

IN THE MATTER OF

The Resource Management Act
1991

AND

IN THE MATTER OF

Submissions on Plan Change 30
to the Selwyn District Plan

Addendum evidence in response to the Commissioner Minutes

Request to change an existing Living 1 Zone in West Melton to a Business 1 Zone

Report Number:

PC 100030

To:

Hearing Commissioner – J Dovey

From:

Policy Planner – C Friedel

1. INTRODUCTION

Background

- 1.1 PC 30 has been publicly notified. Submissions have been received and were considered at a public hearing held on the 29th May 2012. The hearing was subsequently adjourned and the Commissioner issued a Minute on the 12th June 2012 seeking clarification of the following matters:
 - AMENITY: Assessment of effects of the change in zoning on the character and amenity of immediate neighbours and the wider street scene, including specifically the appropriateness of the current Business 1 zone Rules, or those nominated by the applicant, to manage effects in relation to height, coverage, proximity, visual appearance and signage.
 - NOISE – Assessment from an acoustic expert to determine the noise impacts of activities (such as a tavern) that may be established within any given location on the site and to establish whether the noise rule proposed by the applicant is necessary, achievable and the most effective and efficient means of addressing any adverse noise effects of residential neighbours.
 - RESIDENTIAL DENSITY – Assessment of effects in relation to the character and amenity of West Melton and on the immediate neighbours if the rezoning were to facilitate higher density residential development.
- 1.2 A response to these points of clarification was provided by the applicant's representative, Mr Peter Glasson of Glasson Resource Management, on the 15th June 2012. This response is summarised under each of the three categories outlined above, which are assessed in turn in Section 2 of this addendum evidence.

- 1.3 A second Minute was issued by the Commissioner on the 19th June 2012 in response to the applicants addendum evidence, seeking further clarification from the Council Reporting Officer on the following matters:
- AMENITY: The assessment requested in the first Minute was still outstanding and necessary, including specifically an assessment of the appropriateness of the additional height rule nominated by the applicant.
 - NOISE: The expert noise assessment requested in the first Minute was still outstanding and necessary to determine the appropriateness of the zoning and effectiveness and efficiency of the nominated rules package.
 - DENSITY: An assessment of the appropriateness of the additional density rule nominated by the applicant to determine the appropriateness of the rezoning and the related nominated rules package.
- 1.4 This addendum evidence aims to address the points of clarification raised in the Commissioner Minutes and considers the applicant's response, all of which have been circulated to the applicant and submitters.

Plan Change 29: Urban Design of the Business 1 Zone

- 1.5 Plan Change 29 (PC 29) was initiated by the Council to review the appropriateness of the current District Plan to manage Business 1 zone environments. This plan change is relevant to PC 30 as it sought to amend the Business 1 zone provisions to achieve more sustainable urban design outcomes for town and commercial centres established within the majority of the District's townships¹.
- 1.6 PC 29 incorporates objectives, policies and rules to assist in creating vibrant, functional and attractive Business 1 zone environments through the management of active shop frontages, public spaces and street scenes, landscaping requirements, signage controls and car parking layouts to improve accessibility and how activities integrate with adjoining environments.
- 1.7 My original conclusions were that the development site was of a sufficient size and shape to demonstrate an ability to meet the PC 29 objectives and policies², with the centralised location of the subject property presenting a real opportunity for any future business development on the site to contribute to the economic and social vibrancy of the township. However, little weight was given at the time to the specific rules as a result of firstly, the decision had been appealed to the Environment Court; and secondly, PC 30 was restricted to determining the appropriateness of rezoning the site from its existing Living 1 zone to a Business 1 zone and not necessarily assessing the substantive merits of a specific land use proposal or site layout.
- 1.8 I can now confirm that a consent memorandum has been signed by the Environment Court, which will effectively dispose of the appeals on PC 29. This enables the agreed PC 29 provisions to be made operative on the 25th July 2012. In my opinion the Commissioner can now apply a significant degree of weight on the finalised PC 29 provisions in considering the appropriateness of the District Plan to manage the effects of future land use proposals in West Melton, should the PC 30 rezoning request be successful.
- 1.9 A full list of the relevant PC 29 provisions is set out in **Attachment A** and is referenced throughout the following assessment. This schedule references the amendments detailed in the Consent Order.

¹ It is noted that PC 29 applies specifically to West Melton, with the Business 1 Zone environments in Dunsandel, Southbridge and Coalgate being exempt from the plan change

² Being Policy B4.3.6 and Policy B3.4.23a specifically

Scope of addendum evidence

- 1.10 This evidence is restricted to addressing the various matters outlined in the two Commissioner Minutes issued to date and the applicant's response. It provides an overall recommendation based on the additional material that has been considered since the public hearing and recommends a final schedule of amendments for the Commissioners consideration.
- 1.11 This addendum evidence should be read in conjunction with the material presented at the hearing held on the 29th May 2012 and is set out in the following sections:
- | | |
|------------------|---|
| Section 2 | Addendum assessment of environmental effects |
| Section 3 | Selwyn District Plan – Objectives and Policies |
| Section 4 | Statutory analysis – Costs, benefits and alternatives of proposed rules |
| Section 5 | Overall recommendations |

2. ADDENDUM ASSESSMENT OF ENVIRONMENTAL EFFECTS

- 2.1 This addendum evidence assesses each of the points of clarification outlined in the Minutes (amenity, noise and residential density), with each section incorporating:
- A. INTRODUCTION – Outlines the issue and summarises the applicant's response
 - B. ASSESSMENT – Assesses the issue, discusses the effectiveness of the existing Business 1 zone Rules to manage any related effects and considers the appropriateness of any recommended amendments to the District Plan
 - C. CONCLUSIONS

AMENITY

Introduction

- 2.2 The applicant initially nominated a number of rules to address the potential amenity related effects that could arise from the proposed rezoning, which are outlined as follows:

"22.16 BUILDINGS AND LANDSCAPING WITHIN THE BUSINESS 1 ZONE AT WEST MELTON ON THE SITE LEGALLY DESCRIBED AS LOT 1 DP 398852"

Permitted Activities: Buildings at least three metres of the site boundary at the West Melton Business 1 Zone

- 22.16.1 Any building on the West Melton Business 1 Zone site legally described as Lot 1 DP 398852 shall be located a minimum of three metres from any site boundary.

Discretionary Activities: Building setbacks in the West Melton Business 1 Zone

- 22.16.2 Any activity which does not comply with Rule 22.16.1 shall be a discretionary activity

Restricted Discretionary Activities: Landscaping within the West Melton Business 1 Zone

- 22.16.3 Landscaping within the West Melton Business 1 Zone site shall be a restricted discretionary activity.

- 22.16.4 Under Rule 22.16.3 the Council shall restrict the exercise of its discretion to consideration of:

- 22.16.4.1 Effects of landscaping and signage on the adjacent reserve, and water race.

Reasons for Rules

Landscaping

A landscaping plan for the West Melton Business 1 Zone is necessary to address the impact landscaping and signage may have on the Council administered reserve and water race, to formalise an appropriate planting list, formulate design features with approaches/bridged crossings and to confirm interface treatments between the Business 1 Zone and the reserve."

- 2.3 A related rule was proposed to manage the scale of future commercial development by restricting the maximum gross floor area (GFA) for the proposed West Melton Business 1 Zone to 3,000m² and a maximum GFA for any individual tenancy to 350m² (with the exception of restaurant, café or tavern activities). The hours of operation and the need to provide and approve access arrangements were also identified within the original rules package. Although these provisions were not nominated to directly manage amenity effects, they are relevant in considering the extent to which the overall rules package is appropriate in managing the effects of any future use of the site.
- 2.4 Mr Glasson responded to the first Commissioner Minute on behalf of the applicant with the following in respect to amenity:
- **Building height:** An additional permitted and discretionary activity rule that applies the Living 1 zone building height control of 8m to the proposed West Melton Business 1 zone:

"Permitted Activities: Buildings and Building Height

Rule + *The erection of any building on the site legally described as Lot 1 DP 398852 contained in Certificate of Title 349311 which has a height of not more than 8 metres shall be a permitted activity.*

Discretionary Activities: Buildings and Building Height

Rule+ *Any activity which does not comply with Rule + shall be a discretionary activity"*
 - **Site coverage:** The coverage provisions applied to manage the scale of commercial activities that could be established on the site (3,000m²) sufficiently ensure that building coverage will be managed to avoid adverse amenity effects.
 - **Building setback:** The 3m building setback has been provided to mitigate any visual effects arising from buildings being constructed in relatively close proximity to Living zone boundaries. In addition, the existing height to boundary controls for the Business 1 zone will ensure sufficient sunlight and amenity on the neighbouring Living zone properties will be achieved.
 - **Internal landscaping:** A 1m wide landscaping strip around the perimeter of the property would be provided by the applicant, in addition to a three metre wide front boundary landscaping strip along the Weedons Ross Road reserve frontage. The addition of a further specific rule formalising this requirement is not supported by the applicant as it would require an unnecessary resource consent process.
 - **Signage provisions:** The signage provisions for the Business 1 zone were listed, with a conclusion that the existing signage rules are sufficient to avoid adverse effects arising from signage.

Assessment

Height

- 2.5 The Living 1 zone manages the bulk, scale and visual appearance of structures by prescribing a minimum building height of 8m. Greater flexibility is provided to enable activities anticipated with commercial nodes and town centres, with provision for a maximum building height of 10m. The bulk and scale of development is also managed through a height to boundary control to ensure buildings do not encroach into the recession plane, which may result in an unreasonable loss of daylight, privacy and outlook. The recession plane for both the Living 1 zone and the Living 1 zone boundaries within the Business 1 zone is measured at a height of 2.5 metres on the property boundary, with a variable angle established by the orientation of the boundary. The primary difference being that there is no minimum building setback applied in the Business 1 zone.

- 2.6 **Attachment C** of this report contains a set of diagrams that applies the above height and height to boundary controls to the development site. In my opinion, the diagrams confirm that the Business 1 zone height to boundary provision will effectively control the bulk and scale of buildings on adjoining properties by ensuring the necessary daylight would continue to enter the neighbouring sections. The necessity and appropriateness of rules to manage the overall scale, bulk and visual dominance of structures able to be developed within the Business 1 zone are assessed in later sections of this report.
- 2.7 In my opinion the 8m height control nominated by the applicant is less effective than the height to boundary control and 3m minimum building setback in managing amenity effects and the proximity of large walls to the boundaries of the residential neighbours. Table 1 in **Attachment C** confirms that the height of buildings, where a 3m setback is applied, is effectively restricted to less than 8m on all of the site boundaries by the height to boundary control.
- 2.8 I am concerned that a 8m height restriction may necessitate resource consent for activities that are anticipated within the Business 1 zone. For example, the mechanical plant for air conditioning and refrigeration units and extractor fans, which that are often required to be placed on top of commercial premises, would necessitate reduced ceiling and roof heights to meet the 8m minimum height restriction. I am not convinced this would deliver a practical commercial space for tenants. I also believe that the separation afforded by the reserve will assist in reducing the bulk and scale of any future development when viewed from Weedons Ross Road.
- 2.9 It is my opinion that the surrounding environment is not purely residential in nature, with a number of relatively intensive and large scale developments having been established in proximity to the development site, including the Early Childhood Centre, Primary School, Church and Service Station. For example, I believe the existing two-storeyed extension established in West Melton Primary School on the frontage of Weedons Ross Road will have a significantly greater visual presence within the streetscape than the proposed shopping centre.
- 2.10 In addition, a requirement of restricted discretionary consent within the Business 1 zone under PC 29 now requires roof mounted services to be sympathetic to the surrounding environment by requiring the following to be investigated:
- “...visually integrates or disguises roof mounted servicing equipment”³*
- 2.11 This provides further opportunity for the Council to establish appropriate screening and mitigation techniques to reduce the visual effects arising from the height of structures able to be developed within the proposed West Melton Business 1 zone.
- 2.12 I do have a concern with respect to relying solely on the height to boundary control to manage the scale of development facilitated by the Business 1 zone and how this would affect the amenity of neighbours. This is particularly evident along the northern boundary with the West Melton Early Childhood Centre, where the 55° recession plane would enable a relatively large wall to be located in proximity to this boundary (see **Attachment C**). In my opinion the existing height to boundary control applied in combination with the 3m building setback nominated by the applicant will create a sense of space between the development site and neighbouring boundaries.
- 2.13 A development scenario that warrants a brief discussion with respect to the amenity effects that could arise under the rezoning proposal relates to utility structures. The Business 1 zone enables utility structures to be erected to a height of 25m, where the Living 1 zone only enables utility structures to be erected to 15m. It is important to note that for both the Living 1 and Business 1 zones the following requirement must be adhered to:
- “The structure comprises any pole or mast which exceeds in diameter beyond a height of 6m above ground level, provided it complies with the recession planes in Appendix 11 as if that pole or mast were a building”*

³ Rule 16.10.2.1 (b)

- 2.14 This requirement ensures that any structure that protrudes through the height to boundary control that is above 6m in height can be no greater than 0.5m in diameter, which effectively restricts any utility structures other than masts or poles to be greater than 6m in height. In my opinion the effects of this development scenario would be no more significant in the West Melton Business 1 Zone than any other Business 1 zone in the District. I therefore do not consider it necessary or appropriate to prescribe a provision to manage the effects of utility structures with the proposed West Melton Business 1 Zone.
- 2.15 In my opinion the scale of development and its related amenity effects will be able to be appropriately managed with the nominated 3m building setback and existing height to boundary rules. These methods are considered to be sufficient to negate the need for the 8m height restriction nominated by the applicant.

Site coverage

- 2.16 The Business 1 zone does not manage the scale of built form through a minimum building coverage development control. This is reflective of the reality that Business 1 zone environments require a high ratio of built structures and impermeable surfaces to open space. In comparison, the Living 1 zone has a maximum building coverage of 35% of the site, with the balance being reserved for car parking areas, driveways, gardens, lawn and outdoor living areas.
- 2.17 Mr Glasson in his response to the Commissioner Minute identifies that there is a site coverage restriction in place that restricts the overall development to 3,000m² and that this is an appropriate method of managing the scale and visual impacts of the rezoning. My understanding is that this specific provision has been recommended in direct response to Mr Heaths retail assessment, where a 3,000m² maximum building coverage has been proposed to ensure the size of the proposed Business Zone, and the type of activities operating within it, are appropriate for the context of West Melton and do not undermine the viability of other town centres, business zones or Key Activity Centres. This provision does restrict development on the proposed West Melton Business 1 Zone, but it is my opinion that it would not be sufficient in itself to address the amenity effects that may arise from the rezoning on directly adjoining neighbours and the wider environment.
- 2.18 As outlined above, the proposed site is unique in that it is separated from the road frontage by a Council reserve, which provides an open space element to the site that is not typically found in other Business 1 zones in the District. The scale and visual bulk of a shopping centre or related business development will therefore be reduced when viewing the site from Weedons Ross Road through physical separation. I am conscious that any future development of the proposed West Melton Business 1 zone needs to be managed to ensure the open space amenity of this reserve is not undermined and that the opportunity it presents in achieving a vibrant and attractive town centre for West Melton is realised. However, the various assessment matters incorporated into the District Plan through PC 29 now ensures that detailed analysis is now required to be undertaken to require the proposed West Melton Business 1 Zone to be integrated with the reserve and wider township once a concept is formalised for consideration at land use consent stage.
- 2.19 In conclusion, I consider that there are sufficient performance standards within the District Plan (as amended by PC 29) and proposed in **Attachment D** to avoid the need for a specific building coverage control for the proposed West Melton Business 1 zone. Further consideration is given to the effects that could arise from intensive residential and mixed use forms of development establishing on the site under the proposed Business 1 zone.

Building setbacks

- 2.20 The Business 1 zone does not apply any building setback control to manage the scale and proximity of development from neighbouring properties. The Living 1 zone in comparison has a minimum 2m internal boundary and 4m road boundary setback to ensure reasonable building separation commensurate with a residential environment is provided between properties.

- 2.21 The nominated 3m minimum building setback has been provided in response to the absence of any similar provision within the Business 1 zone performance standards. It enables activities that provide a 3m building setback from all boundaries to be a permitted activity. Failure to accord with the permitted activity standard requires a full discretionary activity land use consent, whereby Council is able to consider all effects relating to the proposal. The 3m setback was sought through the relief of the Booths (**S11** and (**S15**) and Mr Glasson has confirmed that it is the standard building setback applied at the interface between Business 1 and Living zones in the Christchurch City Plan.
- 2.22 I continue to support the 3m minimum building setback requirement as it recognises the established nature of the receiving environment, which has residential neighbours on two of its four boundaries. The analysis presented in **Attachment C** illustrates that the height to boundary control assists in managing the bulk and scale of any future development proposals for the site. However, the absence of a minimum building setback requirement would increase the risk of walls being constructed in relatively close proximity to neighbours that may unreasonably reduce the outlook and amenity that is currently enjoyed by these properties.
- 2.23 In addition, the proposed noise rules recognise the importance of the position and layout of the shopping centre presented in Mr Glasson's response to the Commissioner in mitigating potential noise effects. This rule supports the establishment of a contiguous built form along the rear eastern boundary of the site at a minimum distance of 6m and no more than 15m from the northern and southern side boundaries as a permitted activity, with the noise effects associated with alternative layouts having to be considered through a resource consent process. This default building setback provides greater surety that the scale and built form of development will be appropriate with respect to the amenity of the neighbouring residential properties, although the nominated 3m building setback and existing height to boundary control are considered to be the primary rules for managing the position of buildings on the site and addressing their related amenity effects.
- 2.24 The following amended building setback rule is therefore recommended, the costs, benefits and alternative consideration of which are considered in Section 4 of this report.

16.7 BUILDINGS AND BUILDING POSITION

Permitted Activities: Buildings and Building Position

...

Setbacks from Boundaries

- 16.7.2.8 Any building on the West Melton Business 1 Zone shall be located a minimum of three metres from any site boundary.

...

Discretionary Activities: Building and Building Position

- 16.7.9 Any activity in the West Melton Business 1 Zone that does not comply with Rule 16.7.2.8 shall be a discretionary activity.

...

Reasons for Rules

...

A minimum building setback of 3m is necessary within the West Melton Business 1 Zone in recognition that this site directly adjoins residential sections and established dwellings. The 3m setback ensures that sufficient outlook and amenity is retained within the neighbouring Living 1 Zone.

Visual mitigation

- 2.25 The applicant's response to the initial Minute issued by the Commissioner indicates the intention to provide a 3m wide landscape strip along the frontage of the property and a 1m wide landscape strip around the remaining side and rear boundaries. My understanding is that the landscape mitigation outlined above is not intended to replace the 3m wide building setback initially nominated by the applicant. If this is not the case, then I would have a reference for the 3m building setback to be retained to ensure sufficient separation between

any built forms established on the subject site and neighbouring properties is achieved on all boundaries.

- 2.26 I support the provision of the suggested landscape mitigation, but do have a general concern with a rule specifying these requirements in advance of a confirmed layout for the site. PC 29 now requires restricted discretionary consent within the Business 1 zone, amongst other design parameters, to ensure:

“...the design and location of landscaping will contribute to a high quality pedestrian experience by mitigating any adverse visual effects of development and defining the edges of streets and other space accessible to the public”

and

“...the reflectivities proposed for the exterior of buildings, including rooves, will contribute to pleasant and attractive streets and public areas”⁴

- 2.27 Various other provisions have been inserted into the District Plan through PC 29 to promote active frontages to integrate commercial and town centres with the wider environment, including the consideration of building modulation, landscaping, car parking layouts and connections when designing concepts within the Business 1 zone. As a result, I believe there are sufficient provisions in the District Plan to ensure consideration is now given to appropriate visual mitigation methods at the land use stage.
- 2.28 I consider that this particular site is unique with respect to the reserve and water race and I continue to support the need for a specific performance standard requiring consideration to be given to how the development of the proposed West Melton Business 1 zone can integrate with the reserve. The most appropriate time for this appraisal is at the land use stage where a more definitive development proposal will have been finalised for detailed consideration.
- 2.29 The following amended landscaping rules is therefore recommended, the costs, benefits and alternative consideration of which are considered in Section 4 of this report:

Restricted Discretionary Activities: Buildings and Landscaping

16.1.5 Landscaping along the western boundary of the West Melton Business 1 Zone site shall be a restricted discretionary activity. The exercise of Council’s discretion shall be limited to the consideration of:

16.1.5.1 The effects of landscaping on the adjacent reserve, and water race.

...

Reasons for Rules

Landscaping

...

A landscaping plan for the West Melton Business 1 Zone is necessary to address the impact landscaping may have on the Council administered reserve and water race, to formalise an appropriate planting list, formulate design features with approaches/bridged crossings and to confirm interface treatments between the Business 1 Zone and the reserve.

Signage

- 2.30 The Business 1 zone provides for 3m² of signage where it is not attached to a building with a 6m height restriction that is conditional upon compliance with a number of prescribed requirements. Mr Glasson lists these specific requirements in his response to the Commissioners Minute. In comparison, the Living 1 zone provides for 1m² of signage per site with similar design and operational requirements to the Business 1 zone sign provisions.

⁴ Rule 16.10.2.7 and Rule 16.10.2.9

- 2.31 It is also important to note that the signage provisions of PC 29 are now effectively operative, which provides Council with even greater control over how signs are managed within the Business 1 zone.
- 2.32 The following additional signage controls have been formalised through PC 29:
- Total freestanding signage per site within the Business 1 zone to not exceed 3m² where the site's frontage is less than 50m, or 6m² otherwise; and
 - Signage shall not occupy more than 25% of any building elevation if it is attached or painted on or otherwise provided on the elevation
- 2.33 In my opinion the signage provisions for the Business 1 zone, now strengthened further by the amendments arising from PC 29, will adequately manage any amenity effects on directly adjoining neighbours and the streetscape of Weedons Ross Road. The water race and reserve will further ensure that any signage is set back from the road and will not appear over bearing in the context of the area, which accommodates a primary school, service station, church, early childhood centre and fire station.
- 2.34 The current landscaping rule nominated by the applicant seeks to address concerns raised by Council staff with respect to the effects of any future signage may have on the open space amenity of the Council reserve, which extends along the frontage of the development site. Given the conclusions of the above assessment, I no longer support the requirement for the landscape rule to consider the effects of signage on the reserve. Landscape amenity and how the development of the adjoining Business 1 zone may integrate with the reserve is distinctly different from the effects arising from signage and advertising hoardings. Council by-laws require approval for signage within reserves⁵ so it would be unreasonable to require additional assessments to be undertaken as part of the resource consent process.
- 2.35 The following amended landscaping rule that removes the reference to the consideration of signage is therefore recommended, the costs, benefits and alternative consideration of which is outlined in Section 4 of this report:

Restricted Discretionary Activities: Buildings and Landscaping

16.1.5 Landscaping along the western boundary of the West Melton Business 1 Zone site shall be a restricted discretionary activity. The exercise of Council's discretion shall be limited to the consideration of:

16.1.5.1 The effects of landscaping on the adjacent reserve, and water race.

...

Reasons for Rules

Landscaping

...

A landscaping plan for the West Melton Business 1 Zone is necessary to address the impact landscaping may have on the Council administered reserve and water race, to formalise an appropriate planting list, formulate design features with approaches/bridged crossings and to confirm interface treatments between the Business 1 Zone and the reserve.

Conclusions

- 2.36 My overall conclusions with respect to amenity are that there are sufficient and appropriate rules within the District Plan as amended by PC 29 and recommended in **Attachment D** to effectively manage any adverse amenity effects that may arise as a result of the rezoning.

5 Selwyn District Council Parks and Reserves By-law: "6.1 May person may, in a park or reserve: ...(d) Fix or place any placard, sign, or noticeboard, in, on, or about any reserve. Unless: (e) the prior approval in writing has been granted by the Council; or (f) The person or persons is required to carry out the activity for authorized reserve maintenance"

NOISE

Introduction

- 2.37 The applicant nominated the following rules to manage noise and nuisance related effects that may arise as a result of the rezoning:

Permitted Activities – Activities and Noise

Business 1, 1A and 3 Zones:

- 22.4.1.3 Activities operating within the West Melton Business 1 zone on the site legally described as Lot 1 DP 398852 shall not exceed the following noise limits at the Business 1/ Living 1 zone interface:

7.30am – 8.00pm 50 dBA L10
8.00pm – 7.30am 35 dBA L10
7.30am – 8.00pm 85 dBA Lmax
8.00pm – 7.30am 70 dBA Lmax

Restricted Discretionary Activities – Activities and Noise

Rule 22.4.2.1: Restricted Discretionary Activities - Activities operating within the site legally described as Lot 1 DP 398852, being the West Melton Business 1 Zone

- 22.4.2.1 Any activity operating within the West Melton Business 1 Zone shall be a restricted discretionary activity

- 22.4.2.2 Under Rule 22.4.2.1 the Council shall restrict the exercise of its discretion to consideration of:

- 22.4.2.1.1 Any actual or potential adverse noise effects on surrounding properties outside the Business 1 zoned site.

- 2.38 Mr Glasson on behalf of the applicant reiterates in his response to the Commissioner Minute that the above rules will address any adverse noise effects by requiring any activity that fails to accord with the permitted activity performance standard to seek restricted discretionary consent, which would necessitate an expert noise assessment.

Assessment

- 2.39 Mr Stuart Camp, Principal of Marshall Day Acoustics, has provided an expert noise assessment (**Attachment B**) to attend to the points of clarification identified in the Commissioner Minutes.

- 2.40 Mr Camp makes the following conclusion and recommendations:

- Noise effects from the proposed plan change will be minor provided appropriate rules are implemented to address the issues identified in the noise assessment;
- The existing Living Zone noise rules are appropriate for this site with respect to future commercial activities, although the terminology used needs to be amended to allow measurements to be taken within neighbouring properties to identify any 'anomalies';
- An exemption is appropriate to ensure the noise rules are not applied to the recreation reserve;
- It is not appropriate to require all activities in the West Melton Business 1 Zone to seek restricted discretionary consent, which is required under proposed Rule 22.4.2.1 nominated by the applicant;
- Recommend design parameters to ensure compliance with the proposed noise rules to determine the activity status of applications: (i) outdoor seating to be located no less than 20m from the zone boundary; (ii) hours of operation shall be 7.30am to 8.00pm; and (iii) no external mechanical plant or vents, except air conditioning condensers less than 5kW in capacity;
- The construction of a solid 1.8m high timber fence may be required to be erected along both the northern and southern zone boundaries to satisfy the controlled activity consent requirements, but it is not necessary to require these to be erected as a matter of course given that the Church and Early Childhood Centres are not noise sensitive activities;
- The site layout should generally accord with the indicative concept tabled by the applicant to ensure a continuous built form to rear of the boundary is achieved to mitigate noise effects on the adjoining

residential neighbours. All buildings on the site must form a contiguous block, with the eastern façade of the buildings being between 6 and 10m from the Living 1 zone boundary and the ends of the block being no more than 15m from the northern or southern zone boundary. Any alternative layout should require consent to consider potential noise effects;

- Outdoor seating/dining should be restricted pending the establishment of the continuous line of buildings is constructed and non-compliance should necessitate controlled activity consent;
- Residential development on the site where a tavern or bar has already been established to address reverse sensitivity effects is considered to be undesirable acoustically due to risks of reverse sensitivity effects. A controlled activity rule that prescribes minimum noise performance standards measured at the façade of any building used for residential purposes within the Business 1 Zone is proposed. In addition to a restricted discretionary consent requirement for any residential activity, subject to the consideration of reverse sensitivity effects on commercial activities already established within the West Melton Business 1 Zone.

2.41 Mr Camp outlines that the proposed noise rules are set out in a hierarchy, which is summarised as follows:

- Daytime activities are permitted, with some exceptions;
- Night-time activities, and activities captured by the exceptions to permitted rules, are controlled, subject to an acoustic report;
- Residential activities that wish to establish after commercial activities are already on site are managed as a restricted discretionary activity to enable consideration of reverse sensitivity effects; and
- Activities that exceed noise rules generate a discretionary activity resource consent.

2.42 The following amended noise rules, which have been prepared by Mr Camp and Council Officer's, are therefore recommended, the costs, benefits and alternative consideration of which is outlined in Section 4 of this report:

Permitted Activities – Activities and Noise

...

Business 1, 1A & 3 Zones (with the exception of the West Melton Business 1 Zone):

22.4.1.1 Noise assessed within the boundary of any other site NOT within a Living zone or within the notional boundary of any dwelling within any Rural zone...

...

Business 1 West Melton

22.4.2 Any activity conducted on any day, except any residential activity, shall be a permitted activity, provided that the following standards are complied with:

22.4.2.1 Hours of operation shall be within 7.30am to 8.00pm.

22.4.2.2 Outdoor seating areas intended for the consumption of food or beverages shall be located no less than 20 metres from the zone boundary.

22.4.2.3 There shall be no external mechanical plant or vents, except air conditioning condensers less than 5kW in capacity.

22.4.2.4 The site layout shall incorporate a continuous built form extending along the full length of the site to serve as noise mitigation, being between 6 and 10 metres from the Living zone on the eastern rear boundary and no more than 15m metres from the southern and northern boundaries.

22.4.2.5 No outdoor seating and/or dining areas shall be permitted until all buildings on the site are constructed in general accordance with the setbacks prescribed in Rule 22.4.3.4.

22.4.2.6 Noise assessed at the façade of any dwelling in the West Melton Business 1 zone shall not exceed the following:

7.30am – 8.00pm 60 dBA L10 and 85 dBA Lmax

22.4.2.7 Noise assessed within the Living zone or within the notional boundary of any dwelling within any Rural zone shall not exceed the following:

7.30am – 8.00pm 50 dBA L10 and 85 dBA Lmax

22.4.3 Any dwelling that is established prior to any commercial activity within the zone shall be a permitted activity.

Note: For the purposes of applying Rule 22.4.2.4, the buildings do not need to be completed, provided the eastern walls are in place.

22.4.4 Rules 22.4.1. and 22.4.2 does not apply to the use of sirens or warning devices associated with emergency service facilities.

Controlled Activities – Activities and Noise

Business 1 Zone West Melton:

22.4.5 Any activity that does not meet rules 22.4.2.1 – 22.4.2.5 shall be a controlled activity if the following standards are met:

22.4.5.1 An acoustic report from a qualified acoustic engineer is provided showing that noise levels of the activity meet the following noise standards:

Noise assessed at the façade of any dwelling in the West Melton Business 1 Zone

7.30am – 8.00pm 60dBA L10 and 85dBA Lmax

8.00pm – 7.30am 45dBA L10 and 70dBA Lmax

Noise assessed within any Living zone or within the notional boundary of any dwelling within any Rural zone:

7.30am – 8.00pm 50dBA L10 and 85dBA Lmax

8.00pm – 7.30am 35 dBA L10 and 70 dBA Lmax

Note: These noise standards shall not apply within the gazetted recreation reserve adjoining the western boundary of the West Melton Business 1 Zone.

22.4.5.2 Any application arising from Rule 22.4.5 will not require the written approval of other persons and shall be non-notified.

22.4.6 Where rule 22.4.5 is fully complied with Councils discretion shall be limited to the compliance of rule 22.4.5.1

Restricted Discretionary Activities – Activities and Noise

22.4.7 Any dwelling within the West Melton Business 1 Zone that does not meet Rule 22.4.3 shall be a restricted discretionary activity.

22.4.8 Under Rule 22.4.7 the Council shall restrict the exercise of its discretion to:

22.4.8.1 The consideration of adverse reverse sensitivity effects on commercial activities that have already established within the West Melton Business 1 Zone.

22.4.8.2 All other relevant noise effects associated with the introduction of a residential living activity within the Business 1 Zone.

Discretionary activities

22.4.3.9 Any activity that is not residential which does not comply with Rule 22.4.1 shall be a discretionary activity.

22.4.10 Any activity within the West Melton Business 1 Zone that does not comply with Rules 22.4.2.6, 22.4.2.7 or Rule 22.4.5 shall be a discretionary activity.

Reasons for Rules

...

Noise

...

Noise effects within the West Melton Business 1 Zone are managed in a hierarchy of rules to ensure that the noise effects are managed in a manner that is consistent with the adjoining Living 1 Zone to avoid adverse nuisance effects. Activities within the zone that operate during that stated day time hours and satisfy the prescribed requirements are provided as a permitted activity. Any activities that fail to accord with the permitted activity rules requires an expert noise assessment to demonstrate that the activity complies with the stated noise performance standards. Satisfactory compliance with the noise performance standards enables a controlled activity consent to be considered without public notification or the written approval of other land owners. Failure to accord with the noise performance standards will generate a discretionary activity resource consent. Rules 22.4.7 and

22.4.8 require a restricted discretionary activity resource consent to consider adverse reverse sensitivity effects that may arise with the establishment of a dwelling within the West Melton Business 1 Zone.

Conclusions

- 2.43 My overall conclusion with respect to noise is that there are effective rules recommended within **Attachment D** to ensure that any unreasonable nuisance effects arising from the rezoning will be appropriately managed through land use consents.

RESIDENTIAL DENSITY

Introduction

- 2.44 Several development scenarios that could occur on the site under the Business 1 zone were analysed at the hearing. The Commissioner has subsequently sought clarification on the specific effects that could occur if any future land owner chose to develop the site either wholly or partially, to residential densities and what impacts this may have on the character and amenity of the township itself and the immediately adjoining properties.
- 2.45 Mr Glasson on behalf of the applicant has nominated the following performance standard to manage the density of any potential residential development on the site should the rezoning be successful:

“Permitted Activities – Residential Development

Rule +: *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 – Residential Development

Rule +: *Any residential activity which does not comply with Rule + shall be a discretionary activity.”*

Assessment

- 2.46 The Business 1 zone in the Selwyn District Plan provides a greater degree of flexibility with respect to the intensity of development able to occur within any given site as of right when compared to the Living 1 zone. Residential development within a Business 1 zone would therefore be subject to more flexible rules, where proposals are exempt from the typical site coverage, setbacks, height restrictions and related provisions that manage effects in the Living 1 zone.
- 2.47 There is no minimum lot size prescribed for the Business 1 zone, whereby density is managed by the shape factor provision prescribed under Rule 24.1.3.5 and 24.1.3.6 that requires any allotment to contain a building area of not less than 225m² in size. Other than the general performance standards for the Business 1 zone that are less restrictive than the Living 1 zone rules, I am not aware of any other performance standards that would manage the effects of this form of a residential development scenario on the immediate and wider environment.
- 2.48 The applicant has indicated an interest in investigating alternative land uses should the number of tenants required to fill the proposed shopping centre not eventuate, including mixed use development, higher density housing or accommodation. I also note in passing that the definition of “dwellings” in the District Plan encompasses all of these residential typologies, including accommodation activities.
- 2.49 Although there has been little evidence up to this point in time to suggest that vacant Business 1 zoned land could be developed to intensive residential densities, there was a concerted effort made by Council to consider and address the implications of this development scenario under PC 29. PC 29 assessed the need to manage this form of development and proposed that the medium density and comprehensive housing

development controls promulgated through Plan Change 7 (PC 7) would be appropriate for the Business 1 zone⁶.

- 2.50 The PC 29 Commissioner reached the following conclusions with respect to the proposed provisions to manage residential forms of development with the Business 1 zone:
- The Business 1 zone allows any density of residential activity to be established, and high density residential activity is anticipated;
 - There was an issue of scope, whereby the PC 29 design controls are identified in the notified version, but the evidence presented considered wider matters, including density, which would apply to all residential typologies within the Business 1 zone;
 - The provisions proposed were promulgated under the context of residential typologies within the Living Z zone of the District under PC 7, with the Business 1 zone anticipated to accommodate more intensive activities;
 - Confirmation that Council should initiate further investigations to gather the necessary information to consider the necessity and appropriateness of any amendments to the District Plan to address the effects and design of residential activities within the Business 1 zone;
 - There was insufficient information to consider the appropriateness of methods to manage residential development within the Business 1 zone as part of the PC 29 process.
- 2.51 In the absence of a specific plan change to investigate the appropriateness of higher density housing developing within the Business 1 Zone, I support Mr Glasson's nominated rule as it provides a degree of surety that this development scenario would be required to accord with the standard Living 1 zone bulk and location performance standards and subdivision requirements. This approach ensures that any proposed residential activities would be subject to the same development controls as the adjoining Living 1 zone and resource consent would be necessary for proposals that incorporate a dwelling, which captures comprehensive, medium density or mixed use typologies.
- 2.52 One concern I have with the wording of this rule is its specific reference to the density of development rather than the effects that could accompany a land use activity that accords with the more enabling Business 1 zone rules.
- 2.53 The following amended and additional Living zone rules are therefore recommended to be applied to the West Melton Business 1 Zone, the costs, benefits and alternative consideration of which is outlined in Section 4 of this report:

22.9 DWELLINGS

Controlled Activities – Dwellings

...

22.9.4 The erection of any dwelling in the West Melton Business 1 Zone that satisfies the West Melton Living 1 zone Rules.

Discretionary Activities – Dwellings

22.9.4 Any dwelling which does not comply with Rules 229.1 and 22.9.4 shall be a discretionary activity.

...

Reasons for Rules

...

Additional controls within the West Melton Business 1 Zone are provided to ensure that any effects associated with the construction of dwellings within this environment are managed appropriately. Rule 22.9.4 requires any dwelling within the zone to be subject to the Living 1 zone rules to ensure that the scale and form of development is appropriate with respect to the adjoining residential land uses and to avoid adverse reverse sensitivity effects with established commercial activities. Failure to accord with the controlled activity Living 1 Zone rules for dwellings within the West Melton Business 1 Zone requires a discretionary activity resource

⁶ Plan Change 7 rezoned significant tracts of rural land within the Metropolitan Urban Limits of Rolleston and Lincoln to a Living Z Zone, which gives effects to Chapter 12A of the Regional Policy Statement and incorporates provisions to manage medium density and comprehensive housing typologies

consent to enable a full assessment to be undertaken with respect to the effects of dwellings on the existing activities within the zone as well as the adjoining Living zones.

- 2.54 In addition, the following density control is also recommended to be inserted into the Business Zone Rules - Subdivision Section of the Plan to ensure that any subsequent subdivision within the Business 1 zone to accommodate residential development accords with the minimum allotment and subdivision performance standards and allotments sizes for the West Melton Living 1 zone.

Restricted Discretionary Activities – Subdivision - General

...

West Melton Business 1 Zone

- 24.1.3.20 In the West Melton Business 1 Zone, any subdivision to create allotments to accommodate dwellings shall satisfy the Living zone subdivision performance standards and accord with the minimum allotment size of 1,000m² prescribed in Table C12.1 – Allotment sizes.

...

Discretionary Activities – Subdivision – General

West Melton Business 1 Zone

- 24.1.5 Any subdivision that fails to satisfy Rule 24.1.3.20 shall be a discretionary activity.

Reasons for Rules

...

Rule 24.1.3.21 requires any subdivision within the West Melton Business 1 Zone to accord with the Living zone subdivision performance standards, including the minimum average allotment size of 1,000m². This is to ensure that the density of sections to accommodate dwellings are consistent with the scale of residential development within the township. Failure to accord with the Living zone subdivision rules necessitates a discretionary activity resource consent to enable a full assessment to be undertaken to consider the effects of any sections being created to accommodate dwellings on existing activities established within the zone as well as adjoining Living zones.

Conclusions

- 2.55 My overall conclusion with respect to the effects various residential typologies establishing within the proposed West Melton Business 1 Zone can be managed appropriately through the recommended rules outlined in **Attachment D**.

3. SELWYN DISTRICT PLAN – OBJECTIVES AND POLICIES

- 3.1 Having provided a response to the matters of clarification sought by the Commissioner, it is my overall conclusion that PC 30 is consistent with the vast majority of the relevant operative District Plan objectives and policies. No additional inconsistencies with the policy framework of the District Plan have been identified in the course of preparing this addendum evidence.
- 3.2 I continue to consider that the rezoning is consistent with the relevant objectives and policies formalised through PC 29 to achieve more sustainable urban design outcomes within the majority of the District's Business 1 Zone environments. The Consent Order does incorporate amendments that recognise a variety of building typologies (Policy B3.4.23a), including big box retail, as legitimate and appropriate forms of development within the Business 1 zone. However, such a development scenario is not anticipated in West Melton given that the GFA is restricted to 3,000m² in total and to 350m² for any single tenancy.

4. STATUTORY ANALYSIS

Consideration of alternatives, benefits and costs - s32 assessment

- 4.1 The Council has a duty under s32 of the RMA to consider alternatives, benefits and costs of any change to the District Plan. The s32 analysis is a process whereby initial investigations, followed by the consideration of submissions at a hearing and the addendum evidence, all contribute to Council's analysis of the costs and benefits of the amended provisions in its final decision making.

Determining the appropriateness of the recommended amendments to PC 30

- 4.2 The following assessment outlines the recommended amendments to the District Plan listed in **Attachment D** and provides a brief assessment of the costs and benefits associated with each amendment proposed and considers alternatives.

Referencing legal descriptions within the rules

- 4.3 I have a general concern with respect to the referencing of the current legal description of the PC 30 site within the rules promulgated for the West Melton Business 1 Zone. This is on the grounds that any subsequent subdivision will require the District Plan to be amended to register the change in legal description, although this could arguable be formalised as a minor amendment under Clause 20A of the 1st Schedule of the RMA. There is also a risk that the rule itself could be nullified if the legal description was superseded through subdivision.
- 4.4 It is considered that the above approach reduces the risk that the effectiveness of the rule will be reduced or by-passed through subsequent subdivision. An alternative approach would be to illustrate the various development controls within an Outline Development Plan that would avoid referencing the site within each rule. However, I believe that the recommended rules achieve a similar outcome by not being bound by a specific layout in respect to managing potential effects, while providing greater flexibility to the land owner. Rules also respond to the fact that this is a rezoning application rather than a process to determine exactly what land use activity may establish on the site if the rezoning is successful.

Amended Rule 22.16 – Access arrangements

- 4.5 A rule prescribing the access arrangement to the site was agreed between the applicant and the Henderson's (**S09**). This amended condition was promulgated to specifically address the submitters concerns relating to the potential for conflict between accessways for the proposed business zone, access to other properties along Weedons Ross Road in proximity to the subject site and traffic queuing at the State Highway 73 intersection.
- 4.6 The amendments were discussed at the hearing and I understood there to be consensus amongst the traffic experts, the applicant and the Henderson's (**S09**) that the suggested amendments were necessary and appropriate. A minor amendment is suggested with respect to adding a reference to the West Melton Presbyterian Church in addition to the legal description of the site. The purpose of this additional wording is to enable users of the District Plan to readily identify the geographic location of the site that the non-complying access arrangement specifically relates.
- 4.7 The following reworded rule, additional non-complying rule and Reasons for Rules are provided for the Commissioner's consideration:

17.8 ACCESS ARRANGEMENTS FOR THE WEST MELTON BUSINESS 1 ZONE

Restricted Discretionary Activities

- 17.8.1 Access arrangements for the West Melton Business 1 Zone site shall be a restricted discretionary activity provided that no part of any access point to the West Melton Business 1 Zone is located closer than 17.6 metres from the north-western corner of the West Melton Presbyterian Church (being the land legally described as Pt RS 6543 contained in Computer Freehold Register CB396/163).

17.8.2 Under Rule 17.8.1 the Council shall restrict the exercise of its discretion to the consideration of:

17.8.2.1 The provision of a Transport Management Plan prepared by the land owner prescribing the following:

- the main vehicular and pedestrian access arrangements to and through the site where it interacts with existing public roads
- all other necessary infrastructure upgrades to rationalise transport connectivity, access arrangements and pedestrian facilities, including safe crossing points, arising as a direct result of the proposed development of the West Melton Business 1 Zone

Non Complying Activities

17.8.3 Any activity within the West Melton Business 1 Zone that does not comply with Rule 17.8.1 shall be a non-complying activity.

Reason for Rule

The requirement for a minimum distance for the proposed access from the southern boundary of the West Melton Business 1 Zone is to reduce the possible adverse efficiency impacts on Weedons Ross Road, including existing vehicle access points, between the State Highway 73 intersection and southernmost access point to the Business 1 Zone.

- 4.8 The above provisions relate specifically to considering the appropriateness of any future access requirements for the West Melton Business 1 Zone. As a result, I consider that the provision is better placed within the Business 1 Zone – Roading section of the Plan rather than the Business Zone Activity Rules as originally proposed.
- 4.9 Rules 17.8.2.1 and 17.8.2.2 prescribe the minimum separation distance and position of the southernmost access point of the West Melton Business 1 Zone to ensure any future access arrangements do not contribute to adverse effects or undermine the efficiency of the road network. An alternative would be to rely on the access arrangement being considered and addressed through a general Transport Management Plan. However, as stated by the Henderson's (S09) in the evidence tabled at the hearing there is a risk that the effects associated with the access point could be inadvertently overlooked in the preparation of the Traffic Management Plan at the land use consent stage.
- 4.10 Overall, I consider that the amended provision is the most effective and efficient method of ensuring all effects arising from the location of the access point and wider transport related matters are considered in full.

Building setbacks

- 4.11 The following 3m minimum building setback is proposed to ensure that the scale and proximity of any future land use activities are integrated with the Weedons Ross Road streetscape, do not appear overbearing in the context of the site or undermine the amenity of neighbouring properties.

16.7 BUILDINGS AND BUILDING POSITION

Permitted Activities: Buildings and Building Position

...

Setbacks from Boundaries

16.7.2.8 Any building on the West Melton Business 1 Zone shall be located a minimum of three metres from any site boundary.

...

Discretionary Activities: Building and Building Position

16.7.9 Any activity in the West Melton Business 1 Zone that does not comply with Rule 16.7.2.8 shall be a discretionary activity.

...

Reasons for Rules

...

A minimum building setback of 3m is necessary within the West Melton Business 1 Zone in recognition that this site directly adjoins residential sections and established dwellings. The 3m setback ensures that sufficient outlook and amenity is retained within the neighbouring Living 1 Zone.

- 4.12 It is noted that the setback provisions are considered to be better placed within the Buildings and Building Setback provisions rather than the Business Zone Activity Rules as originally proposed. In addition, the reference to the legal description of the site has been removed.
- 4.13 It is considered that a 3m setback meets an appropriate balance between ensuring the West Melton Business 1 Zone can be viable from an economic perspective, whilst providing sufficient control to ensure that the effects of any future development on the site will not give rise to unreasonable effects on the immediate and/or wider environment. It has been illustrated that the recommended minimum building setback, coupled with the existing height to boundary control, will ensure that sufficient outlook and amenity is retained within the neighbouring residential sections.
- 4.14 An increased separation distance could be achieved through a building setback of 6m, which when applied in conjunction with the noise provisions would continue to enable the concept tabled in Mr Glasson's evidence to be realised. Although I am conscious that such a setback control may be overly restrictive and unreasonable given the context of the site and the assessment undertaken in Section 2 of this report.
- 4.15 An Outline Development Plan that illustrates the footprint of any future shopping centre as an alternative to the building setback rules would provide a greater degree of surety as to where the built form would be required to establish within the site. However, as discussed previously, the applicant has indicated an interest to retain a degree of flexibility with respect to how the site may be developed in the future.
- 4.16 In my opinion the above rule achieves an appropriate balance between managing the effects of any future proposal and providing flexibility to the developer with respect to investigating alternative layouts and arrangements that may result in less effects and achieve better environmental outcomes.

Visual mitigation

- 4.17 It is considered that the following rule continues to be necessary to ensure any future development of the proposed West Melton Business 1 Zone is designed in a manner that integrates with the adjoining reserve and water race and enhances this amenity feature:

Restricted Discretionary Activities: Buildings and Landscaping

16.1.5 Landscaping along the western boundary of the West Melton Business 1 Zone site shall be a restricted discretionary activity. The exercise of Council's discretion shall be limited to the consideration of:

16.1.5.1 The effects of landscaping on the adjacent reserve, and water race.

...

Reasons for Rules

Landscaping

...

A landscaping plan for the West Melton Business 1 Zone is necessary to address the impact landscaping may have on the Council administered reserve and water race, to formalise an appropriate planting list, formulate design features with approaches/bridged crossings and to confirm interface treatments between the Business 1 Zone and the reserve.

- 4.18 It is noted that the landscape provisions are considered to be better placed within the Buildings and Landscaping provisions rather than the Business Zone Activity Rules as originally proposed, which is reflected in the amended District Plan rule references outlined above. I also recommend that the addition of the words "...along the western boundary..." is required to ensure that this rule is clearly interpreted and applied.

- 4.19 An alternative method would be to rely on the PC 29 provisions, including specifically those relating to design and layout of large scale commercial development. However, in my opinion the presence of the reserve and water race are relatively unique to this site and necessitates a specific rule to ensure that interface treatments and design is addressed appropriately at the land use stage. An Outline Development Plan provides a further option to consider, although I am conscious that the reserve is outside the development site and separate approvals would be necessary under Council's by-laws.
- 4.20 The applicant has indicated that they intend to provide landscaping within the site once a concept is formalised and landscaping and other methods to integrate Business 1 zones into the wider environment are now required under the District Plan in response to PC 29. I am therefore cautious of recommending specific landscape rules given that PC 30 is primarily determining the appropriateness of the rezoning application rather than the merits of any given proposal that may occur on the site if the rezoning is successful.
- 4.21 Overall, I consider that the above rule is the most efficient method of ensuring that any future development of the West Melton Business 1 Zone takes account of the amenity values afforded by the reserve and water race and is designed to avoid adverse visual effects.

Noise

- 4.22 The following noise provisions are proposed in response to the findings of Mr Camp's expert noise assessment, which has considered number of development scenarios that require management through rules to ensure noise related effects are appropriately managed within the proposed West Melton Business 1 Zone:

Permitted Activities – Activities and Noise

...

Business 1, 1A & 3 Zones (with the exception of the West Melton Business 1 Zone):

- 22.4.1.1 Noise assessed within the boundary of any other site NOT within a Living zone or within the notional boundary of any dwelling within any Rural zone...

...

Business 1 West Melton

- 22.4.2 Any activity conducted on any day, except any residential activity, shall be a permitted activity, provided that the following standards are complied with:

22.4.2.1 Hours of operation shall be within 7.30am to 8.00pm.

22.4.2.2 Outdoor seating areas intended for the consumption of food or beverages shall be located no less than 20 metres from the zone boundary.

22.4.2.3 There shall be no external mechanical plant or vents, except air conditioning condensers less than 5kW in capacity.

22.4.2.4 The site layout shall incorporate a continuous built form extending along the full length of the site to serve as noise mitigation, being between 6 and 10 metres from the Living zone on the eastern rear boundary and no more than 15m metres from the southern and northern boundaries.

22.4.2.5 No outdoor seating and/or dining areas shall be permitted until all buildings on the site are constructed in general accordance with the setbacks prescribed in Rule 22.4.3.4.

22.4.2.6 Noise assessed at the façade of any dwelling in the West Melton Business 1 zone shall not exceed the following:

7.30am – 8.00pm 60 dBA L10 and 85 dBA Lmax

22.4.2.7 Noise assessed within the Living zone or within the notional boundary of any dwelling within any Rural zone shall not exceed the following:

7.30am – 8.00pm 50 dBA L10 and 85 dBA Lmax

- 22.4.3 Any dwelling that is established prior to any commercial activity within the zone shall be a permitted activity.

Note: For the purposes of applying Rule 22.4.2.4, the buildings do not need to be completed, provided the eastern walls are in place.

- 22.4.4 Rules 22.4.1. and 22.4.2 does not apply to the use of sirens or warning devices associated with emergency service facilities.

Controlled Activities – Activities and Noise

Business 1 Zone West Melton:

- 22.4.5 Any activity that does not meet rules 22.4.2.1 – 22.4.2.5 shall be a controlled activity if the following standards are met:

- 22.4.5.1 An acoustic report from a qualified acoustic engineer is provided showing that noise levels of the activity meet the following noise standards:

Noise assessed at the façade of any dwelling in the West Melton Business 1 Zone

7.30am – 8.00pm 60dBA L10 and 85dBA Lmax

8.00pm – 7.30am 45dBA L10 and 70dBA Lmax

Noise assessed within any Living zone or within the notional boundary of any dwelling within any Rural zone:

7.30am – 8.00pm 50dBA L10 and 85dBA Lmax

8.00pm – 7.30am 35 dBA L10 and 70 dBA Lmax

Note: These noise standards shall not apply within the gazetted recreation reserve adjoining the western boundary of the West Melton Business 1 Zone.

- 22.4.5.2 Any application arising from Rule 22.4.5 will not require the written approval of other persons and shall be non-notified.

- 22.4.6 Where rule 22.4.5 is fully complied with Councils discretion shall be limited to the compliance of rule 22.4.5.1

Restricted Discretionary Activities – Activities and Noise

- 22.4.7 Any dwelling within the West Melton Business 1 Zone that does not meet Rule 22.4.3 shall be a restricted discretionary activity.

- 22.4.8 Under Rule 22.4.7 the Council shall restrict the exercise of its discretion to:

- 22.4.8.1 The consideration of adverse reverse sensitivity effects on commercial activities that have already established within the West Melton Business 1 Zone.

- 22.4.8.2 All other relevant noise effects associated with the introduction of a residential living activity within the Business 1 Zone.

Discretionary activities

- 22.4.3.9 Any activity that is not residential which does not comply with Rule 22.4.1 shall be a discretionary activity.

- 22.4.10 Any activity within the West Melton Business 1 Zone that does not comply with Rules 22.4.2.6, 22.4.2.7 or Rule 22.4.5 shall be a discretionary activity.

Reasons for Rules

...

Noise

...

Noise effects within the West Melton Business 1 Zone are managed in a hierarchy of rules to ensure that the noise effects are managed in a manner that is consistent with the adjoining Living 1 Zone to avoid adverse nuisance effects. Activities within the zone that operate during that stated day time hours and satisfy the prescribed requirements are provided as a permitted activity. Any activities that fail to accord with the permitted activity rules requires an expert noise assessment to demonstrate that the activity complies with the stated noise performance standards. Satisfactory compliance with the noise performance standards enables a controlled activity consent to be considered without public notification or the written approval of other land owners. Failure to accord with the noise performance standards will generate a discretionary activity resource consent. Rules 22.4.7 and 22.4.8 require a restricted discretionary activity resource consent to consider adverse reverse sensitivity effects that may arise with the establishment of a dwelling within the West Melton Business 1 Zone.

- 4.23 The above rules package has been drafted in consultation with Mr Camp to ensure that the District Plan contains the most efficient and effective methods to managed noise within the West Melton Business 1 Zone. These rules recognise the need to manage future effects of commercial development within the zone on the adjoining Living 1 Zone and established residential dwellings. They also consider and address a number of noise mitigation measures and the effects of dwellings establishing within the zone that may generate adverse reverse sensitivity effects on established and future business activities.
- 4.24 I consider that the above provisions are the most appropriate with respect to managing potentially adverse noise effects arising from any future development of the West Melton Business 1 Zone.

Residential density

- 4.25 The following rules to manage the effects arising from a potential development typology entailing a residential component are proposed as an alternative to the rule proposed by Mr Glasson:

22.9 DWELLINGS

Controlled Activities – Dwellings

...

- 22.9.4 The erection of any dwelling in the West Melton Business 1 Zone that satisfies the West Melton Living 1 zone Rules.

Discretionary Activities – Dwellings

- 22.9.4 Any dwelling which does not comply with Rules 229.1 and 22.9.4 shall be a discretionary activity.

...

Reasons for Rules

...

Additional controls within the West Melton Business 1 Zone are provided to ensure that any effects associated with the construction of dwellings within this environment are managed appropriately. Rule 22.9.4 requires any dwelling within the zone to be subject to the Living 1 zone rules to ensure that the scale and form of development is appropriate with respect to the adjoining residential land uses and to ensure sufficient separation is provided from established commercial activities to avoid adverse reverse sensitivity effects. Failure to accord with the controlled activity Living 1 Zone rules for dwellings within the West Melton Business 1 Zone requires a discretionary activity resource consent to enable a full assessment to be undertaken with respect to the effects of dwellings on the existing activities within the zone as well as the adjoining Living zones.

PART C SECTION 24 BUSINESS ZONE RULES - SUBDIVISION

Restricted Discretionary Activities – Subdivision - General

...

West Melton Business 1 Zone

- 24.1.3.21 In the West Melton Business 1 Zone, any subdivision to create allotments to accommodate dwelling shall satisfy the Living zone subdivision performance standards and accord with the minimum allotment size of 1,000m² prescribed in Table C12.1 – Allotment sizes.

...

Discretionary Activities – Subdivision – General

West Melton Business 1 Zone

- 24.1.5 Any subdivision that fails to satisfy Rule 24.1.3.20 shall be a discretionary activity.

Reasons for Rules

...

Rule 24.1.3.21 requires any subdivision within the West Melton Business 1 Zone to accord with the Living zone subdivision performance standards, including the minimum average allotment size of 1,000m². This is to ensure that the density of sections to accommodate

dwelling is consistent with the scale of residential development within the township. Failure to accord with the Living zone subdivision rules necessitates a discretionary activity resource consent to enable a full assessment to be undertaken to consider the effects of any sections being created to accommodate dwellings on existing activities established within the zone as well as adjoining Living zones.

- 4.26 The term “dwelling” has been used within the various rules drafted to manage residential living components within the West Melton Business 1 Zone. This is in preference to “residential purposes” because as far as I am aware the definition of “dwelling” in Part D of the District Plan encompasses all residential and accommodation typologies.
- 4.27 The District Plan Business 1 zone anticipates residential components, although as identified in the above assessment, there are few controls to ensure that such forms of development are integrated into these environments without the risk of creating adverse effects. As a result, it is considered that the above approach is an interim measure pending further investigations to establish more efficient and effective methods of appropriately managing the effects of residential living typologies within the Business 1 zone in general. The above provisions do not prohibit residential activities from establishing within the West Melton Business 1 Zone, rather it requires a comprehensive assessment through resource consent to consider the broad range of effects that could arise from this form of development on both commercial activities established within the zone and the immediately adjoining neighbours.
- 4.28 An alternative approach would be to investigate detailed provisions to specifically manage residential forms of development within the West Melton Zone. However, I am conscious that this exercise would require a significant amount of consideration that is best undertaken through a comprehensive plan change that specifically investigates this issue. In contrast, an approach that simply relies on the current District Plan provisions could also be adopted, although I am conscious that Council would have very little opportunity to assess the effects of this form of development through the consenting process and poor outcomes may arise as a result.
- 4.29 It is therefore concluded that the recommended rules are the most appropriate course of action to take at this point in time.

Business Development

- 4.30 I recommend the addition of the following Reason for Rules to accompany proposed Rule 22.15 to explain the context around why the overall footprint and individual tenancy sizes are required to be managed within the West Melton Business 1 Zone:

Reasons for Rules

A maximum Gross Floor Area for individual tenancies within the West Melton Business 1 Zone has been restricted to 350m² to ensure the scale and function of any future developments within the zone are consistent with the size of the town it is serving. An exemption to this restriction is provided for taverns, restaurants and café in recognition that these activities are unlikely to undermine the viability of other town centres, commercial nodes or Business 1 zones. A maximum Gross Floor Area of 3,000m² also applies to the West Melton Business 1 Zone to ensure the size and function of the centre is commensurate to West Melton and does not contribute to any adverse retail distribution effects.

- 4.31 The addition of the above Reasons for Rules is restricted to explaining the context that has determined the need for this rule to assist in ensuring that the provision is interpreted correctly and to assist users of the Plan to establish the basis of the development control.

Conclusions

- 4.32 Having assessed the request, the submissions received, the evidence presented to date, the additional material that has been circulated since the adjournment of the hearing and finally the conclusions of the above analysis, I am satisfied that PC 30 in its amended form is the most effective and efficient approach when considered against s32 of the RMA.

Matters to be considered and contents of district plans - s74 and s75 assessment

- 4.33 In my opinion, there are no additional matters under s74 and s75 that need to be considered that have not been addressed to date as part of the PC 30 process.

Part II matters

- 4.34 There are no additional “matters of national importance” listed in s6 or Treaty of Waitangi matters under s8 that have not been considered to date.
- 4.35 Having assessed the additional matters raised by the Commissioner, I continue to believe that PC 30 is able to satisfy the relevant Other Matters detailed in s7 of the RMA and ultimately to achieve the purpose of the Act under s5.
- 4.36 In conclusion, it is my opinion that PC 30 is able to better achieve the purpose of the RMA than the current District Plan provisions, but only where the amended provisions prescribed in **Attachment D** are adopted.

5. FINAL RECOMMENDATION

- 5.1 It is my recommendation that proposed PC 30 be ACCEPTED, subject to the modifications to the original schedule of amendments that are set out in **Attachment D**.

ATTACHMENT A:

**PC 29 provisions (as amended through
decisions and Consent Order)**

Relevant PC 29 provisions - as amended through decisions

(Note: Consent Order amendments are struck through and/or underlined)

POLICY B3.4.22

Allow people freedom in their choice of the design of buildings or structures except where building design needs to be managed to:

- Avoid remedy or mitigate adverse effects on adjoining sites; or
- Maintain the character of areas with outstanding natural features or landscape values or special heritage or amenity values; or
- Maintain and establish pleasant and attractive streets and public areas in the Business 1 Zone.

Explanation and Reasons

In general, the District Plan does not have provisions that tell people what colour, shape or materials to use when building structures. The Plan does, however have rules for the height, bulk of buildings and recession planes, to avoid adverse effects of shading and loss of privacy or outlook, on adjoining sites. In the case of the Business zones some of these provisions are either relaxed or do not exist where adjoining another business zoned site. An exception is within the Business 1 Zone where it is considered that active management of design is needed in order to address the effects on public spaces.

Some areas have been identified in the Plans as having either: outstanding natural features or landscape values or special heritage or amenity values. In these areas, the Plan has design criteria for erecting a building or structure, including signs, as a permitted activity (no resource consent needed). Buildings or structures that cannot comply with the rules, may be able to be erected through the granting of resource consent, if the proposed design is appropriate to the area.

The areas subject to building design due to the proximity of outstanding natural features or landscapes are identified in Part B, Section 1.4 of the Plan. Such controls affect the expansion of the townships of: Arthurs Pass, Castle Hill and Lake Coleridge, and the expansion of other townships in certain directions. It will also affect parts of the Rural Zone. This matter is addressed in the Rural Volume of the Plan.

The townships of Arthur's Pass and Castle Hill also have building design controls in their existing villages. These controls are to maintain the special building styles and associated character that exist in those villages, at present. This matter is addressed in Policies 28 and 29 of this Section.

Building Act 2004

A building consent is required for the erection, alteration or demolition of any building under the Building Act 2004, whether that building requires a resource consent or not. All buildings must comply with relevant structural criteria in the New Zealand Building Code.

Method

- District Plan Rules
- Height of Buildings (All zones)
- Size of Buildings (All zones)
- Recession Plains (All zones)
- Urban Design Guides

Policy B3.4.23a

Ensure that Business 1 zoned town centres are walkable and well integrated, and that development in those town centres contributes to the economic and social vibrancy of the District's towns by:

- Complementing public spaces (both those in public ownership and on-site public space) with high quality active frontage
- Ensuring the provision of high quality public space
- Bringing activity to street frontages by, where possible, positioning of buildings and active frontage along the street boundary and not locating car parking between buildings and a road

- Providing for a high quality pedestrian experience in places the public must be present
- Ensuring that development supports the urban structure by providing for direct and logical pedestrian routes within and through larger sites and to entranceways along pedestrian desire lines
- Allowing for a variety of typologies including large format retailing where appropriate

Explanation and Reasons

Town Centres are the hub of a community and the venue for a variety of transactions. A vibrant and vital town centre results from the variety of experiences and transactions on offer from a single journey. The presence of people on the street is an essential component of a vital town centre, adding interest, excitement and commercial opportunities.

An inviting and walkable town centre allows people to combine shopping and other activities (such as using the library or meeting with friends). The social fabric of the town is strengthened by the opportunities for chance encounters. There are health benefits from allowing people to incorporate walking into their daily routine. But people will only walk around a centre if it is safe, attractive and convenient.

The integration of adjacent sites is important for the economic success of the centre, increasing opportunities for multi-use visits and broadening the range of activities taking place in the centre.

For these reasons, a centre must have a layout which supports pedestrian activity and buildings must be designed to bring interest and activity to streets and areas where people may be present. Developments which turn their backs on the street and neighbouring pedestrian experience will undermine the opportunity for a community hub to be developed.

The plan differentiates between small developments (with floor areas below 450m²) and large ones.

Small developments have a reduced scale of effects, but there is more potential for adverse cumulative effects from development which is undertaken at different times. Effects are managed with bottom line standards designed to ensure regular development with good street interaction.

Large developments have a greater scale of effects but can be designed comprehensively and include on-site public space. These proposals need a greater degree of scrutiny, so they are restricted discretionary activities, but assessment can include the overall effects of the development on the environment (rather than rigid compliance with standards).

The policy recognises that there is a demand for large format retail; that is appropriately located in the Business 1 zone; and that its presence can be an important contribution to the economic and social vitality of a town centre. It seeks a balance between the positive contribution such retail makes and the adverse effect it can have if poorly designed.

Methods

District Plan Rules (Business 1 zones)

- Streetscene
- Retail Activities
- On-site Public Spaces
- Entranceways
- External finish
- Landscaping
- Urban Design Guides

RULES

16.9 SMALL SCALE COMMERCIAL DEVELOPMENTS (LESS THAN 450m²)

Permitted Activities

- 16.9.1 In the Business 1 zone, developments comprising:
- (a) one or more new commercial buildings and/or
 - (b) commercial building additions, and/or
 - (c) conversion of all or part of an existing dwelling for commercial use

With a total gross floor area of less than 450m² shall be a permitted activity provided that:

- 16.9.1.1 Except in Southbridge, Coalgate and Dunsandel, no car parking or vehicular access is provided between the frontage of any building and a legal road (or any accessway) from which the public will access the site if it does not have access to a legal road; and
- 16.9.1.2 Except for (c) above, at least 50% (by length) of each building frontage which fronts or directly faces on-site public space, or a road or other area where the public have a legal right of access, shall be installed and maintained as active commercial frontage; and
- 16.9.1.3 The maximum height of any fence between any building facade and the street or a private Right of Way or shared access over which the allotment has legal access, shall be 1m; and
- 16.9.1.4 Except for (c) above, every building adjoining or within 3m of a road boundary shall be provided with a verandah to the following standards:
 - (a) Verandahs shall be set at least 0.5m behind the kerb face; and
 - (b) Verandahs shall have a minimum depth of 3m except where this would entail a breach of rule (a) above; and
 - (c) Verandahs shall extend along the entire frontage of the building facing the road boundary, and shall adjoin verandahs on adjacent buildings.

16.10 LARGE SCALE COMMERCIAL DEVELOPMENTS (450m² OR MORE)

Restricted Discretionary Activities

- 16.10.1 In the Business 1 zone, developments comprising:
 - (a) one or more new commercial buildings and/or
 - (b) commercial building additions where the new building and/or addition has with a total gross floor area of 450m² or more shall be a restricted discretionary activity.
- 16.10.2 Under Rule 16.10.1, Council has restricted the exercise of its discretion to:
 - 16.10.2.1 The extent to which the development:
 - ~~(a) is compatible with its context in terms of scale, and~~
 - (a) contributes to visual variety, including in relation to the architectural modulation and detailing proposed, and
 - (b) visually integrates or disguises roof mounted servicing equipment.
 - ~~16.10.2.2 The extent to which the design and location of active frontage and entranceways to buildings:~~
 - ~~(a) creates on site public space which is attractive and convenient for pedestrians; and~~
 - ~~(b) addresses other public space such as roads with active frontage.~~
 - 16.10.2.3 The extent to which the design and layout of the site provides and addresses (for example through active frontage) well located people oriented space appropriate to the scale and nature of activities on site attractive pedestrian areas; either public streets or spaces with an equivalent amenity to public streets, where practicable.
 - 16.10.2.4 The extent to which the site layout provides direct, logical and attractive pedestrian routes of sufficient width within and through the site as part of a comprehensive walking network for the wider area.
 - 16.10.2.5 The extent to which the development maintains and/or provides continuous building lines, active frontage and verandahs along street boundaries and main pedestrian routes, where practicable.
 - 16.10.2.6 Whether car parking areas contribute to the provision of high quality public space, and are not located between buildings and a road where ~~possible~~ practicable.
 - 16.10.2.7 The extent to which the design and location of landscaping will contribute to a high quality pedestrian experience by mitigating ~~the any adverse~~ visual effects of

development and defining the edges of streets and other space accessible to the public.

~~16.10.2.8 The provision of appropriate servicing for the proposed activities in relation to amenity effects.~~

16.10.2.9 The degree to which the ~~colours and~~ reflectivities proposed for the exterior of buildings, including rooves, will contribute to pleasant and attractive streets and public areas.

16.10.3 Any application arising from Rule 16.10.1 will not require the written approval of other persons and shall be non-notified.

~~Note: People oriented space (Rule 16.10.2.3) means public space (including on-site public space) which has high pedestrian amenity.~~

~~Subject to high pedestrian amenity being achieved, In Rule 16.10.2.3, examples of people oriented space with street like amenity might include (but are not limited to):~~

- legal roads and public reserves.
- “Private Streets”: areas of private land where buildings with a majority of active frontage are directly opposite each other with pedestrian facilities on both sides of an accessway.
- “Pedestrian Precincts”: traffic-free street or lanes faced by active frontage on both sides.
- “Pedestrian Parades”: wide footpaths in front of shops, providing space for pedestrian activities, separated from car parking by landscaping.
- “Nooks and Corners”: Making use of larger areas of leftover space, spearated from car parking by landscaping.
- “Pedestrian Squares”: generally enclosed on 2 or more sides by active frontage, and where vehicules are not permitted.

Illustrations of these concepts are provided in Council's *Commercial Design Guide*.

16.11 BUILDINGS AND SECURITY SHUTTERS

Non-complying Activities

16.11.1 In the Business 1 zone, the installation of exterior security shutters shall be a non-complying activity.

17.7 PARKING AREAS AND LANDSCAPING

Permitted Activities

17.7.1 In the Business 1 zone, new car parking areas shall be a permitted activity if they comply with the following:

17.7.1.1 A continuous landscaping strip between any legal road and ~~the~~ an adjacent parking area, except across vehicle crossings and pedestrian accesses, which complies with the following:

- A depth of at least 3m with plants that will grow to a height of 60cm within 3 years over the entire areas, or
- A depth of at least 1.5m, ~~planted with visually impermeable hedging~~ that will reach a continuous height of 1m (visually impermeable) within 3 years.

17.7.1.2 A minimum of 1 tree is provided for each ten metres of road frontage, set in a planting bed with minimum dimensions 1.5mx1.5m.

Note: For car parking areas resulting in more than 20 parking spaces, Rule 17.7.2 will apply in addition to Rule 17.7.1.

Controlled Activities

- 17.7.2 In the Business 1 Zone, new car parking areas resulting in more than 20 parking spaces shall be a controlled activity.
- 17.6.1.1 The exercise of Council's discretion shall be limited to the following:
- (a) The degree to which low level landscaping has been provided in order to break up the appearance of hard surfacing, particularly between the car park and pedestrian areas.
 - (b) Whether an adequate number of trees, within suitably sized planting beds, have been provided in appropriate locations within car parking area in order to mitigate any adverse visual effects.

Restricted Discretionary Activities

- 17.7.3 Any car parking area which does not comply with Rule 17.7.1 shall be a restricted discretionary activity. The exercise of the discretion shall be limited to consideration of effects on visual amenity.

19.1 OUTDOOR SIGNS GENERAL

Permitted Activities – Outdoor Signs General

- 19.1.1 Any sign shall be a permitted activity if the following conditions are met:
- 19.1.1.1 The sign is erected on the site to which it relates, exclusive of a free standing sign located on a footpath or grass berm outside the site but adjoining the site; and
 - 19.1.1.2 The sign does not have any flashing or revolving lights, sound effects, balloons or blimps; and
 - 19.1.1.3 If a sign is illuminated, any light spill from the sign on to any road or another site complies with the requirements in Ruyle 22.5 – Activities and Light Spill; and
 - 19.1.1.4 The sign does not obstruct or impair the view for any motorist or pedestrian of any traffic signal, intersection, vehicle crossing, road bend or corner; and
 - 19.1.1.5 The sign does not exceed the height of:
 - (a) The building or structure to which it is attached, or
 - (b) 6 meters, in the Business 1 and 2 zones, and 8 metres in the Business 3 Zones, if the sign is not attached to a building; and
 - 19.1.1.6
 - (a) The sign does not exceed 3m² in area where it is not attached to a building;
 - (b) In the Business 1 zone, the total freestanding signage per site does not exceed 3m² where the sites road frontage is less than 50m², or 60m² otherwise; and
 - 19.1.1.7 The sign is not of a colour or design that resembles a traffic sign or signal;
 - 19.1.1.8 Any sign overhanging a public footpath or road berm has a minimum height of 2.5m above the ground or footpath level;
 - 19.1.1.9 The sign does not protrude beyond the edge of a building if it is attached to a building.
 - 19.1.1.10 In the Business 1 Zone, signage does not occupy more than 25% of any building elevation if it is attached to or painted on or otherwise provided on the elevation.
- Note: For the purpose of calculating the area of signs painted on a building, the area of the Sign is that enclosed by a line drawn around the perimeter of the Sign lettering and associated artwork.

Inserted the following amendments to the Reasons for Rules

Design and Layout of Business 1 development

Rule 16.9 manages the effects of smaller commercial developments. It is intended to ensure that there is a positive interface between commercial development and the adjacent public space. The quality of a centre is in part defined by the appearance of buildings and their relationship with the street so it is important that commercial buildings make a positive contribution to this environment. Key to this is that they have active frontage adjacent to pedestrian

areas and that they are not separated from these areas by car-parking. In Southbridge, Coalgate and Dunsandel, a lesser degree of control is considered appropriate due to the particular character and circumstances of these towns.

Rule 16.10 manages larger commercial developments which have a greater scale of effects and which usually create substantial areas of on-site public space which may become the place where people experience the public life of the town. It is important that this space is a high quality area in line with the expectations for the Business 1 zone. It is also important that the development maintains a good quality interface with public space. Rule 16.10 allows for the consideration of the effects of the development on the quality of the town centre environment in line with Policy B3.4.23a.

Landscaping

Rule 17.7 provides standards for mitigation of car parking. For boundaries with public space it provides for either a minimum height or a minimum depth. This approach allows a degree of flexibility whilst protecting the appearance of the town centre.

Inserted the following definitions

Definitions

Active Frontage means buildings where the ground floor level features glazing, windows or doors which allow views into the premises. It refers to that part of the building with glazing occupying the entire area between 1m and 2m in height, as a minimum.

ATTACHMENT B:

Expert noise assessment

WEST MELTON B1 ZONING APPLICATION

Assessment of Noise Effects

Rp 001 2012294

26 July 2012



Project: **WEST MELTON B1 ZONING APPLICATION**

Prepared for: **R.D. Butt**
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Report No.: **Rp 001 2012294c**

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TABLE OF CONTENTS

1.0	INTRODUCTION	4
2.0	SITE LAYOUT	4
3.0	NOISE ISSUES	5
4.0	PROPOSED NOISE RULES	5
5.0	TYPICAL SITE NOISE GENERATION	5
5.1	Vehicle Noise Levels	6
5.2	People Noise	6
5.3	Mechanical Plant Noise.....	7
6.0	TAVERNS / BARS	8
7.0	CONCLUSIONS AND RECOMMENDATIONS.....	8

APPENDIX A INDICATIVE SITE LAYOUT

APPENDIX B DRAFT PROPOSED RULES

1.0 INTRODUCTION

Marshall Day Acoustics has been engaged to undertake a detailed assessment of noise effects for a proposed business zone (B1) at West Melton (Plan Change 30). The request for a detailed assessment has come from the Commissioner hearing the application.

The Plan Change 30 application involves rezoning approximately 8,000 m² of land on the eastern side of Weedons Ross Rd, near the junction with State Highway 73 (West Coast Road). The application site directly adjoins residential land to the east.

 shows the location of the application site.

2.0 SITE LAYOUT

Whilst the final site layout has not yet been determined, the indicative layout shown in Appendix A was submitted as part of a response to the Commissioner.

This layout shows a contiguous block of buildings down the eastern side of the site, with vehicle access and a small number of carparks close to the existing residential boundary. The primary parking area is towards the road frontage.

We have based our assessment of noise effects on this indicative site layout.

Of critical importance to our acoustic assessment are;

- The buildings form one contiguous block, thereby providing useful acoustic screening to the residential properties to the east,
- Parking and vehicle access behind the buildings will not be obvious to customers, and is therefore unlikely to generate significant traffic,
- A 1.8 metre high solid timber fence already exists along the eastern residential boundary. This provides a useful noise reduction, which we have taken into account in our calculations.

Alternative site layouts would be possible. However, in our view, it would be necessary to assess potential noise effects resulting from any significant change to layout.

With regard to fencing, we have based our calculations on an assumption that 1.8 metre high timber fences will be erected along the northern and southern site boundaries. However, these boundaries adjoin a Kindergarten and Church respectively. Neither of these properties are as sensitive to noise as residential properties, and hence the owners of these sites may prefer not to have solid fencing. This would result in a technical non-compliance with the noise rules, but in our view would not result in significant adverse noise effects. In addition, the non-compliance could easily be rectified in the future by constructing a fence.

3.0 NOISE ISSUES

When addressing noise on this site, we consider it important to ask three questions:

- Are the noise rules appropriate for the neighbouring sites which will be affected by noise from this application?
1. Can/will likely activities on site comply with the noise rules?
 2. Is there a mechanism in place to ensure compliance?

We will endeavour to answer each of these questions in this report.

4.0 PROPOSED NOISE RULES

The applicant has proposed to apply the existing Living 1 Zone noise rules to this site. These rules can be summarised as follows:

- Daytime (7.30am – 8.00pm) 50 dB L_{A10} and 85 dBA L_{Amax} ¹
- Night-time (8.00pm – 7.30am) 35 dBA L_{A10} and 70 dBA L_{Amax} .

Whilst these limits are 5 dB more stringent than the normal Business 1 Zone noise limits, in our view the Living Zone rules are appropriate because they are the rules which currently apply in the neighbouring residential area. As such, they represent the standard of acoustic amenity currently anticipated by the District Plan.

One anomaly which we have identified is that there is a narrow strip of land between the application site and the road. We understand that this is a gazetted recreation reserve. However, the zoning of this strip of land is Living 1, and in the absence of any rules to the contrary, the Living 1 Zone rules would apply at this interface. This is a nonsensical situation, given that the reserve will not be affected by noise. We have therefore not considered this issue further. However, we believe some clarification is required in the rules for this site.

5.0 TYPICAL SITE NOISE GENERATION

Whilst there are a range of activities which could establish on this site, potential noise sources fall into a three key categories:

- Vehicle noise, including carparking;
- People/activity noise, particularly as a result of outdoor dining/smoking areas, and;
- Mechanical plant noise.

¹ We have adopted the latest terminology, whereby the “A” of “dBA” now moves to the “ L_{10} ” or “ L_{max} ”. Hence, 50 dB L_{A10} is the new way or writing 50 dBA L_{10} .

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Rp 001 R04 2012294 West Melton B1 noise effects.doc

5.1 Vehicle Noise Levels

Marshall Day Acoustics has performed a significant number of noise measurements in and around car parks in New Zealand. Our measurements have included: general car noise; typical doors closing; and typical conversation noise. We have used these measurements to evaluate vehicle noise emissions from the site in terms of both the L_{A10} and L_{Amax} noise rules.

Based on the indicative site layout shown in Appendix A, the main carpark will be located along the western side of the site, near the road. Additional parks, and vehicle access, is provided along the eastern site boundary adjacent to the remaining residential zone.]

We have based our prediction of vehicle and carparking noise levels on the traffic report (by Traffic Design Group) submitted as part of the application. This report predicts up to 318 vehicle movements on site during peak hour. Whilst our experience suggests that most of these will drive in front of the buildings, we have taken the conservative approach of assuming that vehicle movements will split according to the ratio of parks. On this basis, approximately 1/3 of the vehicle movements will take place at the rear of the buildings, near the residential boundary.

Our calculations show that noise from 106 cars driving through, plus associated parking manoeuvres, will result in a noise level of **46 dB L_{A10}** on the residential side of the existing fence. In addition, a typical car door closing will result in a noise level of **70 dB L_{Amax}** .

The predicted 46 dB L_{A10} complies with the daytime Living Zone noise rule. By 8.00 pm (night-time), most shops on a site such as this will be closed, and traffic volumes behind the buildings will be significantly lower than the peak hour—both by virtue of reduced use of the site overall, and because the highly visible parking in front of the buildings will be readily available. As such, we also expect vehicle movements to comply with the night-time noise rule of 35 dB L_{A10} .

The predicted 70 dB L_{Amax} from a car door closing complies with the night-time Living Zone noise rule.

On this basis, we conclude that noise from vehicle movements and carparking on site will comply with both the daytime and night-time Living Zone noise rules.

5.2 People Noise

Noise from people outside can only be controlled by ensuring they are adequately separated from noise-sensitive boundaries, and by use of solid fences or other acoustic barriers.

Marshall Day Acoustics has measured noise from groups of people dining outdoors at various restaurants and bars around Christchurch. Our measurements show that this typically results in a noise level of 65 dB L_{A10} at a distance of 10 metres.

On this basis, daytime compliance would be achieved at a distance of 20 metres when including the effect of a timber boundary fence. A slightly smaller setback would be possible

with some screening around the dining area, although in our experience such screening is unreliable.

After 8 pm (night-time), compliance with the proposed rule would require outdoor dining areas to be set back at least 100 metres from any Living Zone boundary. This is unlikely to be possible, and hence specific acoustic design will be required prior to allowing any outdoor seating area to operate after 8 pm.

We are also concerned that the plan change application allows for the possibility of the buildings on site to be constructed in a number of stages. If this happens, there is a risk that outdoor seating areas could end up reasonably close to the Living Zone to the east, in an area set aside for a future building. We would not expect this to comply with the daytime noise rules. We therefore recommend that no outdoor seating area be permitted until such time as all proposed buildings on site are constructed. A controlled activity consent could also be used to control this situation.

5.3 Mechanical Plant Noise

Commercial buildings such as those which are likely on this site inevitably require some mechanical plant. This can range from small air-conditioning plant, to kitchen extract systems in a fish and chip shop or restaurant kitchen.

Marshall Day Acoustics has undertaken a number of measurements of noise from “domestic scale” (up to about 5 kW) air-conditioning condensers (outdoor units). We expect this scale of unit to be typical of that required for the commercial tenancies proposed on this site. The measured noise level varies from 48 dB (L_{A10}) to 67 dB (L_{A10}) at 2 metres from the unit, depending on size and manufacturer. If units such as this were mounted on the eastern façade of the buildings, at ground level, the noisiest of these would result in a level of 46 dB L_{A10} on the neighbouring residential property. This complies with the **daytime** Living Zone noise rule.

Based on this simple analysis, it is our view that the risk of non-compliance during daytime hours is very small, and in any event is easily rectified given how small these units are. We therefore conclude that outdoor condenser units not greater than 5 kW capacity could be installed at ground level anywhere on site as a permitted activity.

Of greater concern is large items of plant, such as kitchen extract systems, and/or any item of plant that may operate after 8 pm (night-time). We understand that one rule discussed for this site required that any activity wishing to operate after 8 pm would require a consent, to address potential noise effects. This doesn’t seem to have been carried through to the proposed rules at this stage. In our view, this is an appropriate and necessary mechanism to avoid potential non-compliance with the night-time noise rules. Night-time compliance is certainly possible for mechanical plant, provided appropriate acoustic design is implemented prior to construction.

6.0 TAVERNS / BARS

The commissioner has specifically raised the issue of the possibility of a bar/tavern on this site.

In our view, the indicative site layout is exactly what we would recommend for a site which allows for a bar/tavern. The building is set back sufficiently far from the Living Zone boundary to allow for mechanical plant to meet the noise rules without requiring expensive/complex noise control, whilst noise from outdoor areas, cars, and people is screened from the eastern Living Zone by the building.

There would still be a need to consider where outdoor seating areas are located. Management of night-time noise issues such as disposal of glass bottles into skips, and waste handling, would also need to be addressed as part of a bar proposal. We are therefore of the view that a bar should not be a permitted activity, but a typical “restaurant/bar” such as a Robbies or a Speights Ale House could be established without any real difficulties. Compliance with the zone noise standards would be possible, provided appropriate consideration was given to noise issues prior to construction. We therefore suggest that requiring an acoustic assessment to demonstrate compliance with the permitted noise standards would be appropriate. This may be best handled as a controlled activity. Any non-compliance with the noise standards would then trip discretionary status.

Based on our analysis of other noise sources, we propose that any activity operating after 8pm would be discretionary, as would an activity with outdoor seating closer than 20 metres to the zone boundary, and activities with external mechanical plant or vents. We believe that a bar/tavern would trip the requirement for a consent under most, and possibly all of these items.

7.0 CONCLUSIONS AND RECOMMENDATIONS

We conclude that adverse noise effects from this proposed plan change will be minor, provided that appropriate rules are implemented to deal with the issues discussed in this report.

We make the following comments with respect to rules which we believe are appropriate for this plan change.

1. We agree that the existing Living Zone noise rules are an appropriate permitted activity standard for this site (proposed Amendment 3). However, we are not happy with the terminology “...at the Business 1/Living 1 zone interface...” because this suggests the rules only apply at the one exact location of the zone interface, whereas industry best practice allows measurements anywhere “within” the neighbouring property to allow for possible anomalies etc. We therefore recommend wording the new rule in a manner consistent with the existing Plan rules. Although there are no Rural zones adjoining this site, we consider it simplest to adopt exactly the same wording as other B1 zone rules;

2. As noted in Section 4.0, we recommend that a rule is included to make it clear that the proposed noise rules do not apply at the gazetted recreation reserve.
3. We are confused by the current proposed Amendment 4. As we read the current wording of proposed rule 22.4.2.1, this amendment says that any activity in the West Melton B1 zone is restricted discretionary, which in our view is inappropriate. We do not support a rule which requires every application to undertake a detailed acoustic assessment. Rather, we recommend defining parameters which would be appropriate to ensure compliance with the proposed noise rules. These could form the basis of a controlled activity rule, with all other activities being discretionary (either full or restricted discretionary). In line with our analysis above, we suggest that controlled activities should include the following, subject to demonstrating compliance with the permitted noise standards;
 - Any activity with outdoor seating areas intended for the consumption of food or beverages, located less than 20 metres from the zone boundary,
 - Any activity operating outside the hours of 7.30am to 8.00pm,
 - Any activity with any external mechanical plant or vents, except airconditioning condensers less than 5kW in capacity.
4. As discussed in Section 2.0, strict compliance with the noise rules would require the construction of a solid fence (timber or similar) 1.8 metres high along both the northern and southern zone boundaries. However, as discussed, the adjoining kindergarten and church are not particularly sensitive to noise, and we suggest that the fence is not constructed at this time. At some future stage, fencing may be required as part of a controlled activity consent, and/or a fence could be constructed as a permitted activity at any time the neighbours expressed concerns over noise.
5. The site layout should be generally in accordance with the indicative site layout plan shown in Appendix A. In particular, all buildings on the site must form one contiguous block, with the eastern façade of the building between 6 and 10 metres from the Living Zone boundary, and the ends of the block no more than 15 metres from the northern or southern zone boundary. Any alternative site layout should require consent to enable consideration of potential noise effects.
6. No outdoor seating/dining areas shall be permitted until all buildings on the site are constructed. Again, we believe this could simply trigger a controlled activity consent. Note that acoustically, the buildings do not need to be completed, provided the eastern walls are in place.
7. We acknowledge that high-density residential development is permitted under the existing B1 zone rules. However, acoustically this is undesirable, because a bar or similarly noisy activity on the site could result in adverse noise effects on residential units, and residential units could result in reverse sensitivity effects on surrounding businesses. However, we believe it would be possible to address these effects using the following mechanisms:

- Add a permitted activity noise rule which applies “...at the façade of any building within the B1 zone used for residential purposes...”. This rule would be similar to, and apply the same limits as 22.4.1.1, which currently applies in all other B1 zones. The wording could be extended to include “...noise sensitive activities...” if Council prefer. Such a rule would ensure that even a controlled activity consent would require assessment of the noise effects from the bar on established residential/noise sensitive activities within the zone.
- Make residential activity restricted discretionary, subject to consideration of reverse sensitivity effects on commercial activities which have already established on site.

8. Existing rule 22.4.3 already provides for discretionary status for any activity which fails to comply with the permitted activity noise standards.

In summary, it is our view that the proposed noise limits are appropriate for this zone, provided a suitable mechanism is included within the rules to ensure that activities which may not automatically comply with the rules have to consider noise prior to establishing on site. We have worked with Council officers to draft a set of noise rules which we believe achieves this aim. Appendix B provides a copy of these draft proposed rules.

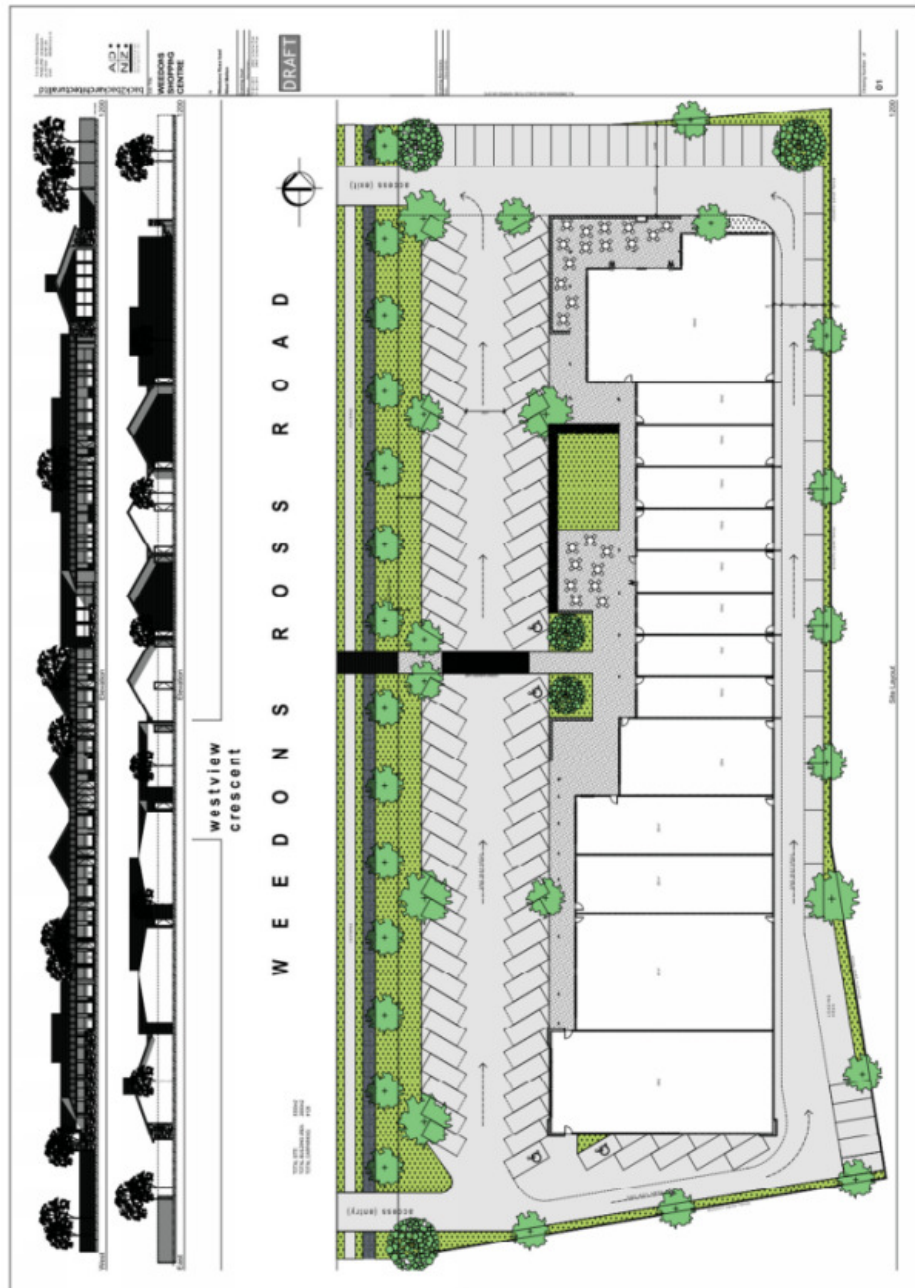
The rules provide a hierarchy, whereby;

- Daytime activities are permitted, with some exceptions,
- Night-time activities, and activities captured by the exceptions to permitted rules, are controlled, subject to an acoustic report,
- Residential activities which wish to establish after commercial activities are already on site are restricted discretionary, to enable consideration of reverse sensitivity effects, and,
- Activities which exceed noise rules are discretionary.

Site Location



APPENDIX A INDICATIVE SITE LAYOUT



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Rp 001 R04 2012294 West Melton B1 noise effects.doc

Page 12 of 14

APPENDIX B DRAFT PROPOSED RULES

Permitted Activities – Activities and Noise

...

Business 1, 1A & 3 Zones (with the exception of the West Melton Business 1 Zone):

- 22.4.1.1 Noise assessed within the boundary of any other site NOT within a Living zone or within the notional boundary of any dwelling within any Rural zone...

...

Business 1 West Melton

22.4.2 Any activity conducted on any day, except any residential activity, shall be a permitted activity, provided that the following standards are complied with:

- 22.4.2.1 Hours of operation shall be within 7.30am to 8.00pm.
- 22.4.2.2 Outdoor seating areas intended for the consumption of food or beverages shall be located no less than 20 metres from the zone boundary.
- 22.4.2.3 There shall be no external mechanical plant or vents, except air conditioning condensers less than 5kW in capacity.
- 22.4.2.4 The site layout shall incorporate a continuous built form extending along the full length of the site to serve as noise mitigation, being between 6 and 10 metres from the Living zone on the eastern rear boundary and no more than 15m metres from the southern and northern boundaries.
- 22.4.2.5 No outdoor seating and/or dining areas shall be permitted until all buildings on the site are constructed in general accordance with the setbacks prescribed in Rule 22.4.3.4.
- 22.4.2.6 Noise assessed at the facade of any dwelling in the B1 West Melton zone shall not exceed the following:
- 7.30am – 8.00pm 60 dBA L10 and 85 dBA Lmax
- 22.4.2.7 Noise assessed within the Living zone or within the notional boundary of any dwelling within any Rural zone shall not exceed the following:
- 7.30am – 8.00pm 50 dBA L10 and 85 dBA Lmax

22.4.3 Any dwelling that it is established prior to any commercial activity within the zone shall be a permitted activity.

Note: For the purposes of applying Rule 22.4.2.4, the buildings do not need to be completed, provided the eastern walls are in place.

22.4.4 Rules 22.4.1 and 22.4.2 does not apply to the use of sirens or warning devices associated with emergency service facilities.

Controlled Activities – Activities and Noise

Business 1 Zone West Melton:

22.4.5 Any activity that does not meet rules 22.4.2.1 – 22.4.2.5 shall be a controlled activity if the following standards are met:

- 22.4.5.1 An acoustic report from a qualified acoustic engineer is provided showing that noise levels of the activity meet the following noise standards:
- Noise assessed at the facade of any dwelling in the B1 West Melton zone
- 7.30am – 8.00pm 60dBA L10 and 85dBA Lmax
- 8.00pm – 7.30am 45dBA L10 and 70dBA Lmax
- Noise assessed within any Living zone or within the notional boundary of any dwelling within any Rural zone:
- 7.30am – 8.00pm 50dBA L10 and 85dBA Lmax

8.00pm – 7.30am 35 dBA L10 and 70 dBA Lmax

Note: These noise standards shall not apply within the gazetted recreation reserve adjoining the western boundary of the West Melton Business 1 Zone.

22.4.5.2 Any application arising from Rule 22.4.5 will not require the written approval of other persons and shall be non-notified.

22.4.6 Where rule 22.4.5 is fully complied with Councils discretion shall be limited to the compliance of rules 22.4.5.1

Restricted Discretionary Activities – Activities and Noise

22.4.7 Any dwelling within the West Melton Business 1 Zone that does not meet Rule 22.4.3 shall be a restricted discretionary activity.

22.4.8 Under Rule 22.4.7 the Council shall restrict the exercise of its discretion to::

22.4.8.1 The consideration of adverse reverse sensitivity effects on commercial activities that have already established within the West Melton Business 1 Zone.

22.4.8.2 All other relevant noise effects associated with the introduction of a residential living activity within the Business 1 Zone.

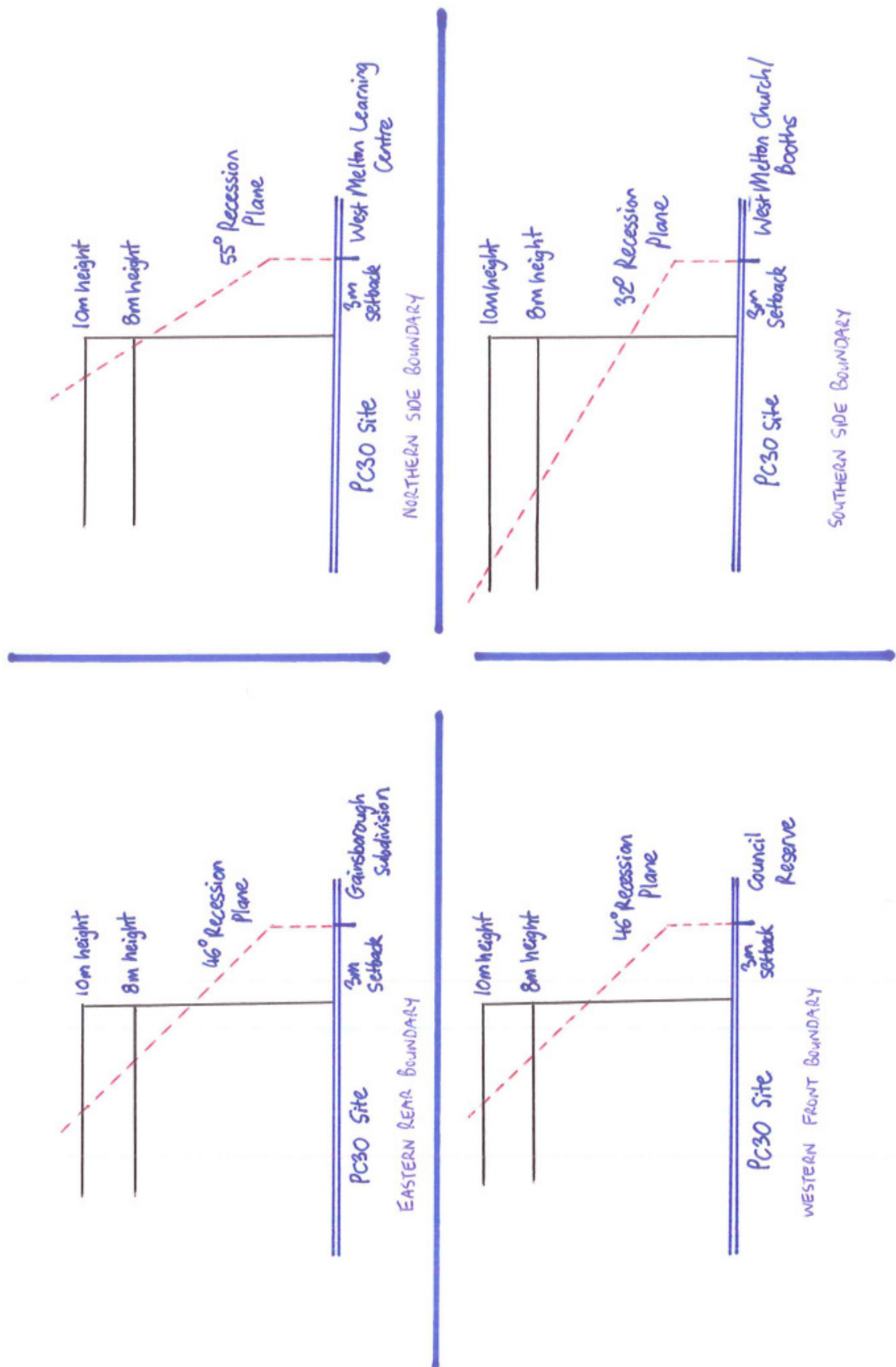
Discretionary activities

22.4.9 Any activity that is not residential which does not comply with Rule 22.4.1 shall be a discretionary activity.

22.4.10 Any activity within the West Melton Business 1 Zone that does not comply with Rules 22.4.2.6, 22.4.2.7 or Rule 22.4.5 shall be a discretionary activity.

ATTACHMENT C

Height to boundary recession plane assessment



SCALE 1:200

Table 1: Height to boundary and recession plane assessment

Location	Measurement	8m height	10m height	Height of recession plane encroachment (m)
Eastern rear boundary - Gainsborough subdivision	46° angle measured off a 3m building setback	Building encroaches the recession angle @ 5.6m off the boundary	Building encroaches the recession angle @ 7.2m off the boundary	5.6m
Northern side boundary – Early Childhood Centre	55° angle measured off a 3m building setback	Building encroaches the recession angle @ 3.6m off the boundary	Building encroaches the recession angle @ 5m off the boundary	7.2m
Western front boundary – Council reserve	46° angle measured off a 3m building setback	Building encroaches the recession angle @ 5.6m off the boundary	Building encroaches the recession angle @ 7.2m off the boundary	5.6m
Southern side boundary – Booths & Church	32° angle measured off a 3m building setback	Building encroaches the recession angle @ 9m off the boundary	Building encroaches the recession angle @ 12m off the boundary	4.2m

ATTACHMENT D

PC 30 Schedule of amendments

Recommended schedule of amendments

AMENDMENT 1: District Planning Maps

Amend Sheets 1 and 2 of Planning Maps 018, 88 and 89 to rezone Lot 1 DP 398852 from
a
Living 1 Zone to a Business 1 Zone

AMENDMENT 2: Add permitted and discretionary rules and any subsequent renumbering (C22-010) and Reasons for Rules (C22-014) in the Business 1 Zone Rules – Development within the West Melton Business 1 Zone to manage the scale of business activities able to be developed within the West Melton Business 1 Zone.

22.15 DEVELOPMENT WITHIN THE BUSINESS 1 ZONE, WEST MELTON

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

Rule 22.15.1 Development within the West Melton Business 1 Zone shall be a permitted activity provided that the following conditions are met:

Rule 22.15.1.1 Any group of commercial or retail activities with a total combined maximum Gross Floor Area not exceeding 3,000m²

Rule 22.15.1.2 Any retail or commercial tenancy, excluding restaurant, café or tavern activities, with a Gross Floor Area not exceeding 350m²

Discretionary Activities – Development within the West Melton Business 1 Zone

Rule 22.15.2 Any activity which does not comply with Rules 22.15.1 shall be a discretionary activity

...

Reasons for Rules

A maximum Gross Floor Area for individual tenancies within the West Melton Business 1 Zone has been restricted to 350m² to ensure the scale and function of any future developments within the zone is consistent with the size of the town it is serving. An exemption to this restriction is provided for taverns, restaurants and café in recognition that these activities will not undermine the viability of other town centres, commercial nodes or Business 1 zones. A maximum Gross Floor Area of 3,000m² also applies to the West Melton Business 1 Zone to ensure the size and function of the centre is commensurate to West Melton and does not contribute to any adverse retail distribution effects.

AMENDMENT 3: Add permitted (C22-004), controlled (C22-004), restricted discretionary (C22-004) rules, amend the discretionary activity rule (C22-004) and any subsequent renumbering and Reasons for Rules (C22-012) to manage noise related effects within the West Melton Business 1 Zone

Permitted Activities – Activities and Noise

...

Business 1, 1A & 3 Zones (with the exception of the West Melton Business 1 Zone):

- 22.4.1.1 Noise assessed within the boundary of any other site NOT within a Living zone or within the notional boundary of any dwelling within any Rural zone...

...

Business 1 West Melton

- 22.4.2 Any activity conducted on any day, except any residential activity, shall be a permitted activity, provided that the following standards are complied with:

- 22.4.2.1 Hours of operation shall be within 7.30am to 8.00pm.
- 22.4.2.2 Outdoor seating areas intended for the consumption of food or beverages shall be located no less than 20 metres from the zone boundary.
- 22.4.2.3 There shall be no external mechanical plant or vents, except air conditioning condensers less than 5kW in capacity.
- 22.4.2.4 The site layout shall incorporate a continuous built form extending along the full length of the site to serve as noise mitigation, being between 6 and 10 metres from the Living zone on the eastern rear boundary and no more than 15m metres from the southern and northern boundaries.
- 22.4.2.5 No outdoor seating and/or dining areas shall be permitted until all buildings on the site are constructed in general accordance with the setbacks prescribed in Rule 22.4.3.4.
- 22.4.2.6 Noise assessed at the façade of any dwelling in the West Melton Business 1 zone shall not exceed the following:
7.30am – 8.00pm 60 dBA L₁₀ and 85 dBA L_{max}
- 22.4.2.7 Noise assessed within the Living zone or within the notional boundary of any dwelling within any Rural zone shall not exceed the following:
7.30am – 8.00pm 50 dBA L₁₀ and 85 dBA L_{max}

- 22.4.3 Any dwelling that is established prior to any commercial activity within the zone shall be a permitted activity.

Note: For the purposes of applying Rule 22.4.2.4, the buildings do not need to be completed, provided the eastern walls are in place.

- 22.4.4 Rules 22.4.1. and 22.4.2 do not apply to the use of sirens or warning devices associated with emergency service facilities.

Controlled Activities – Activities and Noise

Business 1 Zone West Melton:

- 22.4.5 Any activity that does not meet rules 22.4.2.1 – 22.4.2.5 shall be a controlled activity if the following standards are met:

- 22.4.5.1 An acoustic report from a qualified acoustic engineer is provided showing that noise levels of the activity meet the following noise standards:

Noise assessed at the façade of any dwelling in the West Melton Business 1 Zone

7.30am – 8.00pm 60dBA L₁₀ and 85dBA L_{max}

8.00pm – 7.30am 45dBA L₁₀ and 70dBA L_{max}

Noise assessed within any Living zone or within the notional boundary of any dwelling within any Rural zone:

7.30am – 8.00pm 50dBA L₁₀ and 85dBA L_{max}

8.00pm – 7.30am 35 dBA L10 and 70 dBA L_{max}

Note: These noise standards shall not apply within the gazetted recreation reserve adjoining the western boundary of the West Melton Business 1 Zone.

- 22.4.5.2 Any application arising from Rule 22.4.5 will not require the written approval of other persons and shall be non-notified.
- 22.4.6 Where rule 22.4.5 is fully complied with Councils discretion shall be limited to the compliance of rule 22.4.5.1

Restricted Discretionary Activities – Activities and Noise

- 22.4.7 Any dwelling within the West Melton Business 1 Zone that does not meet Rule 22.4.3 shall be a restricted discretionary activity.
- 22.4.8 Under Rule 22.4.7 the Council shall restrict the exercise of its discretion to:
 - 22.4.8.1 The consideration of adverse reverse sensitivity effects on commercial activities that have already established within the West Melton Business 1 Zone.
 - 22.4.8.2 All other relevant noise effects associated with the introduction of a residential living activity within the Business 1 Zone.

Discretionary activities

- 22.4.9 Any activity that is not residential which does not comply with Rule 22.4.1 shall be a discretionary activity.
- 22.4.10 Any activity within the West Melton Business 1 Zone that does not comply with Rules 22.4.2.6, 22.4.2.7 or Rule 22.4.5 shall be a discretionary activity.

Reasons for Rules

...

Noise

...

Noise effects within the West Melton Business 1 Zone are managed in a hierarchy of rules to ensure that the noise effects are managed in a manner that is consistent with the adjoining Living 1 Zone to avoid adverse nuisance effects. Activities within the zone that operate during that stated day time hours and satisfy the prescribed requirements are provided as a permitted activity. Any activities that fail to accord with the permitted activity rules requires an expert noise assessment to demonstrate that the activity complies with the stated noise performance standards. Satisfactory compliance with the noise performance standards enables a controlled activity consent to be considered without public notification or the written approval of other land owners. Failure to accord with the noise performance standards will generate a discretionary activity resource consent. Rules 22.4.7 and 22.4.8 require a restricted discretionary activity resource consent to consider adverse reverse sensitivity effects that may arise with the establishment of a dwelling within the West Melton Business 1 Zone.

AMENDMENT 4: Insert new permitted (C16-008) and discretionary and any subsequent renumbering (C16-009) rules and Reasons for Rules (new 4th paragraph in the 'Building Position' section C16-014) to prescribe a 3m minimum building setbacks for the West Melton Business 1 Zone

16.7 BUILDINGS AND BUILDING POSITION

Permitted Activities: Buildings and Building Position

...

Setbacks from Boundaries

- 16.7.2.8 Any building on the West Melton Business 1 Zone shall be located a minimum of three metres from any site boundary.

...

Discretionary Activities: Building and Building Position

- 16.7.9 Any activity in the West Melton Business 1 Zone that does not comply with Rule 16.7.2.8 shall be a discretionary activity.

...

Reasons for Rules

...

A minimum building setback of 3m is necessary within the West Melton Business 1 Zone in recognition that this site directly adjoins residential sections and established dwellings. The 3m setback ensures that sufficient outlook and amenity is retained within the neighbouring Living 1 Zone

AMENDMENT 5: Add a restricted discretionary landscaping and any subsequent renumbering (C16-003) rule and Reason for Rules (new 3rd paragraph under the heading 'Landscaping') to assess the landscape effects of the West Melton Business 1 Zone on the Council reserve

Restricted Discretionary Activities: Buildings and Landscaping

- 16.1.5 Landscaping along the western boundary of the West Melton Business 1 Zone site shall be a restricted discretionary activity. The exercise of Council's discretion shall be limited to the consideration of:

- 16.1.5.1 The effects of landscaping on the adjacent reserve, and water race.

...

Reasons for Rules

Landscaping

...

A landscaping plan for the West Melton Business 1 Zone is necessary to address the impact landscaping may have on the Council administered reserve and water race, to formalise an appropriate planting list, formulate design features with approaches/bridged crossings and to confirm interface treatments between the Business 1 Zone and the reserve.

AMENDMENT 6: Add restricted discretionary (C17-007) and non-complying rules and any subsequent renumbering (C17-008) and Reason for Rules in the Business Zone – Roading provisions to require a Transport Management Plan to be prepared to determine the access arrangements for the West Melton Business 1 Zone.

17.8 ACCESS ARRANGEMENTS FOR THE WEST MELTON BUSINESS 1 ZONE

Restricted Discretionary Activities

- 17.8.1 Access arrangements for the West Melton Business 1 Zone site shall be a restricted discretionary activity provided that no part of any access point to the West Melton Business 1 Zone is located closer than 17.6 metres from the north-western corner of the West Melton Presbyterian Church (being the land legally described as Pt RS 6543 contained in Computer Freehold Register CB396/163).

17.8.2 Under Rule 17.8.1 the Council shall restrict the exercise of its discretion to the consideration of:

17.8.2.1 The provision of a Transport Management Plan prepared by the land owner prescribing the following:

- the main vehicular and pedestrian access arrangements to and through the site where it interacts with existing public roads
- all other necessary infrastructure upgrades to rationalise transport connectivity, access arrangements and pedestrian facilities, including safe crossing points, arising as a direct result of the proposed development of the West Melton Business 1 Zone

Non Complying Activities

17.8.3 Any activity within the West Melton Business 1 Zone that does not comply with Rule 17.8.1 shall be a non-complying activity.

Reasons for Rules

The requirement for a minimum distance for the proposed access from the southern boundary of the West Melton Business 1 Zone is to reduce the possible adverse efficiency impacts on Weedons Ross Road, including existing vehicle access points, between the State Highway 73 intersection and southernmost access point to the Business 1 Zone.

AMENDMENT 7: Insert a new controlled and amend the existing discretionary (C22-007) rules and Reasons for Rules (C24-013) to ensure that any buildings that are to be utilised for residential living purposes in the West Melton Business 1 Zone satisfy the Living 1 Zone rules.

22.9 DWELLINGS

Controlled Activities – Dwellings

...

22.9.4 The erection of any dwelling in the West Melton Business 1 Zone that satisfies the West Melton Living 1 zone Rules.

Discretionary Activities – Dwellings

22.9.4 Any dwelling which does not comply with Rules 229.1 and 22.9.4 shall be a discretionary activity.

...

Reasons for Rules

...

Additional controls within the West Melton Business 1 Zone are provided to ensure that any effects associated with the construction of dwellings within this environment are managed appropriately. Rule 22.9.4 requires any dwelling within the zone to be subject to the Living 1 zone rules to ensure that the scale and form of development is appropriate with respect to the adjoining residential land uses and to ensure sufficient separation is provided from established commercial activities to avoid adverse reverse sensitivity effects. Failure to accord with the controlled activity Living 1 Zone rules for dwellings within the West Melton Business 1 Zone requires a discretionary activity resource consent to enable a full assessment to be undertaken with respect to the effects of dwellings on the existing activities within the zone as well as the adjoining Living zones.

AMENDMENT 8: Insert a new restricted discretionary (C24-005) and discretionary (C24-010), any subsequent renumbering and Reasons for Rules (C24-016) to ensure that any subdivision to create parcels to accommodate residential developments are subject to the Living 1 Zone subdivision performance standards and minimum allotment sizes.

PART C SECTION 24 BUSINESS ZONE RULES - SUBDIVISION

Restricted Discretionary Activities – Subdivision - General

...

West Melton Business 1 Zone

- 24.1.3.21 In the West Melton Business 1 Zone, any subdivision to create allotments to be utilised of residential purposes shall satisfy the Living zone subdivision performance standards and accord with the minimum allotment size of 1,000m² prescribed in Table C12.1 – Allotment sizes.

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Discretionary Activities – Subdivision – General

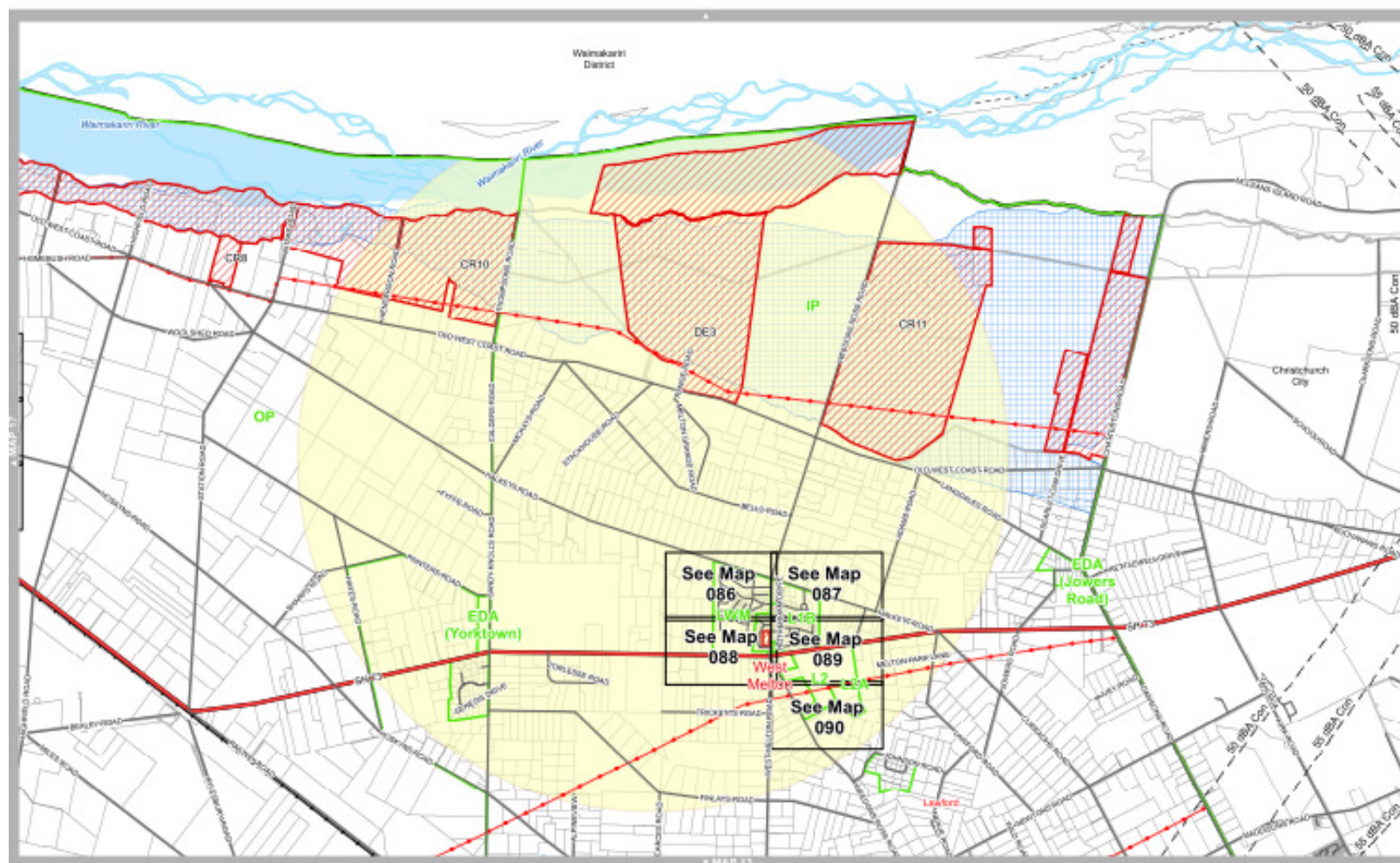
West Melton Business 1 Zone

- 24.1.5 Any subdivision that fails to satisfy Rule 24.1.3.20 shall be a discretionary activity.

Reasons for Rules

...

Rule 24.1.3.21 requires any subdivision within the West Melton Business 1 Zone to accord with the Living zone subdivision performance standards, including the minimum average allotment size of 1,000m². This is to ensure that the density of sections to accommodate dwellings is consistent with the scale of residential development within the township. Failure to accord with the Living zone subdivision rules necessitates a discretionary activity resource consent to enable a full assessment to be undertaken to consider the effects of any sections being created to accommodate dwellings on existing activities established within the zone as well as adjoining Living zones.



MAP
018
SHEET 1

SELWYN DISTRICT PLAN

Scale: 1:50,000 at A3

0 1,000 m

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KEY

- SDC Designated Site
- ▨ Other Designations
- CHC International Airport Noise Contour
- ★ Transit Widening Designation

- Fault Lines
- Coastal Hazard
- Transpower Main Lines
- Zones

- ▨ Forestry Exclusions
- ▨ Outstanding Landscape
- ▨ West Malice Observatory Zone
- ▨ Outstanding Natural Feature

- Flood Zone**
- ▨ Waimakariri Flood Plain
- ▨ Lower Plains Flood Area
- ▨ Lake Ellesmere Flood Area

- Territorial Authority**
- ▨ Surrounding Districts
- ▨ Selwyn District Boundary



