

RESOURCE MANAGEMENT ACT 1991
SELWYN DISTRICT COUNCIL

SELWYN DISTRICT PLAN
PROPOSED PRIVATE PLAN CHANGE 30
WEST MELTON BUSINESS 1 REZONING

Minute of Commissioner

June 2012

1.0 INTRODUCTION

- 1.1 This private plan change request was heard on 29 May 2012, with the hearing being adjourned to enable a site visit and further consideration of effects-based issues discussed at the hearing.
- 1.2 The Act¹ requires that a request for a plan change include a description of effects where environmental effects are anticipated. The applicant has addressed a number of effects throughout the process; however, as indicated at the hearing, my view is that not all of the relevant potentially adverse effects of the change in zoning have been assessed, and/or addressed by the provisions finally recommended by the applicant. This is particularly so given that this is not a 'greenfields' environment and that the zone is being introduced into an existing developed environment.
- 1.3 At the hearing, I was advised that negotiations with neighbours and the Selwyn District Council ("SDC") have resulted in potential adverse effects in relation to amenity and urban design being addressed and I accept that this may be the case; however, I was not privy to these negotiations and have not been provided with information regarding the outcomes/agreements. Therefore, I must make my recommendation based on the PC30 documentation and evidence received.
- 1.4 I also note that the potential effectiveness of an outline development plan ("ODP") compared with that of rules was discussed at the hearing and the applicant expressed a strong preference to continue along the path of using rules to address any adverse effects.

2.0 FURTHER ASSESSMENT REQUIRED

- 2.1 Therefore, in order to complete an adequate assessment pursuant to the relevant provisions of the Act, and make a recommendation on whether the proposed provisions are the most appropriate for achieving the Plan's objectives, further assessment of effects is required from the applicant in relation to the following matters (taking into account the provisions of Schedule 4):
- i. **AMENITY** – an assessment of effects of the change in zoning on character and amenity in relation to neighbours and the street scene is required. To clarify this request further for the applicant, the assessment should include (but is not limited to):
- Assessment as to whether the building and structure height limits in the Business 1 zone are appropriate in the West Melton context, including discussion as to what heights could be achieved on the site overall and what height could be achieved facing internal boundaries (taking into account the setback and recession plane requirements), and consideration of the existing environment and District Plan height limits in the area.
 - Assessment as to whether the absence of site coverage controls is appropriate in the West Melton context.
 - Assessment in relation to the effectiveness of the proposed 3m setback as a means of mitigation of adverse effects.
 - Assessment in relation to the necessity for visual mitigation. At the hearing, the applicant indicated that internal boundary landscaping was also intended

¹ Schedule 1, clause 22

within the proposed 3m setback, and considered an amendment to the landscaping provision to be acceptable. If the applicant's assessment in this regard results in mitigation being recommended, then a suggested wording for this provision, including a reason for rule and assessment matters, is required.

- Assessment as to whether the signage provisions of the Business 1 zone are appropriate in the West Melton context.

- ii. **NOISE / DISTURBANCE** – At the hearing, it was indicated that a tavern may be located to the rear of the site in order to act as an acoustic barrier and mitigate noise impacts on the residential neighbours, including car park noise from patrons and vehicles, but, given that there is no ODP or rule that requires buildings to be located to the rear and that the Plan provisions introduced by Plan Change 29 (“PC29”) actually seek buildings to the front and car parks to the side or rear of these, I am concerned that a different location on the site may become more appropriate through the design process and noise impacts may arise. (I should note here that I am not indicating that a rule which requires buildings to be located to the rear of the site for noise mitigation is appropriate. An urban design assessment of such a rule would be required if that was proposed.)

Therefore, I require an assessment from an acoustic expert in relation to the potential noise impacts of a tavern, or any other activity, located anywhere within this proposed Business 1 Zone in West Melton. This should include an indication of whether the noise rule proposed by the applicant is necessary and the most effective and efficient means of addressing adverse noise/disturbance effects on the residential neighbourhood (including in relation to car park noise), and whether the proposed noise limits are in fact achievable if activities (including a tavern) and their car parks were to be located in any location on the site.

- iii. **RESIDENTIAL DENSITY** – An assessment of effects in relation to the character and amenity of West Melton (including on immediate neighbours) if the zone was to include high (or higher) density, high site coverage residential development, which I understand the provisions would allow.

- 2.2 I note that there was discussion in relation to the provisions of PC29 at the hearing, particularly in relation to whether an urban design provision specific to West Melton was necessary. While Mr Glasson and Mr Friedel were both amenable to the inclusion of a specific provision for West Melton should I remain concerned, having further reviewed the details of the PC29 provisions and considered the views of the planners, I agree that the PC29 provisions will apply and will adequately cover the situation in West Melton with respect to the design and layout of buildings and car parking on the site, and in relation to the positive interaction required with the SDC reserve; therefore no further assessment is required in that regard.

3.0 PROVISION OF INFORMATION

- 3.1 The applicant is to forward the above information to Mr Friedel at SDC by 5pm, 12 July 2012. If this cannot be achieved, then Mr Friedel is to be advised of a suitable date by the applicant and this will be considered and the final timeframes advised to all parties. The applicant may of course respond sooner than 12 July.

- 3.2 Once the applicant has submitted the requested information to SDC, it will be circulated to the submitters. The submitters may then choose to provide written comments on the applicant's information. If comments are to be made, these must be provided to Mr Friedel at SDC within two weeks of the submitters' receiving the applicant's information.
- 3.3 Mr Friedel is then required to prepare a s.42A addendum addressing the additional information only; to be completed within two weeks of receiving the submitters' comments.
- 3.4 Finally, the applicant may make a written reply if they choose to do so; to be provided within two weeks of receiving Mr Friedel's s.42A addendum. If the applicant chooses not to reply, Mr Friedel is to be advised of this, in the interests of reducing timeframes.
- 3.5 The hearing will only be reconvened if necessary; therefore, the parties should indicate whether they wish the hearing to be reconvened, and, if so, why, in their comments/reply.

Commissioner Janette Dovey

12 June 2012