist of *(what)* and shall remain in place for the duration of the consent.
2. All fencing on site shall be open and of a standard design.
3. All hard and soft landscaping required by these conditions shall be maintained. Any dead, diseased, or damaged landscaping shall be replaced by the consent holder within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species to the existing landscaping and capable of achieving a minimum height of + m *and location if necessary*.

**Lighting / Night time use**

1. Lighting shall be installed on site by <date>. This lighting shall be designed to ensure a minimum level of 2 lux is achieved to all parts of the site with high uniformity across the site. The lighting shall operate during darkness hours of operation as follows:

* 6pm – 6am from the end of daylight savings time in April until the onset of daylight savings time in September; and
* 9pm – 6am from the start of daylight savings time in September until the end of daylight savings time the following April.

1. A certificate from a qualified lighting specialist shall be provided to the Council by <date>, via email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz), to confirm that the lighting is installed on site in accordance with condition 26.
2. Should the operating hours of the carpark be reduced to hours wholly outside of the darkness hours specified in condition 26, the lights can be turned off however all vehicle entry and exits shall be locked so that there is no vehicle access available during darkness hours specified in condition 26. The site shall be locked each night by an in-ground physical barrier, such as bollards, automatic parking barrier controls, or a gate and lock system, that prevents vehicle access to the site. The consent holder shall advise Council of any future variation in operating hours via email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz) prior to any change to these.

**Maintenance**

1. The site shall be maintained twice-weekly, with pot holes filled, uneven surfaces regraded, weeds removed, broken fencing fixed or replaced and pavement swept to prevent tracking of debris to road. A maintenance log shall be kept and be made available to Council on request.

**Duration of consent**

1. This consent shall expire 6/12 months / 3/5/10 years from the date of this decision, at which time the activity shall cease.

**Self-certification of compliance with conditions**

1. Within + months of + the consent holder must submit photographic evidence, of sufficient quality and detail, to demonstrate compliance with Condition +. This should be sent via email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz), Attention: Compliance Officer. *For stormwater / landscaping conditions.*

**Advice Notes: (**[**click to view standard conditions**](trim://14/571683?view) **and** [**earthworks conditions**](trim://19/1497553?view)**)**

1. This resource consent will **lapse five years** **from the date it is issued** unless it is given effect to (i.e. the activity is established) before then.Application may be made under Section 125 of the Resource Management Act 1991 to extend the period for giving effect to the resource consent, and this must be submitted prior to the consent lapsing.
2. It is important that all **conditions of consent** are complied with, and that the consent holder continues to comply with all conditions, to ensure that the activity remains lawfully established. **Monitoring** will be carried out to ensure the conditions are complied with and that the development proceeds in accordance with the plans and details which were submitted with the application.

The Council will require payment of its **administrative charges** in relation to monitoring, under section 36 of the Resource Management Act 1991. The monitoring programme administration fee and initial inspection fee OR document verification fee *(only use for remote locations)* will be charged to the applicant with the consent processing costs. If more than one inspection, or additional monitoring activities (including those relating to non-compliance with conditions), are required, the additional time will be invoiced to the consent holder when the monitoring is carried out, at the applicable hourly rate. The current monitoring charges are outlined on the [Resource Management Fee Schedule](https://www.ccc.govt.nz/assets/Documents/Consents-and-Licences/resource-consents/P-301-Resource-Management-Fee-Schedule.pdf).

* Any extension to the time sought for the property to remain as a carpark will result in stormwater first flush treatment being required. Information about acceptable treatment solutions can be obtained from [stormwater.approvals@ccc.govt.nz](mailto:stormwater.approvals@ccc.govt.nz). *For new to 12 month consents only – any longer should provide the full stormwater condition above.*
* Any extension of time sought for the operation of the carpark may result in additional landscaping, and an additional capping layer required. *For up to 12 month consents.*
* This resource consent has been processed under the Resource Management Act 1991 and relates to **planning matters only**. You will also need to comply with the requirements of the Building Act 2004 and any other legislative requirements (including but not limited to Environment Canterbury Regional Plans, archaeological authority, certificate of title restrictions such as covenants, consent notices, encumbrances, right of way or easement restrictions, landowner approval where required).
* As the proposal involves the construction or alteration of a **vehicle crossing**, a Vehicle Crossing Application to the Council's Transport Unit is required.  Please refer to our webpage for more information: [Vehicle crossings : Christchurch City Council](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ccc.govt.nz%2Ftransport%2Fworking-on-our-roads%2Fvehiclecrossing%2F&data=05%7C02%7CCatherine.Elvidge%40ccc.govt.nz%7Cb1a10e7194ef47a305e908dd1318a0d2%7C45c97e4ebd8d4ddcbd6e2d62daa2a011%7C0%7C0%7C638687718676901549%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=3lBpVNl6NjRGblPbO4NkVbrRa7utKA1rFK1nq%2FeRU8Y%3D&reserved=0). Please allow plenty of time for your vehicle crossing application. If any changes are needed to the road layout or markings it may require consultation and approval by Council, the Parking Committee or the local Community Board (depending on the changes) and can take up to 3 months. The costs of making the changes must be met by the consent holder. Should the vehicle crossing application not be approved, a variation to the conditions of this resource consent may be required under section 127.
* *Redundant vehicle crossing*

As the proposed development will result in the redundancy of an existing **vehicle crossing**, the consent holder will need to consult with the Council’s Vehicle Crossing Engineer to reinstate the redundant crossing. Please refer to our webpage for more information: [Vehicle crossings : Christchurch City Council](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ccc.govt.nz%2Ftransport%2Fworking-on-our-roads%2Fvehiclecrossing%2F&data=05%7C02%7CCatherine.Elvidge%40ccc.govt.nz%7Cb1a10e7194ef47a305e908dd1318a0d2%7C45c97e4ebd8d4ddcbd6e2d62daa2a011%7C0%7C0%7C638687718676901549%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=3lBpVNl6NjRGblPbO4NkVbrRa7utKA1rFK1nq%2FeRU8Y%3D&reserved=0). The costs of making the changes must be met by the consent holder.

* Any signage will need to comply with the relevant District Plan rules or a separate resource consent obtained.
* This site may be an archaeological site as defined and protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. Archaeological sites are defined in the HNZPTA as any place in New Zealand where there is physical evidence of pre-1900 occupation, regardless whether the site is known or not, recorded in the NZAA Site Recording Scheme or not, or listed with Heritage New Zealand or the local council. Authority from Heritage New Zealand is required for any work that affects or may affect an archaeological site. **Please contact the Heritage New Zealand regional archaeologist on 03 363 1880 or** [**archaeologistcw@heritage.org.nz**](mailto:archaeologistcw@heritage.org.nz) **before commencing work on the land.**

**Reported and recommended by:** **Date:** +

**Reviewed by:** name and position **Date:** +

*(review required if Planner Level 2 or Planning Technician - delete if not required)*

# Section 104 Decision

That the above recommendation be accepted for the reasons outlined in the report.

🗹 I have viewed the application and plans.

🗹 I have read the report and accept the conclusions and recommendation.

|  |
| --- |
| Decision maker notes *Delete this box if not used*  + |

**Delegated officer:**

[Insert digital signature]

**Commissioner: *(Conflict of Interest*** [***Form P-426***](trim://14/571681?view) ***also needs to be signed by commissioner)***

|  |  |  |
| --- | --- | --- |
| Name: |  |  |
| Signature: |  |  |
| Date: |  |  |

1. *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 [↑](#footnote-ref-1)