

PLAN CHANGE 30

RESPONSE TO COMMISSIONER'S REQUEST FOR FURTHER INFORMATION

AMENITY

Building Height

The Business 1 zone in the Selwyn District Plan allows a maximum building height of 10 metres as a permitted activity throughout all Business 1 zones in Selwyn District, including all townships such as West Melton. However, given the existing residential zoning of the site proposed to be rezoned to Business 1, it is proposed to maintain the residential height limit which exists on the site at present. Therefore, a further additional rule is proposed to allow a maximum building height of eight (8) metres as a permitted activity. The rule is as follows:

Permitted Activities — Buildings and Building Height

XXX (Rule to be renumbered) The erection of any building on the site legally described as Lot 1 DP 398852 contained in Certificate of Title 394311 which has a height of not more than 8 metres shall be a permitted activity.

Discretionary Activities — Buildings and Building Height

XXX (Rule to be renumbered) Any activity which does not comply with Rule XXX shall be a discretionary activity.

Site Coverage Controls

It is considered that there is already a site coverage control proposed by the following rule which limits the Gross Floor Area on the site to 3,000 square metres.

Permitted Activities - Development within the Business 1 Zone, West Melton on Lot 1, DP 398852

22.14.1 Development within the Business 1 zone at West Melton on Lot 1, DP 398852 shall be a permitted activity provided that the following conditions are met:

22.14.1.1 Any group of commercial or retail activities with a total combined maximum Gross Floor Area not exceeding 3,000m².

On the basis of the above rule, no further restrictions on site coverage are required. In addition, further development of the site will be restricted by other development controls such as the need to provide parking, landscaping, and setbacks.

Building Setback

As part of the set of additional rules proposed for the rezoning of the land for Business 1 purposes at West Melton, a rule has been proposed by the applicant (and requested by one of the adjoining neighbours) that requires a minimum building setback of three metres. This setback requirement is considered sufficient to mitigate the effects of visual and amenity effects from neighbouring residential Living 1 zoned properties. The present Selwyn District Plan is inadequate and deficient in that it does not require any setback between a building in the Business 1 zone and a Living zoned property. The applicant has recognised this and volunteered the three metre setback. In addition, a height in relation to boundary recession plane requirement also provides for sufficient sunlight and amenity on the neighbouring Living zoned property. This recession plane requirement will work in conjunction with the three metre setback to provide sufficient amenity to surrounding Living zoned properties.

As a comparison, the required building setback for buildings at the Living zone/ Business 1 and Business 2 zone boundary in the Christchurch City Plan is three metres. In addition, a height in relation to boundary also applies in a similar way as is being proposed for the West Melton site in Plan Change 30.

It is considered that the three metre setback is a standard setback for a Business 1/ Living zone interface and combined with a recession plane restriction provides sufficient protection for the amenity of surrounding properties and no further controls are necessary for the specific West Melton situation.

Internal Boundary Landscaping

At the PC 30 hearing, the applicant indicated that it intended to provide a landscaping strip of one metre width around the internal boundaries of the property, in addition to the three metre width front boundary landscaping along the Weedons Ross Road reserve frontage.

While the applicant intends to provide this one metre landscaping strip on the internal boundaries, the introduction of a further rule to require this is considered unnecessary given that the development of the site for business purposes will require a further assessment through the resource consent process anyway.

Signage Provisions

Rule 19.1.1 of the Business zone provisions of the Selwyn District Plan controls signage in the Business zone. This rule will apply if the site is rezoned to Business 1. The relevant parts to Rule 19.1.1 which will apply specifically to this site are:

19.1.1.1: Erected on the site to which the activity relates. In this case, the case is already in excess of eight metres from the Weedons Ross Road boundary because of the Council reserve. This required setback will further reduce the visual impact of the sign for the site.

19.1.1.2: Non-flashing: Flashing signs are not a permitted activity. Therefore, the effects of any flashing sign would require consent from The Selwyn District Council as a separate resource consent application.

19.1.1.3: Illuminated signage. If the sign was illuminated it will need to comply with the already quite stringent light spill requirements of the Selwyn District Plan. These light spill levels are 25% more stringent than the equivalent rules in the Christchurch City Plan. In addition, as well as the additional setback (because of the Council reserve), the activities facing the site across Weedons Ross Road is a school which will not be operating at night

when a sign may potentially be illuminated. Therefore, there are sufficient controls in place to ensure that any illumination of the sign will not create any adverse effect on surrounding properties.

19.1.1.4: Obstruction of views to motorists and pedestrian. Given the setback of eight metres from the Weedons Ross Road boundary (because of the Council reserve between the site and the Weedons Ross Road boundary), it is not possible that any signage would obstruct any motorist or pedestrian views and will not affect traffic safety in any way.

19.1.1.5: Signage Height: Rule 19.1.1.5 already restricts a sign to be no higher than the building on which it is attached; and, that any free standing sign not be any higher than six metres as a permitted activity. Given that the building height will now be reduced to a maximum height of eight metres because of the proposed rule (see above), the visual effect of any sign attached to the building will also be reduced. A free standing sign at the West Melton Business 1 zone site boundary is to be a maximum height of six metres, but because of the eight metre setback from Weedons Ross Road, the visual effect will be reduced accordingly. It is therefore considered that this height will not be out of scale and character with the Business 1 zone buildings and the large bulky two storey school building located directly across Weedons Ross Road.

19.1.1.6: Signage Area: The rule permits a maximum signage area of 3 metres. Given the specific site factors already discussed above i.e. setback from Weedons Ross Road, building bulk, the effect of a three square metre sign will not result in any adverse visual effect.

19.1.1.7: Sign colour: This rule relates to any potential confusion created if a sign was the same colour as a traffic sign. It is extremely unlikely that this will occur given the location of the signage.

19.1.1.8: Sign Overhang over footpath: Unless Council gives its consent (as a landowner; and through a resource consent process as a Consent Authority) to locate a sign in the Council reserve, it will not be possible for any sign from the West Melton Business 1 zone to overhang any footpath on Weedons Ross Road.

19.1.1.9: Sign protruding over the edge of the building. Any proposed sign will need to comply with this rule. Otherwise a resource consent will be required for the sign.

In conclusion, the existing signage rules are sufficient to avoid any potential adverse effects from signage on the proposed West Melton Business 1 zoned site.

NOISE DISTURBANCE

It has been discussed with the Council on numerous occasions that the development of a Business 1 commercial precinct will **NOT** proceed on this site unless all of the buildings are able to be located near to the rear (eastern) boundary of the site. This is shown on the attached plan. This plan has been discussed on numerous occasions (as well as in conjunction with the provisions of Plan Change 29) with the Council and Council has indicated that it will not oppose such a layout. If the a resource consent for a layout very similar to the layout shown (taking into account access changes required as part of discussions with submitters, and slight changes to parking and on site manoeuvring) is not able to be obtained from the Council, then the development of the site for commercial purposes will not proceed and the site will be used only for residential purposes.

The request from the Commissioner states that:

“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...”

Unfortunately this statement is incorrect. A tavern will not be located at the rear of the site for the reasons of mitigating noise. It will be located there simply because it is the most sensible, practical, and efficient location and will be part of the overall development. By locating the overall building in this location, the building will also mitigate and reduce the noise impact of activities relating to the Business activities, but the reason to locate the building in this location is for practical and business reasons – not for noise mitigation.

As part of the Plan Change 30 suite of (additional) Business 1 zone rules, a rule has already been proposed that does not allow noise to be emitted above the adjacent Living 1 zone District Plan noise levels. This level is lower than what the District Plan allows in other Business 1 zones throughout the District even though other Business 1 zone sites are directly abutting residential land in most of the Selwyn District townships.

In addition, the rule also requires that any activity that will operate past 8pm at night requires a resource consent and the submission of an acoustic assessment as to the effects of that activity on the surrounding land.

It was discussed at the hearing that the concept of allowing a higher noise level within a Business zone but then to allow that higher noise level to “flow over” across the zone boundary into a Living zone is unacceptable and contrary to good resource management planning. This is the situation with the present District Plan noise provisions which are deficient and allow higher noise level pollution to be transmitted across the zone boundary.

The proposed noise rule is necessary as it will internalise the effects of any noise from the proposed Business 1 zone and prevent noise pollution into the adjacent Living 1 zone. As mentioned at the hearing, the Living zone maximum noise levels of the Selwyn District Plan are already overly stringent and if the Business activities can comply with this level then there will be no adverse effects.

It is considered that the proposed rule is the most practical, efficient, effective and least bureaucratic means of preventing noise pollution into the surrounding Living zone.

The acoustic assessment required as part of the rule will require assessment of all noise emitting sources on the site, including car parking activities. If the use of the car park cannot comply with the already low noise level at the boundary then that particular activity will not be able to operate past 8pm at night. This will apply to any activity, whether it be a tavern, restaurant, takeaway bar, or any other activity that operates past 8pm at night.

Given that the rule requires an acoustic assessment to be submitted for any activity that will operate past 8pm at night at the detailed design stage, it is considered that it is not necessary for an acoustic assessment to be undertaken at this stage as part of the Plan Change process. As the Plan Change request is only for a change from Living 1 to Business 1, the specific uses of the site are not known at present – including the use of the site for any activity that will occur after 8pm at night. Therefore, the proposed rule makes provision for any future activity that may occur regardless of the specific use, location, or scale of activity. This is a far better approach than undertaking an acoustic assessment at this stage which cannot be based on the location of buildings, any other physical site mitigation, specific site activities (tavern, restaurant, takeaways, dress shop, doctors rooms, dentist, chemist etc), or their hours of operation. In addition, any building noise from air conditioning units, refrigeration units, etc also cannot be assessed because their noise level, location,

height above ground level, and time of operation, is not yet known and therefore also cannot be assessed.

However, on the other hand, the proposed rule does take account of these issues as it is able to address site specific issues and avoid, remedy, or mitigate them in the very way that an acoustic assessment at this Plan Change stage cannot do.

On this basis, an acoustic assessment at this stage is not considered necessary.

RESIDENTIAL DENSITY

In order to expedite this process, the applicant will accept a rule that permits residential development within the West Melton Business 1 zone at the normal Living 1 density.

The proposed rule would read as follows:

Permitted Activities — Residential Development

XXX (Rule to be renumbered) The erection of any building for residential purposes on the site legally described as Lot 1 DP 398852 contained in Certificate of Title 394311 which has a density not higher than that permitted in the Living 1 zone.

Discretionary Activities — Buildings and Building Height

XXX (Rule to be renumbered) Any residential activity which does not comply with Rule XXX shall be a discretionary activity.

