

RESOURCE MANAGEMENT ACT 1991  
SELWYN DISTRICT COUNCIL

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SELWYN DISTRICT PLAN  
PROPOSED PLAN CHANGE 29  
**DESIGN OF DEVELOPMENT IN THE BUSINESS 1 ZONE**

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Recommendation of Commissioner Janette Dovey

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November 2011

## **CONTENTS**

<b>1.0 INTRODUCTION</b>	<b>1</b>
<b>2.0 PROPOSED PLAN CHANGE 29</b>	<b>1</b>
<b>3.0 THE HEARING</b>	<b>2</b>
<b>4.0 STATUTORY CONTEXT</b>	<b>4</b>
<b>5.0 OBJECTIVES AND POLICIES OF THE PLAN</b>	<b>4</b>
<b>6.0 EVALUATION</b>	<b>5</b>
Proposed Provisions/Issues Raised in Submissions	5
Overview	5
Scope	6
Policies	6
Policy B3.4.22	6
Policy B3.4.23a	7
Policy B3.4.27	9
Policy B4.3.6	10
Rules	11
General applicability of the small and large scale rules	11
Small scale commercial rules	11
Large scale commercial rules	14
Retail fronting on-site public space/s	17
Buildings and external finish	18
Residential activities	20
Parking areas and site layout/landscaping	22
Signs	25
Definitions	25
Site/activity-specific considerations	26
Relevance to Southbridge and small towns	26
Relevance to child care facilities	27
Relevance to existing Rolleston Town Centre	27
Regional Policy Statement	28
<b>7.0 CONCLUSIONS ON STATUTORY CONSIDERATIONS</b>	<b>30</b>
<b>8.0 RECOMMENDATION</b>	<b>31</b>

## **APPENDIX 1**

### **RECOMMENDED MODIFICATIONS TO PLAN CHANGE 29**

## **APPENDIX 2**

### **RECOMMENDATIONS ON SUBMISSIONS**

## **1.0 INTRODUCTION**

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- 1.1 Proposed Plan Change 29 (“PC29”) is a Council-initiated plan change that seeks to introduce design-related provisions for the Business 1 zone in the Selwyn District Plan (“the Plan”).
- 1.2 I have been appointed as a Commissioner by the Selwyn District Council (“the Council”), pursuant to Section 34A of the Resource Management Act 1991 (“the Act”). As such, I conducted the hearing, will consider all matters relevant to PC29 and will make a recommendation to the Council. Within the legal framework, I can recommend declining PC29, approving it or approving it with modifications, and I am required to provide the reasons for my recommendation. The final decision, i.e. whether or not to accept my recommendation as its decision, will be made by the elected Council.

## **2.0 PROPOSED PLAN CHANGE 29**

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- 2.1 As I understand it from the documentation, PC29 arose in response to concerns relating to the form of development being built in the Business 1 zone under the existing Plan provisions.
- 2.2 The Council has an expectation that the District’s town centres will have a high quality environment; however, the Council is concerned about the way in which the Business 1 zones have been developed in recent years and considers that the built form developed has not met this expectation. I understand that this issue has arisen particularly in Rolleston, but also in Lincoln and Leeston<sup>1</sup>.
- 2.3 The Council identified the following as the cause of suboptimal social, economic and environmental outcomes<sup>2</sup>:
- Poor relationship between commercial buildings and public space
  - Lack of high quality public space in places where people are present
  - Lack of vitality and activity
  - Lack of accessibility (poor linkages and loss of opportunity for walking and cycling)
  - Car dependency
  - Loss of economic opportunity
  - Reduced opportunity for mixed use development
  - Effectiveness of Council Investment in Facilities
  - Health Issues
  - Lack of Design Controls on Medium Density Housing

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<sup>1</sup> Section 32 report, page 3, section 4

<sup>2</sup> Section 32 report, page 4, section 5

- 2.4 PC29 therefore amends an existing policy, introduces three new policies and introduces new rules in order to implement the policies. The Section 32 ("s.32") report states<sup>3</sup> that the first of the new policies details how the Council expects new commercial development to be integrated with its surroundings. The second introduces design controls for medium density housing in the Business 1 zone. The third seeks to manage the shape of land to be rezoned to Business 1 to ensure it has appropriate characteristics for that use. The rule changes include the following:
- A requirement for development to provide a minimum amount of active commercial frontage,
  - Restrictions on the placement of parking and fencing for business development,
  - Minimum standards for landscaping of car parks and blank walls,
  - Controls on site layout for larger development,
  - Limits on the use of bright colours on building facades,
  - Amendments to the rules for signage in the Business 1 zone,
  - The introduction of new rules and assessment matters for medium density housing in the Business 1 zone.
- 2.5 PC29 was notified on 22 March 2011, with submissions closing on 28 April 2011. Sixteen submissions and 37 further submissions were received.

### 3.0 THE HEARING

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- 3.1 Prior to the hearing, I was provided with, and reviewed, the PC29 documentation, copies of submissions/further submissions and the Section 42A ("s.42A") report prepared by Mr Hattam, which included reports by Ms Wolfer, Ms Reeves, Ms Allatt and Mr Heath. I also reviewed a number of the background documents referenced in the Background Report within the s.32 report.
- 3.2 The hearing was held at the Lincoln Events Centre from 24-26 August 2011. At the hearing, evidence and statements were presented by Council staff and consultants and by submitters and further submitters. Those that appeared (generally in accordance with the indicative timetable prepared by Council) are as follows:

#### COUNCIL:

D Hattam	Strategic Policy Planner
G Wolfer	Urban Designer
J Reeves	Urban Designer
T Allatt	Senior Transportation Engineer
T Heath	Property Consultant and Analyst

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<sup>3</sup> Section 32 report, page 11, section 6

SUBMITTERS AND FURTHER SUBMITTERS (in general order of appearance):

Selwyn Central Community Board (represented by S Williams)

L Doubleday and Southbridge Advisory Committee (represented by L Doubleday)

Foodstuffs (South Island) Properties Ltd and K Taege (represented by J Crawford, J Leckie and R Parish)

Rolleston Retail Ltd, Rolleston Square Ltd and Roll Ten Investments Ltd (represented by P Maw, L Bathurst and S Elvines)

Lincoln Envirotown Trust (represented by S Jarvis)

R D & J R Butt (represented by P Glasson)

Royal New Zealand Plunket Society - Southbridge Sub-Branch and Southbridge Playcentre (represented by C Barnett)

CDL Land New Zealand Ltd (represented by E White)

Canterbury Regional Council (represented by N Regnault)

- 3.3 Ms E White also tabled a written statement of evidence from J Jones, representing Lincoln Land Development.
- 3.4 The hearing was adjourned on 26 August 2011. I visited the towns of Rolleston, Southbridge, Leeston, Lincoln and Prebbleton in September 2011, and am generally familiar with the other towns of the District.
- 3.5 It should be noted that a procedural matter was raised with respect to the hearing. On 12 September 2011, I received a copy of a letter to the Council from the representative of Rolleston Square Ltd, Rolleston Retail Ltd and Roll Ten Investments Ltd. This letter indicates that the submitters' consider the final reply by Mr Hattam raised a number of new issues, contained additional factual inaccuracies and suggested changes to the planning provisions that would mean a further opportunity to reply to new matters should be afforded to the relevant parties.
- 3.6 I have considered this letter and Mr Hattam's comments at the hearing and do not consider it necessary to seek further input from the parties. Firstly, I would expect Council planners to revise their views at a hearing following evidence and statements, and amendments and/or corrections in response would be expected. I see no reason to seek further input in relation to those matters that were comprehensively traversed by submitters at the hearing.
- 3.7 The other matters referred to by Mr Hattam are considered to be either immaterial to my decision, e.g. specific property facts relating to the history of a development, easements, etc, or not within the scope of PC29 and submissions. Therefore, I also see no reason to seek further input in relation to these matters.
- 3.8 With respect to scope, I acknowledge that Mr Hattam did recommend some more significant changes to rules, predominantly in relation to their technical workings; however, he advised at the hearing that scope may be an issue and I generally agreed with him, as discussed below where relevant.

## **4.0 STATUTORY CONTEXT**

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- 4.1 The Council has sought to change its Plan in accordance with s.73 of the Act, following the process set out in Schedule 1. The Act requires that the Council undertake any change to its Plan in accordance with its functions under s.31, the provisions of Part 2 and its duty under s.32 – all summarised below. In addition, s.74 and s.75 require, respectively, that regard be had to a proposed Regional Policy Statement and that the Plan give effect to the operative Regional Policy Statement.
- 4.2 Section 31 states the functions of the Council for the purpose of giving effect to the Act. One of these functions is the establishment, implementation and review of objectives, policies and rules (in the District Plan context) to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources.
- 4.3 Part 2 deals with the fundamental purpose and principles of the Act. Section 5 sets out the purpose of the Act as being to promote the sustainable management of natural and physical resources, and ‘sustainable management’ is defined in s.5(2). Other sections within Part 2 address matters of national importance (s.6), other matters (s.7) and the Treaty of Waitangi (s.8).
- 4.4 Section 32 requires an evaluation of the extent to which each objective is the most appropriate way to achieve the purpose of the Act, and whether the policies, rules or other methods are the most appropriate for achieving the objectives. This evaluation must also take into account the benefits and costs of policies, rules or other methods, and have regard to their efficiency and effectiveness.

## **5.0 OBJECTIVES AND POLICIES OF THE PLAN**

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- 5.1 Mr Hattam lists the relevant objectives and policies of the Plan within the s.42A report, and these are as follows:
- Objective B3.4.1 – The District’s townships are pleasant places to live and work in.
  - Objective B3.4.2 – A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.
  - Policy B3.4.4 – To provide Business 1 Zones which enable a range of business activities to operate while maintaining environmental quality and aesthetic and amenity values which make the zone(s) attractive to people.
  - 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 adverse effects on adjoining sites; or
    - Maintain the character of areas with outstanding natural features or landscape values or special heritage or amenity values.
- 5.2 Other policies were also raised by submitters and these are addressed where relevant below.

## 6.0 EVALUATION

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### PROPOSED PROVISIONS/ISSUES RAISED IN SUBMISSIONS

#### OVERVIEW:

- 6.1 The plan change documentation<sup>4</sup> indicates that PC29 is intended to result in two outcomes:
- i. development in the Business 1 zone contributes to pleasant, attractive town centres, and
  - ii. Business 1 zone areas are walkable (i.e. easy to get to and around, with logical, direct, pleasant pedestrian routes).
- 6.2 In order to achieve this, four policy changes and a package of rules are sought. As I understand it, the four policy changes generally seek the following in Business 1 zones:
1. pleasant and attractive streets and public areas (B3.4.22),
  2. walkable and well integrated town centres (B3.4.23a),
  3. the standard of design of residential activities is to be the same as in residential areas (B3.4.27), and
  4. only rezone land to Business 1 if it has an appropriate shape to allow a high quality environment (B4.3.6).
- 6.3 Therefore, PC29 is in essence focused on amenity and walkability, and contributing components. In my view, the background work undertaken in relation to PC29 has been substantial and comprehensive, with a significant body of background material referenced in addition to the assessment presented by the Council staff/consultants. Having reviewed this material and considered the submissions, further submissions, evidence and statements presented to me, I accept the views of the Council staff and consultants in relation to the urban design and amenity concerns that PC29 has been formulated to address. I also accept that PC29 has been prepared in response to actual or potential adverse environmental effects in accordance with the Council's functions. Therefore, I agree that additional Plan provisions reflecting sound urban design principles are needed in order to achieve the objectives of the Plan. Issues raised by submitters in relation to this will be discussed further in the evaluation where relevant.
- 6.4 I note that, while a number of submitters considered it appropriate that design provisions are incorporated into the Plan, the majority made comments or had concerns in relation to the specific details of the provisions proposed; therefore, this recommendation document is required to be focused at quite a detailed level. To this end, I have considered the various benefits and costs of the proposed policies, rules and methods, and their efficiency and effectiveness, and conclude that a number of amendments are necessary in order to address some of the issues raised by submitters and to ensure that they are the most appropriate for achieving the objectives of the Plan. These amendments are discussed below.

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<sup>4</sup> Section 32 report, page 4, section 4

6.5 All amendments recommended are shown in “**Appendix 1**”.

**SCOPE:**

6.6 It is noted that a considerable degree of scope is afforded through the relief sought in the submissions received on PC29, ranging from accepting the plan change as notified to rejecting it outright, with a number of variations in between. I have considered all of the following recommended amendments in terms of scope and am satisfied that they fit within that afforded.

**POLICIES:**

**Policy B3.4.22**

6.7 This policy has been altered to allow the management of building design in order to: “*Maintain and establish pleasant and attractive streets and public areas*”.

6.8 Submissions in support and in opposition were received in relation to this alteration. Those in opposition expressed a number of concerns, including:

- controls over design and form of town centres do not fit appropriately with this policy,
- inappropriate control on the use of privately owned spaces,
- adding a blanket exemption relating to streets and public areas considerably undermines the existing focus of the policy,
- the policy applies to areas of, e.g. special amenity values, and not to all Business 1 zones; therefore, the amendments to the explanation and reasons are not appropriate,
- deletion of changes to explanation and reasons sought,
- proposed changes to the explanation are not the most appropriate to achieve the objectives of the Plan.

6.9 In considering this policy, I firstly note the ‘Quality of the Environment’ objectives that it sits beneath. Those that are relevant are:

- *Objective B3.4.1: The District’s townships are pleasant places to live and work in.*
- *Objective B3.4.2: A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.*

6.10 The subject policy then sits beneath the heading ‘BUILDING DESIGN’. In my view, the current policies have not achieved these objectives in relation to the existing Business 1 zones, to varying degrees. Therefore, I consider it appropriate that the design of buildings is managed to the extent necessary in order to achieve Objectives B3.4.1 and B3.4.2. PC29 seeks to incorporate the matter into the existing policy framework by amending B3.4.22 to achieve these objectives. I consider the policy wording and explanation and reasons to be generally appropriate and necessary for this purpose. I do, however, consider some amendments necessary.



- 6.11 In particular, I agree that the wording has imposed a 'blanket exemption'. The wording "*Maintain and establish pleasant and attractive streets and public areas*" being introduced into this focused policy applies it to all zones in the District; therefore, I recommend that the words "*in the Business 1 zone*" be added.
- 6.12 The use of the word 'and' instead of the existing word within the policy – 'or' – has also confused the intent of the policy and this was raised by a submitter. Essentially the use of the word 'and' can be interpreted as meaning that all three conditions must be met before building design needs to be managed. It is clear that this was not the intent of PC29 and I recommend that the word 'and' reverts back to 'or' where appropriate.
- 6.13 I note that Mr Hattam has recommended additional changes to the second paragraph of the Explanation and Reasons in the s.42A report. It is not clear to me where these changes originated from; however, I assume that they were intended to make the wording more specific to the Business 1 zone. The PC29 changes also do not appear to reflect the current 'explanation and reasons' wording correctly, i.e. the existing sentence beginning "*In the case of the Business zones...*" is not shown. In my view, some amendments are necessary to better reflect the existing wording and format of the policy 'explanation and reasons'.

***Policy B3.4.23a***

- 6.14 This is a new policy proposed by PC29, and it addresses the main amenity and walkability issues subject to it.
- 6.15 Again, submissions in support and in opposition were received, with a number seeking rejection or amendment. Support focused on the need for the provision of safe, appealing commercial environments. Those in opposition expressed a number of concerns, including:
- changes are not the most appropriate to achieve the objectives of the Plan,
  - the words 'town centres' should be replaced by 'Business 1 zones',
  - changes sought that address large developments and that they will not always be appropriate in the Business 1 zone,
  - pedestrian requirements are unnecessarily prioritised, and PC29 fails to recognise that the majority of visitors to a town centre arrive and depart by car,
  - seeking to bring activity to street frontages and active frontages by internalising car parking is overly prescriptive, and may not result in development which is properly integrated,
  - changes do not take account of situations where it is more suitable to have car parking in front of the buildings undertaking business activities, e.g. West Melton, and
  - references to cyclists and environmentally sustainable design sought to the wording of the policy and/or the explanation.

- 6.16 An alternative wording for Policy B3.4.23a and its explanation and reasons was also suggested by Foodstuffs (South Island) Properties Ltd and K Taege.
- 6.17 Again the policy comes under the Quality of the Environment objectives noted above, i.e. B3.4.1 and B3.4.2, which seek “*pleasant places*” and a variety of activities while maintaining the character and amenity values of each zone.
- 6.18 In general terms, I consider it appropriate that a policy addressing these issues be incorporated into the Plan and agree that it will rightly fit under the Quality of the Environment objectives. In my view, however, the details of the policy require some amendment in order to make them the most appropriate for achieving the relevant objectives.
- 6.19 Firstly, I agree that the words “*town centres*” should be replaced with a reference to the Business 1 zone, given that not all town centres in the district are zoned Business 1 and that the scope of PC29 does not extend beyond Business 1 zoned areas. I also agree with Mr Hattam that PC29 has not sought to preclude any commercial activities from the Business 1 zone, including large scale retail, and that no amendments should be made in that regard.
- 6.20 With respect to the change requested by Lincoln Envirotown Trust in relation to environmentally sustainable building design, which has been recommended to be included in PC29 (with minor amendment) by Mr Hattam, I acknowledge that environmentally sustainable design has merit; however, this policy strongly addresses urban design considerations and predominantly the spaces between buildings and the pedestrian experience, and not details of design. I note that Mr Regnault recognised this issue and recommended including wording relating to environmental sustainability in the actual policy if the Council was of a mind to address the matter. I also note that Mr Hattam considered that more evaluation work would be required before strong measures could be incorporated into the Plan. The Council may wish to consider a Plan amendment in future relating to environmentally sustainable building design and the methods that this might include; however, at this time, I agree that further evaluation is necessary and do not consider the inclusion of a paragraph in this policy to be appropriate.
- 6.21 With respect to giving priority to pedestrians, as discussed earlier, PC29 is intended to result in two outcomes, and these generally relate to amenity and walkability. The first outcome will affect all users; the second outcome makes the pedestrian environment a basic tenet of the plan change. Therefore, pedestrians are a priority in PC29. The policy is clearly referring directly to the pedestrian experience, using the words: “*walkable*”, “*high quality pedestrian experience*”, “*direct and logical pedestrian routes... along pedestrian desire lines*”, and “*in logical places for pedestrian access*”. In my view, however, it is not necessary to state that pedestrians will be prioritised over parked vehicles, as there may well be development options that can accommodate, and afford equal priority to, all forms of transportation. Therefore, I recommend that the final bullet point is deleted.
- 6.22 The provision of active frontage along street boundaries and the internalisation of car parking proved to be two of the most controversial aspects of B3.4.23a, and Mr Hattam recommended that the third bullet point be amended by deleting the words

*“by internalising car parking with[in] a site or development block”* in his final comments at the hearing.

- 6.23 I agree that the outcomes of PC29 can be achieved without totally internalising car parking within a site or block. Therefore, I agree that amendments are necessary, although, given the significance of these issues, as described by Mr Hattam and Ms Wolfer in evidence, I consider that provisions in relation to active frontage along streets and guidance with respect to car parking location is still required.
- 6.24 While a number of submitters considered that car parking in front of buildings would be more suitable in many instances, I accept that the Council has fully considered the issues and that a pedestrian environment in front of buildings is a priority in terms of the urban design outcomes sought for the Business 1 zones. I agree with Mr Hattam<sup>5</sup> that *“...the management of the position of car parking is of fundamental importance to the successful design of a town centre.”* A number of nationwide examples were also presented by Council staff illustrating that car parking can be provided to the side or rear of buildings whilst ensuring vehicle and pedestrian safety and car parking efficiency. I note that the provisions of PC29 do not seek to have ‘no car parking on road frontages’; they seek no car parking between buildings and road frontages, and car parks to the side (or rear) are anticipated. I also note that the subject bullet point is one of six (as amended) that, in combination with the initial part of the policy, will inform an opinion as to whether or not a proposed development is consistent with this policy.
- 6.25 I do, however, recognise that there may be situations where buildings along streets and no car parking in front of buildings will not be possible due to the existing circumstances of a site. In recognition of this, I have also recommended the addition of the words *‘where possible’*.
- 6.26 The amendment proposed by Lincoln Envirotown Trust relating to cyclists was considered by Mr Hattam and he recommended including references to cycle routes and cyclists. Again, I consider the intent of the submission has merit; however, this policy is clearly pedestrian oriented and I do not consider that the minor amendments proposed by Mr Hattam reinforce this focus. In addition, no changes have flowed through to the ‘explanation and reasons’ for the policy, nor did I receive any evidence in relation to the appropriateness or practicality of the provision of cycle routes through Business 1 zones. In my view, the requested cycling references should not be included in PC29.
- 6.27 Overall, I consider the policy (as amended, including consequential amendments to the ‘explanation and reasons’) to be the most appropriate way to achieve the relevant objectives.

#### ***Policy B3.4.27***

- 6.28 This policy addresses the provision of medium density and comprehensive housing in the Business 1 zones. This issue will be discussed later in this report, with my conclusion being that this policy should be deleted from PC29.

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<sup>5</sup> Section 42A report, page 22, clause 5.1.2h, second paragraph

### **Policy B4.3.6**

- 6.29 This policy addresses rezoning and seeks that land is only rezoned to Business 1 if it has an appropriate shape to allow for the creation of a high quality town or smaller centre environment.
- 6.30 Submissions in support and opposition were received. Concerns expressed by submitters (including those that sought deletion of the policy) include:
- reference should be to 'Business 1', not 'business',
  - the policy fails to adequately acknowledge the operational requirements of many businesses, and imposes inappropriate restrictions on the layout and building design of business activities and an impracticable threshold to meet to rezone land for business development,
  - additional changes sought requiring that new rezoning does not adversely affect the function, amenity and vitality of existing town centres,
  - delete those provisions seeking to avoid shops behind large areas of car parking, shops turning their backs on roads or public areas and shops on one side of a road only, and
  - the explanation to the policy goes beyond simply informing the policy, and goes to creating new meaning.
- 6.31 With respect to the 'explanation and reasons', I tend to agree with Mr Elvines that there is somewhat of a disconnect between the wording of the policy and its intent as expressed in the 'explanation and reasons'. I also agree that the 'explanation and reasons' are quite prescriptive, although Mr Hattam's proposed amendments at the hearing moved towards providing more in the way of guidance.
- 6.32 In my view, the actual policy wording is also quite directive - "*Only rezone land...*" - without giving acknowledgment that the statutory requirements of a plan change process will require more than this one assessment. Matters such as the potential effects of a rezoning (including effects on other centres, as discussed by one submitter) and its appropriateness in terms of achieving the objectives of the Plan, including B3.4.23a, would need to be assessed when considering any new zoning. Given this, it is my view that it is unlikely that land would be rezoned without any regard as to how it could be used in relation to the matters of B3.4.23a. Overall, however, I agree that a policy seeking consideration of urban design matters in relation to Business 1 rezonings is appropriate within the Growth of Townships framework. I also note that it will provide some direction to applicants and emphasise that applications for rezoning will need to assess these issues.
- 6.33 Therefore, I have recommended amendments to address the above concerns, and consider the policy as amended is the most appropriate way to achieve the objectives in this regard.

## **RULES:**

### ***General applicability of the small and large scale rules***

- 6.34 I note that some submitters expressed concerns that changes such as external alterations, building refurbishments, repainting, car park reconfigurations, etc, will be 'caught' by the proposed rules. I have reviewed this in relation to the small and large scale rules (16.9 and 16.10) first of all, although it may be relevant to other rules; these will be addressed below.
- 6.35 In considering the issue, I note that the definition of "*development*" within the Plan only applies for the purposes of determining development contributions. I also note that PC29 does not propose to amend this definition; therefore a degree of uncertainty may arise as to what will constitute a development.
- 6.36 In relation to commercial developments, it is my view that the small and large scale rules should only apply to a 'development' comprising one or more new buildings and/or building additions. I consider that this will give certainty as to what is and is not subject to these rules, will acknowledge 'existing use rights' and will be appropriate in terms of the costs of compliance and efficiency of the rules.
- 6.37 I also consider that some changes can be made in order to simplify these rules in relation to residential activities. The words "*Except for buildings used as a dwelling...*" can be removed from Rule 16.9.1 and the word 'commercial' added as necessary into both 16.9 and 16.10. Similarly, I consider it appropriate that the heading of 16.10 be changed to "**LARGE SCALE COMMERCIAL DEVELOPMENTS (450m<sup>2</sup> OR MORE)**". The words "*(other than Comprehensive Residential Development)*" can then be deleted.

### ***Small scale commercial rules***

- 6.38 This rule (16.9) addresses the design of small scale commercial developments, i.e. those less than 450m<sup>2</sup> gross floor area ("GFA"), and non-compliance results in a fully discretionary activity status.
- 6.39 Submissions in support and opposition were received. Concerns expressed included:
- rule will act as a disincentive to retailers, which is inconsistent with broader objectives and policies,
  - proposed rules are overly restrictive and place unnecessary and costly restrictions on current and potential small business owners,
  - it may not be possible or economically viable for there to be no car parking between the frontage of any building and a legal road because of the orientation of the site and the road,
  - the rules relating to dwellings used for business have confused when a building is a dwelling and when a building is used for business, making the rules cumbersome and open to a variety of interpretations,
  - change status of non-compliance from discretionary to controlled, and

- change status of non-compliance from discretionary to restricted discretionary.
- 6.40 It should be noted at this point that the application of the rules to Rolleston Town Centre and the smaller towns is also discussed in later sections.
- 6.41 Firstly, from the information provided, I consider that the rules relating to active frontage, fence height and verandah provision are appropriate in order to provide for public/pedestrian amenity, and do not consider them to be overly restrictive nor unduly onerous in relation to a new commercial building in any town centre, including in the small towns. With respect to active frontage, I agree with Mr Hattam's amendment in the s.42A report, and recommend that the figure be reduced to 50%.
- 6.42 With respect to the rule relating to car parking in front of buildings, it might be assumed that the car parks will be located to the rear in the majority of small scale scenarios, as the commercial design guide<sup>6</sup> advises that the typical allotment configuration in Selwyn townships is 20m wide by 50m deep and the background report<sup>7</sup> states that many of the small sites in Selwyn are 1,000m<sup>2</sup> in area.
- 6.43 Given this typical configuration/size, I consider that PC29's design requirement of no car parking in front of buildings and the Plan's transportation requirement to provide car parks for all commercial development in town centres creates a degree of friction for small scale development. (In addition, I understand that the retail car parking requirements are proposed to be increased by Proposed Plan Change 12 ("PC12"), and more so for some of the smaller towns with Business 1 zoning (e.g. Dunsandel, Coalgate); although I acknowledge that PC12 is yet to be considered.)
- 6.44 On the whole, I consider that the public space and pedestrian benefits will be significant, particularly in the larger, more developed towns with more traditional main streets or where significant pedestrian amenity improvements are sought. I recognise that no rule can be written to cover every possible circumstance, and resource consents may be appropriate in certain situations, e.g. due to section size/shape; however, I consider that an appropriate balance has been achieved between obtaining good design outcomes and providing certainty to those developing smaller sites. Overall, I consider the rule appropriate for smaller developments in the larger towns.
- 6.45 In the smaller towns where Business 1 zoning currently exists, i.e. Southbridge, Coalgate and Dunsandel, the character of the town centres are, to my mind, significantly different, and the additional costs of providing car parking to the rear or applying for resource consent would seem onerous. I also note that Ms Wolfer<sup>8</sup> considered that on-street parking worked well in Southbridge for short term activities and that the retention of the majority of car parking on the road was recommended. From the evidence and statements I received, it seems unlikely that significant development will occur in these towns in the short to medium term, and I understand that a structure planning exercise is due for Southbridge in the relatively short term future. I also note that no evidence was presented with respect to there being any significant public/pedestrian amenity issues that require urgent attention within these

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<sup>6</sup> Design Guide for Commercial Development, March 2011, page 26

<sup>7</sup> Section 32 report, Background Report, page 21, section 3.2.5

<sup>8</sup> Section 42A report, Appendix 4c, pages 14 and 17

towns. Therefore, I agree with Ms Barnett and consider that the risk of not acting in this regard at this time will not be significant.

- 6.46 As such, while I agree that a design rule preserving a pedestrian environment at the front of buildings would be appropriate in these towns, when I take into account the existing vernacular, the amount of on-street car parking available plus the Plan requirements to supply on-site car parking, which would then be required to be at the rear on small sites, it is my opinion that the combination of rules is unduly onerous and further consideration needs to be given to the interaction between the design and transportation outcomes sought for these existing small towns. Therefore, at this stage, I recommend that Rule 16.9.1.1 does not apply to Southbridge, Coalgate and Dunsandel. Once PC12 has been resolved, the on-site parking needs of the towns are clear and any planned structure plans are completed, the Council may wish to revisit which mechanisms, if any, may be appropriate in order to achieve improved pedestrian environments at the front of buildings in these existing towns.
- 6.47 I note that the West Melton proposed plan change (PC30) is currently subject to the private plan change process; therefore, I do not consider it appropriate that I pre-empt any decision and comment in any specific terms. I do, however, note that, if the land is rezoned to Business 1, the provisions of PC29 (as amended) will apply to it, as they would to any new Business 1 zoning.
- 6.48 With respect to the active frontage rule, in his final comments Mr Hattam suggested potential additions with respect to requiring unobstructed, clear glazing and entranceways facing roads, but indicated that he had some concerns regarding scope. I agree that the amendments are not within scope.
- 6.49 I turn then to consider Rule 16.9.2, as proposed by Mr Hattam in the s.42A report in response to submissions, which relates to the use of a dwelling for business activities. It is sought that this proposed rule applies to the use or conversion of a dwelling for business activities. If a formerly-residential building is converted to be used for commercial purposes, I consider it appropriate that the proposed rules apply to it, except for those relating to active frontage and verandahs, which could require significant building alterations. I also acknowledge Ms Barnett's comments with respect to potential confusion; therefore recommend that the rule structure of 16.9.1 and 16.9.2 be simplified so that all are covered within one rule.
- 6.50 In relation to activity status, I do not consider 'fully discretionary' appropriate for the lesser degree of impact that a small scale commercial development would be expected to have, particularly when compared to the restricted discretionary status afforded to large scale developments. As such, I consider that either controlled or restricted discretionary status would be more appropriate. I note, however, that the adverse effects that are sought to be avoided through the rules are unlikely to be able to be satisfactorily mitigated through controlled activity conditions; therefore, I consider a restricted discretionary status to be appropriate, with non-notification and no written approvals required. I note that three submitters suggested that the discretion be limited to a finite list of urban design matters and Mr Hattam suggested at the hearing that it be framed around the visual appearance of the development, the effect on amenity, its location in the centre and the need to continue frontage and

verandahs of adjacent buildings. I recommend that it is limited to 'effects on the amenity of public spaces and pedestrian movement'.

- 6.51 Finally, I note that the small scale rule applies to developments of 'less than 450m<sup>2</sup> and up to 20 car parks'. This could be read as meaning that buildings of less than 450m<sup>2</sup> with more than 20 car parks would not be subject to these rules. At the hearing, Mr Hattam recommended an amendment to Rule 16.10 to include developments of any size with over 20 car parks; however, the s.32 report<sup>9</sup> states that the small scale rule will also be activated by car parks with 20 or more spaces. Therefore, I consider it is clear within the PC29 documentation that the small scale rule is to apply to all developments of less than 450m<sup>2</sup>, and I recommend that the car parking threshold be removed.
- 6.52 Overall, I consider that the small scale rules (as amended) to be the most appropriate for achieving the objectives. The reasons for rules are consequentially amended where appropriate.

### ***Large scale commercial rules***

- 6.53 This rule (16.10) addresses the design of large scale commercial developments, i.e. those of 450m<sup>2</sup> GFA or more, and a restricted discretionary status has been proposed.
- 6.54 Submissions in support and opposition were received, with a number seeking rejection of this rule. Concerns expressed generally included the following:
- rule will act as a disincentive to retailers, which is inconsistent with broader objectives and policies,
  - the assessment matters are so broad that they undermine a holistic approach to managing development layouts,
  - the Council has retained a discretion that is too wide, too subjective and too uncertain,
  - assessment matter refers to need to integrate development; however, fails to take into account that buildings on surrounding sites may not have been constructed to maximise the bulk, height and scale permitted by the Plan,
  - the subdivision of ground floor facades into traditional scale modules is artificial and provides a barrier to particular tenants,
  - the need to regulate detailing to provide consistency with neighbours is too subjective,
  - not all roof mounted equipment will be visible,
  - the matter relating to active frontage should be amended so that it specifically refers to the provision of active frontage facing internal roads,
  - the part of 16.10.3.5 which refers to active frontage along street boundaries should be deleted,

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<sup>9</sup> Section 32 report, page 19



- seeking to internalise car parking within the block and that car parking be located at least 20 metres from site boundaries is too prescriptive,
- the assessment matters are overly restrictive and will in effect default to being additional rules against which development would be assessed,
- the design guidance in the assessment matters would be better placed in a design guide within the Plan,
- the (listed) rules impose unnecessary restrictions on the layout and building design of large scale commercial development,
- urban design matters need to be balanced against the practical and functional requirements of activities such as supermarkets,
- the rules do not allow safe links between car parking and stores,
- the requirement for specific and onerous design features such as verandahs, footpaths, continuous building lines and active frontages are inappropriate and impractical for large format retail,
- effects of small scale and large scale developments are different in scale and scope, and it is inappropriate for the small scale rules to be used to assess large scale developments (16.10.3.9),
- the assessment criteria will make it difficult and costly for landowners/developers to integrate new development with the existing environment,
- the Commercial Design Guide is extensive, far too prescriptive and places specific unnecessary onerous requirements on developers,
- the note is vague and uses terms which are not used throughout,
- controlled activity status suggested (alternative wording, including assessment matters, provided),
- add words seeking improvements to existing building lines where appropriate,
- the landscaping assessment matter should require the use of ecosourced natives,
- simplify or delete the assessment criteria and provide guidance through the design guide, and
- there is a disconnect between the proposed criteria and the overarching policy – B3.4.23a.

6.55 The application of the rules to Rolleston Town Centre and the smaller towns is discussed in later sections.

6.56 I note that Mr Hattam recommended a number of amendments to this rule, as contained within the s.42A report. He also recommended some amendments in response to evidence/statements in his final comments at the hearing.

6.57 Firstly, I consider the restricted discretionary status afforded to be appropriate, and do not consider that the adverse effects that are sought to be avoided by the rules

are likely to be able to be satisfactorily mitigated through controlled activity conditions. Given the nature of the effects and in order to provide a practical balance in terms of certainty of process, I do, however, consider that no written approvals should be required and that any application should be non-notified.

- 6.58 I note that submitters considered the discretion afforded by the assessment matters to be both too broad and too specific. In my view, it is important that assessment matters achieve a good balance between being so broad as to encompass every issue without giving any direction, or effectively limiting discretion, and being so detailed as to virtually design a development for an applicant without allowing any room for individual expression.
- 6.59 Some of the proposed assessment matters are more prescriptive than I would consider appropriate, particularly considering that the commercial design guide will sit alongside them. I also agree with the intent of Mr Hattam's proposed amendments relating to pedestrian routes. Therefore, I recommend a number of changes in order to represent what I consider to be an appropriate balance between direction and flexibility for all commercial activities.
- 6.60 In relation to submissions that considered the rules to be a disincentive to retailers and too onerous for the practical and functional requirements of various commercial activities, I firstly note that the Council staff presented a number of examples where developments can be practically achieved in accordance with best practice urban design principles, including in relation to active frontage. These examples showed that the outcomes sought by PC29 can be, and have been, achieved by various forms of retail activity in particular, including large format retail. The commercial design guide also provides considerable guidance as to how the outcomes might be achieved. The assessment matters proposed do not 'require' active frontage on all boundaries, but seek consideration of its location in relation to on-site public space, particularly main pedestrian routes, and roads. I recognise, of course, that the practical and functional requirements of a commercial operation will strongly influence how and where active frontage can be provided, but I do not accept that consideration of these matters is unnecessary or unduly onerous.
- 6.61 In relation to car parking and safety, I note again that PC29 does not solely seek car parks to the rear; it generally seeks no car parks between buildings and a road and this affords a significant number of safe options for large scale development, as illustrated in the commercial design guide. I recognise, however, that this may not be possible in every circumstance; therefore, the large scale rules must also allow some flexibility.
- 6.62 Having considered all information provided to me, it is my view that the expectations of PC29, i.e. amenity and walkability, can be met practically and safely through consideration under the matters (as amended) listed in Rule 16.10.
- 6.63 In relation to the commercial design guide, I agree with the assessment of Mr Hattam, prefer the approach taken by PC29 and consider it appropriate that this sits outside the Plan, illustrating the principles at a detailed level.

- 6.64 I agree with the submitters and Mr Hattam that the assessment matter (16.10.3.9) referring to the degree of compliance with the rules for small scale development was not appropriate and recommend it is deleted.
- 6.65 With respect to seeking improvements to building lines, I note that Ms Reeves and Mr Hattam recommend removing this part of the clause (16.10.2.1) and agree this is appropriate.
- 6.66 In regard to ecosourced landscaping, I agree with Mr Hattam that this would go beyond what PC29 is aimed at achieving. He advises that the Council generally uses ecosourced natives where possible on its own land but does not have a policy of requiring private landowners to do the same.
- 6.67 In relation to the 'Note' to Rule 16.10, I consider this to be useful in clarifying what the Council considers "*people oriented space*" under 16.10.2.3 (as amended) to be. I do not consider it appropriate to redefine '*on-site public space*' here, as a Plan definition is also proposed. I also recommend amending the '*people oriented space*' wording to reflect the Plan definition proposed (which I will later recommend is deleted from the Definitions section).
- 6.68 In my view, the details within the Note are also very specific, to the point where they become akin to rules. Assessment matter 16.10.2.3 (as amended) states:

*The extent to which the design and layout of the site provides and addresses (for instance through active frontage) well located people oriented space appropriate to the scale and nature of activities on site.*

Therefore, different sizes and types of people oriented space are anticipated. I do not consider specific listed dimensions appropriate in the context of this restricted discretionary assessment, and have recommended amendments to the Note for that reason.

- 6.69 I have also recommended some minor changes to format the initial part of the rule in a similar way to the small scale rule, for the sake of consistency, and have added clarification to the assessment matter addressing servicing.
- 6.70 Subject to the amendments discussed above and contained within Appendix 1, I consider this rule to appropriately address the relevant policies and the matters within them, and to be the most appropriate for achieving the Plan's objectives.

#### ***Retail fronting on-site public space/s***

- 6.71 This rule (16.11) addresses the interface between retail activities and on-site public space.
- 6.72 Submissions in support and opposition were received. Concerns expressed generally included the following:
- the requirement for specific and onerous design features, such as footpaths, are inappropriate and impractical for large format retail,
  - the proposed changes are unnecessary and do not take account of situations where it is more suitable to have car parking in front of the buildings, and are contrary to sound resource management planning policy and practice.

- 6.73 As indicated at the hearing, I have some concerns with respect to the clarity and interpretation of this rule. Mr Hattam explained that the purpose of the rule was to ensure that the area in front of shops is provided with a wide footpath. He also advised that the matter applied mostly to large developments, as footpaths of this kind were not expected under the rules for small scale developments. Mr Hattam suggested amendments which sought to either rewrite the rule or provide an assessment matter in Rule 16.10. I also note that no status has been afforded to this rule; therefore, I assume that it is proposed to be fully discretionary under Section 87B of the Act. I have reviewed the proposed versions of the rule and have the following concerns.
- 6.74 It is my view that it is not clear what a “*shop frontage*” or “*full frontage*” would be in relation to this rule and its proposed amendments. In some cases, it may be obvious, but in others it might include any walls of a shop, any walls with “*active frontage*”, walls set back but with an entrance facing the street, or walls with an entrance facing a car park. While I understand that the rule is not intended to apply to small scale developments, it would still apply as small scale developments are not excluded. I understand the difficulties that arise in writing a rule to deal with a specific design requirement, but, in this case, I consider the proposed rule to be open to interpretation and uncertainty. I agree that it is not necessary in the small scale context, and, in the large scale context, I agree with Mr Hattam that the assessment matters of Rule 16.10 can address the matter. Therefore, I do not consider Rule 16.11 to be the most appropriate way of dealing with the issue, and recommend its deletion. An amendment to assessment matter 16.10.2.4 is recommended, i.e. adding the words “*of sufficient width*”. The reasons for rules are also consequentially amended.

### ***Buildings and external finish***

- 6.75 This rule (16.12) addresses the external cladding and colour of buildings, including rooves, and the installation of exterior security shutters.
- 6.76 Submissions in support and opposition were received, with some seeking deletion of the rule. Concerns expressed generally included the following:
- while roof areas with a low reflectance value may be visually appealing, it may not be sensible in terms of climate change, with light roofs reducing the effect the built environment has on local and global warming; planted roofs suggested,
  - it is inappropriate to require buildings within Southbridge to be clad in only natural stone, or natural or stained timber, or alternatively be coloured to a certain grey scale; this prevents or excessively limits the expression of the occupier of the site and has the potential to make all townships similar in character,
  - rules are overly restrictive, will impact upon commercial marketability and are not the most appropriate way to achieve the objectives,
  - the restrictions on materials do not appear to be discussed within the Section 32 report or supporting documents,

- roof colour is not discussed in the s.32 report and only given a cursory mention in the background documents,
- murals are usually in bright colours and may not be permitted,
- the background report refers to colour being restricted in other areas to enable blending into rural surroundings; not relevant to a town centre,
- blanket approach to design in all Business 1 zones is inappropriate,
- delete or amend the rules so as to not specifically prescribe materials that must be used, as the controls regulating design and colour scheme are sufficient in achieving the desired amenity effect,
- the non-complying status of 16.12.3 and 16.12.4 is inappropriate and should instead be 'controlled' if the rule is retained at all,
- existing facilities would stagnate because the rules would make it too difficult to make the constant changes required to maintain an attractive retail environment,
- brick is normally coloured, and the wording within the s.42a report is inconsistent in relation to 'made from' and 'unpainted',
- discussion re rooves ignores the fact that more rooves are hidden behind parapets or flat. The rule would prohibit zincalume or similar, and neither black (e.g. butynol) or white rooves are permitted,
- it is unclear what policy this rule seeks to implement,
- the amendments within the s.42A report with respect to exterior cladding are to the extent that it almost requires no rule at all; perhaps the only cladding not included is weatherboard/linear – although this may also be included if not painted,
- colour rule is of little relevance to Southbridge, and not appropriate for child care/Plunket buildings; the need to have to apply for resource consent to paint buildings in a 'happy' colour is ineffective, inefficient and overly constraining for volunteer community facilities located in a rural service town,
- references to a 'harmonious landscape' are not appropriate in this context and not relevant to the tests of the Act,
- non-complying status is unnecessarily restrictive and at odds with the intent as expressed in the evidence; restricted or fully discretionary status more appropriate,
- the rule can be interpreted to mean that the exclusion requires that 75% of the remaining, i.e. non-glazed areas, meets the required colour palette, whereas the s.42A report notes that elevations which have windows can often have a large part, if not all of the wall space in a strong colour,
- the controls are prescriptive and unusual for general town centre areas.

6.77 In general terms, I accept the views presented by Ms Reeves and Mr Hattam and consider a degree of control on colour to be appropriate in some instances. In

relation to marketability, I note the evidence of Mr Heath; he did not have any concerns in relation to the matter from a commercial perspective and I accept that view. I also recognise that materials were not sought to be restricted by the rule, and that the examples presented by Ms Reeves illustrate that a significant amount of 'brighter' colour is still possible within the rule framework. I also consider that rules relating to colour go towards implementing Policy B3.4.22 (which I note refers to the "*colour, shape or materials to use when building structures*" in the 'explanation and reasons').

- 6.78 With respect to the status of the colour-related rule, however, I agree with the submitters that this level is not appropriate and that the comments within the s.42A report would seem to support the rule being a trigger for assessment rather than an indication that a non-compliance would require exceptional circumstances in order for consent to be granted. In my view, a restricted discretionary status for a colour issue would be appropriate.
- 6.79 I do, however, have some concerns in relation to the complexity of the rule. I am also not entirely convinced that there is an issue that needs to be addressed, particularly in relation to small scale developments. I note that Ms Reeves advises that there are currently only two buildings within the Business 1 zones that would not comply with the rule as drafted. I agree with Ms Reeves (and Ms Wolfer in the Background Report) that large buildings have the potential to create adverse amenity effects and agree that some degree of control on colour is appropriate. For buildings under 450m<sup>2</sup> in area, however, the impacts will be comparatively less than the larger developments and I note that they have been self-regulating in relation to colour until now without significant adverse effect. In my view, deletion of the rule (and consequently the Reason for Rule) for small scale developments and the addition of an assessment matter under the large scale development rule is the most appropriate way to address potentially significant impacts in terms of colour (and in terms of reflectivity as discussed by Ms Reeves).
- 6.80 In relation to repainting existing large scale buildings, I acknowledge that adverse visual effects could result. I note, however, that only two buildings would not comply currently and consider that an appropriate balance between restrictions on existing individual property rights and amenity outcomes must be achieved. In my view, additional regulation in relation to existing buildings is not justified at this time. Improvements for large scale developments will be made over time as new buildings are developed, through conditions of consents.
- 6.81 I agree that exterior security shutters will have adverse effects on amenity, and recommend that the rule be adopted at the non-complying level proposed, generally reflecting the level of adverse effect resulting and indicating that exceptional circumstances would need to be demonstrated in order for consent to be granted.

### ***Residential activities***

- 6.82 These rules (16.13 - 16.15) seek to incorporate provisions for dwellings and comprehensive residential developments into the Business 1 zone.
- 6.83 Submissions in support and opposition were received. Concerns expressed generally included the following:

- include a noise insulation requirement in Rule 16.13.1,
  - the use of Business 1 zoned land for residential use is inappropriate,
  - proposed rules are micromanagement of design,
  - the density, dimension, site coverage and outdoor living space rules will not encourage medium density development,
  - amendments suggested in relation to energy and environmental costs, particularly in relation to building orientation, glazing, materials, etc.
- 6.84 In addition, Mr Glasson addressed each of the rules in evidence at the hearing, illustrating concerns he had in relation to the outcomes the rules would achieve. I have reviewed all of these concerns, but do not intend to list them fully here. Suffice it to say that I believe Mr Glasson's main concerns can be summarised by the following: the PC29 provisions are a transposition of living zone standards into a business zone resulting in a lower density form of development than is appropriate, rules that are not relevant and micromanagement of design to an unnecessary degree.
- 6.85 In his final comments at the hearing, Mr Hattam discussed the issues raised and advised that he agreed that a business zone has a different character and that residential amenity has less primacy. He also considered that some modification would be appropriate to ensure flexibility, mixed use and change of use. In relation to Rule 16.13 (Dwellings), Mr Hattam recommended amendments to the rules as follows:
- minimum lot size reduced from 500m<sup>2</sup> to 350m<sup>2</sup>, with a new definition of 'notional allotment',
  - deletion of the rules relating to road/access setbacks, site coverage, internal setbacks, accessory building setback exemption, balcony setback and window setbacks, i.e. retain rules relating to density, minimum allotment dimensions and a setback between dwellings.
- 6.86 With respect to Rule 16.14, Mr Hattam agreed that the current Plan definition of comprehensive residential development (8 or more units in the L1A5 zone in Prebbleton) needed to be amended in relation to PC29, and recommended that the definition from Plan Change 7 ("PC7") (4 or more units in a Medium Density area within an outline development plan) be amended in order to apply to the Business 1 zone.
- 6.87 With respect to Rule 16.15, Mr Hattam recommended that 16.15.2.3 and 16.15.2.4 be deleted.
- 6.88 I have considered the rules in some detail, including reviewing the s.32 documentation. This states<sup>10</sup> that the rules are those proposed for the living zone in PC7, and that the intention of including them in the Business 1 zone was to ensure that dwellings had an equivalent standard of amenity to medium density housing in

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<sup>10</sup> Section 32 report, pages 10 and 28, Clauses 5.11 and 5 respectively

the living zone. (I note that the decision on PC7 was notified on 15 October 2011.) Mixed use is also sought within the Business 1 zones.

- 6.89 Firstly, I note that the current Business 1 zone allows any density of residential activity to be established, and that high density (as distinct from medium density) residential activity is anticipated. This is reflected in a number of places within the Plan. PC29 was notified as including the introduction of design controls for Medium Density Housing in the Business 1 zone; however, the provisions introduced go somewhat beyond design by including a density control, which will affect all potential future housing development – low to high density – and not just that which is considered to be medium density. Therefore, an issue of scope arises in my view.
- 6.90 In relation to ‘comprehensive residential development’, I note that this is not exempted from Rule 16.13; therefore, the dwelling rules (including density) may apply to it. I also consider there to be an issue of scope in relation to introducing a definition of ‘comprehensive residential development’ for the Business 1 zone, as sought by Mr Hattam.
- 6.91 Notwithstanding the above, I agree that provisions addressing residential design within Business 1 zones are likely to be appropriate, particularly given that there is very little in the way of control currently, and I have carefully considered whether some provisions could be successfully incorporated within scope. In my view, however, in order to complete the required s.32 evaluation and to make a recommendation, further information would be required in relation to the issues or potential issues facing the Business 1 zones relevant to residential design (and density), and the alternatives considered (in addition to the PC7 rules). Therefore, I consider that further investigation of the issues is warranted in order to assess which provisions might be necessary and appropriate.
- 6.92 I did not receive any information that would indicate that this is an issue that needs to be addressed urgently in the current township environments, although I acknowledge that adverse effects could result from this type of development in future, and consider the risk of not acting at this time is not significant. In conclusion, I recommend that the rules (and reasons for rules) relating to residential development are not included in PC29.
- 6.93 Consequently, as mentioned earlier, I also recommend that Policy B3.4.27 not be included in PC29. This policy seeks medium density and comprehensive housing in Business 1 zones provided it has “*the same standard of design and site layout as in residential areas*”. As discussed above, I do not consider that I have sufficient information to make a recommendation on whether or not the “same” (or a similar) residential standard of design is appropriate for a Business 1 zone environment. I also note that Mr Hattam recommended amendments to the dwelling rules at the hearing that would indicate that he considered a different standard of design was appropriate for the Business 1 zones. Therefore, I recommend that Policy B3.4.27 be deleted.

#### ***Parking areas and site layout/landscaping***

- 6.94 Firstly, I note that Rule 17.6 is a rule intended to be introduced by PC12, which PC29 then intended to amend by replacing proposed clause 17.6.1.1(c) with proposed Rule



17.7. I have assumed that Rule 17.6 is not part of PC29 and consideration is only required in relation to proposed Rule 17.7. This is because PC12 is still in the process and the decision on PC29 will be issued before PC12 – therefore, Rule 17.6 will not be part of the Plan at the time of the PC29 decision – and because PC29 was notified with the amendments to Rule 17.6 being identified as being part of PC12. I note that this latter point created some confusion and a number of PC29 submissions have addressed Rule 17.6. I do not consider it within my remit to consider those submissions and the transportation issues raised. I also note that those considering the provisions of PC12 will need to consider the PC29 decision in relation to Rule 17.7 in their deliberations in relation to Rule 17.6.

6.95 Rule 17.7 seeks to add landscaping requirements for car parks in the Business 1 zone, with any new or redeveloped parking area resulting in more than 20 parking spaces being a controlled activity with respect to landscaping matters.

6.96 Again, submissions in support and opposition were received. Concerns expressed generally included:

- the landscaping should use ecosourced natives,
- in relation to child care facilities, the provisions would potentially make for an unsafe environment for small children,
- obligations are imposed in respect of car park area layout and design that are unnecessary; due to the limitations on their internal layout and their operational requirements, supermarkets require adequate loading facilities and car parking accessible to the front entrance,
- rule is micromanagement of design, implies that cars are somehow an adverse visual effect that need to be hidden, will prevent the visual exposure of commercial business activities and is contrary to sound resource management planning policy and practice,
- rules are too difficult to follow, e.g. there are six separate rules of different activity status in relation to car parking,
- unclear what the use of the term “*car parks*” refers to, i.e. single car parks or larger parking areas,
- rule 17.7.2 refers to development or redevelopment of parking areas of more than 20 parks; unsure how this rule relates to 17.7.1 when provide between one and 20 car parks,
- the phrase “*or redevelopment*” should be reconsidered; existing use rights would apply to an existing car park of more than 20 parks and it is debatable as to what redevelopment would trigger the need for a resource consent, and
- a performance standard approach should be used to reduce the need for resource consents in all situations above 20 car parks.

6.97 In my view, it is appropriate that car parking areas be landscaped in order to avoid adverse effects on amenity and generally agree with the recommendations made and reasons given by Mr Hattam (including in relation to not requiring ecosourced landscaping).

- 6.98 I agree with Mr Hattam's recommendations during the hearing which saw the words "*an adjacent*" added to 17.7.1.1 (in order to make it clear that the provisions do not apply to car parking areas to the rear of buildings), and the deletion of the words "*or redevelopment*" (in recognition of Mr Glasson's comments in relation to 'existing use rights'). This latter amendment means that the rule will only apply to new car parking areas that are standalone or part of a new building development. I also consider a minor amendment necessary in order to exempt vehicle crossings from the landscaping requirements.
- 6.99 With respect to safety and child care facilities, the removal of the words "*or redevelopment*" may go some way towards allaying these concerns. Given that the amended rule only applies to new car parking areas, these should be able to be designed to ensure safety and amenity outcomes are jointly met in relation to child care facilities.
- 6.100 I understand that non-compliance with Rule 17.7.1 results in a fully discretionary activity status under Section 87B of the Act. I do not consider this to be appropriate for a non-compliance with frontage landscaping, and recommend a restricted discretionary status in this regard.
- 6.101 Overall, however, as a package I also find the rules to be somewhat confusing. As I understand it<sup>11</sup>, they essentially seek to require frontage landscaping for all car parking areas, and also seek that those with more than 20 car parking spaces are a controlled activity in terms of internal landscaping (unless they do not comply with 17.7.1, in which case they revert to fully discretionary status). The application of both rules may be appropriate, but the exemptions and provisos included make the rule seem perhaps more complex than it is.
- 6.102 In my view, the rules can be simplified by deleting "*Except as provided in 17.7.2...*" from Rule 17.7.1 and by deleting "*...which complies with the permitted activity standards in 17.7.1...*" from Rule 17.7.2, and then adding a note making it clear that both rules apply to car parking areas with more than 20 parks. This means that if these larger car parking areas comply with Rule 17.7.1, they will still be controlled activities (under Rule 17.7.2); if they do not comply with Rule 17.7.1, they will be restricted discretionary activities (under recommended Rule 17.7.3).
- 6.103 I note that there is also an assessment matter relating to landscaping within the large scale development rule (16.10). In my view, this is still required in order to address landscaping-related effects for developments of over 450m<sup>2</sup> GFA, but less than 20 car parks.
- 6.104 I have also recommended amendments to reframe the assessment matters so that they are consistent in terms of format, and do not impose additional standards.
- 6.105 Subject to the amendments recommended, I consider these rules to appropriately address the relevant issues, and to be the most appropriate for achieving the Plan's objectives.

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<sup>11</sup> Section 32 report, page 29, second paragraph – "*These apply within the car park and are additional to perimeter controls.*"

## **Signs**

6.106 Rule 19.1 seeks to limit the total freestanding signage per site and the size of signs on buildings.

6.107 Concerns expressed generally included:

- the amount of signage per site is limited with little consideration of the overall site size; road frontage is a poor proxy for determining the amount of signage that a site is capable of accommodating, and
- the changes are inconsistent with the policies, and in particular with Policies B3.4.20, B3.4.21 and B3.4.4, and Objective B3.4.2; and the changes are inconsistent with the anticipated amenity values for the Business 1 zone.

6.108 With respect to relating total signage to the frontage of the site, I accept the evidence of Mr Hattam and Ms Reeves. At the hearing, Mr Hattam sought to make minor amendments to the wording of Rule 19.1.1.6 in order to ensure that it applies only to the Business 1 zone and not to other business zones, and I have recommended similar amendments.

6.109 In relation to Policy B3.4.21, the submitters raise an interesting point; however, I note that there is an existing inconsistency within that living policy's 'explanation and reasons'. It states: "*There are no equivalent policies or rules to restrict the number, design or size of signs in Business zones (other than at Castle Hill) because signage is an integral part of the amenity values of business areas.*" There are, however, existing rules in the business zones relating to design and size; therefore, the 'explanation and reasons' to this living zone policy would not appear to reflect the current Plan provisions in relation to the business zones, let alone the new provisions proposed. Therefore, I recommend that the sentence quoted above within the 'explanation and reasons' of living zone policy B3.4.21 is deleted as a consequential amendment; this will remove the existing inconsistency in the Plan.

6.110 In my view, the amendments to the rules address Policy B3.4.20, which seeks that signs are designed and positioned to avoid adverse effects on the amenity values of the zone, and are consistent with Policy B3.4.4, which recognises that signs are expected in Business 1 zones as compared to living zones.

6.111 In conclusion, I consider the rules (as amended) to be the most appropriate in terms of achieving the Quality of the Environment objectives.

## **Definitions**

6.112 The issues raised in relation to the definitions proposed by PC29 are as follows:

- insert a new definition for childcare facilities, and
- the definition of "people oriented space" is vague, particularly the part which refers to "high pedestrian amenity"; amend the definition so that it is clear what "pedestrian amenity" includes.

6.113 The issues relating to child care facilities will be addressed in a separate section below.

- 6.114 With respect to “*people oriented space*”, I note that this term is also defined in the Note to Rule 16.10 – the only rule where it is referred to. The Note contains the most comprehensive explanation; therefore, I recommend deleting the term from the Definitions section in order to avoid any confusion. In addition, I do not consider it necessary to clearly define what “pedestrian amenity” includes within the Plan. The Act defines ‘*amenity values*’ and I consider this can be relied on in relation to the amenity values of pedestrians in particular.
- 6.115 I note that the term “*Active Residential Frontage*” is not used within PC29 and have recommended deleting the rules relating to dwellings; therefore I do not consider the definition necessary. I recommend deleting the definitions of “*Active Residential Frontage*” and “*Active Commercial Frontage*” and replacement of the definition of “*Active Frontage*” with the wording from “*Active Commercial Frontage*”.

### **SITE/ACTIVITY-SPECIFIC CONSIDERATIONS:**

#### ***Relevance to Southbridge and small towns***

- 6.116 Mr Doubleday and Ms Barnett presented statements at the hearing in relation to Southbridge and the applicability of the PC29 provisions to it and other small towns. They also discussed a number of aspects relating to the Concept Plan included as an appendix to the s.42A report; however, I note that this Concept Plan goes beyond what could be achieved by the proposed provisions of PC29 and therefore I do not intend to comment on those parts of it to any degree.
- 6.117 In relation to the PC29 provisions, it is my view that the amendments discussed above in relation to Southbridge, Coalgate and Dunsandel will provide an appropriate balance between encouraging individual expression and ensuring a level of amenity. As a result, the following rules of PC29, as amended by this recommendation, would apply in the Business 1 zone at Southbridge (please note that this is a brief summary only and does not include specific details – refer to Appendix 1 for details):
- new, small scale commercial buildings and additions are required to have active frontages, and verandahs (if close to the road boundary), and new front fences associated with these are not to exceed 1m in height,
  - for dwellings converted for commercial use, front fences are not to exceed 1m in height,
  - exterior security shutters are not permitted,
  - new car parking areas will require some landscaping, and
  - total signage per site shall not exceed 3m<sup>2</sup> (or 6m<sup>2</sup> depending on site frontage length), and shall not occupy more than 25% of any building elevation.
- 6.118 I note that if any large developments over 450m<sup>2</sup> GFA were to be proposed in Southbridge, Coalgate or Dunsandel in future, the large scale development rule would also apply.
- 6.119 In my view, this amended package of rules is not unduly onerous and is appropriate for achieving the Plan’s objectives in Southbridge, Coalgate and Dunsandel at this time. As indicated above, however, I recognise that the Council may wish to revisit

which mechanisms, if any, may be appropriate in order to achieve pedestrian environments at the front of buildings in these towns in future.

***Relevance to child care facilities***

6.120 In my view, there is no effects-based or policy reason to exempt child care facilities from the rule package; the effects in terms of amenity will not be activity-dependent and I note that the other considerations discussed by Ms Barnett may well apply to other community facilities as well.

6.121 As such, I do not consider it appropriate that child care facilities be identified as a sole exemption; however, I note that the amendments proposed to the rules relating to Southbridge may go some way towards meeting the concerns expressed by the submitters.

***Relevance to existing Rolleston Town Centre***

6.122 This issue was discussed in some detail at the hearing by the representatives for Rolleston Square Ltd, Rolleston Retail Ltd and Roll Ten Investments Ltd.

6.123 At a basic level, I tend to agree with the submitters' that it would appear that "the horse has bolted" in relation to street frontages at Rolleston Town Centre. In my view, however, it would be incorrect of me to simply assume that all resource consents obtained will be implemented, that any buildings that might require replacement for any reason will always be replaced under 'existing use rights', and that no new buildings or additions will be undertaken in Rolleston Town Centre in the medium term future. In other words, I cannot be certain that the horse has completely bolted, and consider that improvements as desired by PC29 may be achievable to a degree.

6.124 The outcomes sought by PC29 stem from the provisions seeking pleasant and attractive streets and public areas and to ensure that town centres are walkable and well integrated. In relation to Rolleston Town Centre, I note that improvements in terms of pedestrian amenity will be incrementally possible as new building occurs (in conjunction with any improvements planned by the existing operators); therefore, I consider these aspects of PC29 are applicable and appropriate.

6.125 In relation to new large scale development in Rolleston Town Centre, particularly with respect to the provision of active frontage along streets and the non-provision of car parking between buildings and roads, the recommended wordings of Policy B3.4.23a and the assessment matters to Rule 16.10 recognise that these two outcomes will not be possible in every circumstance. In addition, all resource consent applications will be considered on a case by case basis, with the assessment matters being matters for consideration, not rules, and the existing environment also informing any assessment under these provisions. The circumstances of a particular development within Rolleston may well mean that some matters are not as relevant as others. I note that Mr Hattam<sup>12</sup> also acknowledges this and states that "*good urban design outcomes may involve trading-off different desired outcomes according to the*

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<sup>12</sup> Section 42a report, clause 5.1.2b, page 14

*individual circumstances*". In my view, the recommended amendments will provide flexibility and are appropriate in the Rolleston Town Centre context.

- 6.126 As discussed above, I took the point made by the submitters' that small changes within the Rolleston Town Centre would be captured by the requirements of PC29; thereby increasing compliance costs. As concluded above, I consider that the small and large scale rules should apply to new buildings and additions only. I note that if no new buildings, additions or car parking areas are proposed in the Rolleston Town Centre, then the only rules applicable will be in relation to external security shutters and signage. As such, the existing physical resources are recognised by PC29 (as amended), will not be adversely impacted to any significant degree and the costs of compliance are expected to be insignificant. If new buildings are proposed, then I consider that the rules will be effective and efficient in requiring consideration of the matters contributing to high quality public and pedestrian amenity.
- 6.127 The submitters also considered the outcomes sought in PC29 to be inconsistent with a number of the existing policies in the Plan, particularly in the Rolleston Town Centre context. The examples identified were in relation to policies B3.4.25 and B3.4.30.
- 6.128 I acknowledge that the wording of policies B3.4.23a and B3.4.25 may not appear to seek the same outcome in the existing Rolleston Town Centre context. One seeks buildings along street boundaries and generally no car parking between buildings and the road (B3.4.23a); the other seeks to ensure that buildings are set back a distance in order to maintain the character of the area (B3.4.25).
- 6.129 The 'explanation and reasons' of B3.4.25, however, states that setbacks may not be necessary or appropriate in business zones and that the policy is implemented by building setback rules. There is no front setback rule for the Business 1 zone; therefore, it can be assumed that a setback from the road boundary is not "*necessary or appropriate*". Therefore, this policy seeking to ensure that buildings are set back from road boundaries is not particularly relevant to the Business 1 zone.
- 6.130 The other provision of concern was Policy B3.4.30. This seeks to encourage sites in Living and Business 1 zones to maintain a landscaped area along the road frontage of the site. I note that landscaping can include paving/sealing as per the 'explanation and reasons' and the Plan definition; therefore, consider the provisions to be consistent.
- 6.131 In conclusion, therefore, I consider that the provisions of PC29 (as amended) are relevant and appropriate for Rolleston Town Centre.

#### **REGIONAL POLICY STATEMENT:**

- 6.132 As noted above, s.74 and s.75 require, respectively, that regard be had to a proposed Regional Policy Statement ("RPS") and that the Plan give effect to the operative RPS. The relevant provisions of the operative RPS, Proposed Plan Change 1 to the RPS ("PC1") and the Proposed RPS were identified by Mr Hattam in paragraph 4.3.1 of the s.42A report. Mr Regnault also presented evidence of behalf of Canterbury Regional Council and concluded that PC29 gave effect to the operative RPS, was consistent with PC1 and had regard to the relevant aspects of the

Proposed RPS. Mr Regnault also considered PC29 to be consistent with the Greater Christchurch Urban Development Strategy. Some submitters considered that PC29 did not give effect to PC1.

- 6.133 Since that time, on 17 October 2011, the Canterbury Earthquake Recovery Authority (“CERA”) revoked PC1 and inserted Chapter 12A (Development of Greater Christchurch) into the operative RPS. This was done under the powers available in the Canterbury Earthquake Recovery Act 2011. Chapter 12A is based on PC1, but has been updated as a result of the Canterbury earthquakes.

### ***Operative RPS***

- 6.134 Chapter 12 of the operative RPS addresses the built environment, and Objective 1 is relevant, seeking to enable urban development and the physical expansion of settlements while managing adverse effects. Associated Policy 1 refers to promoting built environments that result in effective and efficient use of resources, particularly energy, reduce the rate of use of non-renewable energy sources and minimise the adverse effects of emissions into the atmosphere. This could be considered to be relevant to a degree, in so far as the enhancement of the town centres for pedestrian use may result in more pedestrians and fewer vehicle trips. I accept the evidence of Mr Regnault with respect to related Chapters 14 (Energy) and 15 (Transport). I also consider Objective 5 to be relevant; it seeks patterns of settlement that enable people and communities to provide for their social, economic and cultural well-being. The encouragement of pleasant and attractive streets and public areas, and walkable and well integrated town centres, will support the well-being of people and communities. As such, I consider that PC29 (as amended) gives effect to these provisions of the operative RPS.
- 6.135 In relation to the new Chapter 12A, I have reviewed the amendments made to the PC1 wording and the new document overall. I agree with the evidence provided in relation to PC1 and consider that the most relevant provisions of the new Chapter 12A are Objective 2 and associated Policies 5 and 7. Objective 2 relates to “Character and Sustainability” and seeks to achieve built environments within Greater Christchurch that provide a range of uses and are healthy, environmentally sustainable, functionally efficient and economically vibrant. Policy 5 refers to Key Activity Centres, i.e. Lincoln and Rolleston in Selwyn District. In this context, the Council is required to manage the development of these towns to provide for the facilities and services needed, encourage economic and business activity and interaction, broaden the mix of uses appropriate to the centre, provide major centres for the community and encourage pedestrian access to and within these centres. Policy 7 goes on to state that the development of the Key Activity Centres should give effect to urban design best practice, and that the principles of the Urban Design Protocol shall be observed when preparing or assessing any urban development. It also seeks good safe connectivity within the area, and to surrounding areas, by a variety of transport modes, provision for effective, efficient and attractive walkways within, across and linking beyond the area, provision for a high standard of visual interest and amenity, and appropriate relationships in terms of scale and style with the surrounding environment. The majority of provisions in PC29 deal with pedestrian amenity, and I consider that these seek to encourage pedestrian access

to and within the Key Activity Centres, give effect to urban design best practice and provide good connectivity within these areas. I also consider that the provisions of PC29 seek to achieve built environments that provide a range of uses, are healthy, environmentally sustainable, functionally efficient and economically vibrant and take account of the scale of the surrounding environment. As such, I consider that PC29 (as amended) gives effect to Chapter 12A of the operative RPS.

6.136 Overall, I consider that PC29 (as amended) gives effect to the operative RPS.

### ***Proposed RPS***

6.137 Chapter 5, Land-use and Infrastructure, of the Proposed RPS is relevant. Objective 5.2.1 seeks that development is located and designed so that it functions in a way that enables people and communities to provide for their well-being and health and safety, encourages sustainable economic development by enabling business activities in appropriate locations, minimises energy use and avoids adverse effects on significant physical resources. I note that Policy 5.3.1 seeks sustainable urban patterns that encourage high quality urban design, including the maintenance and enhancement of amenity values. I also acknowledge the other provisions discussed by Mr Hattam. In my view, PC29 (as amended) is consistent with the Proposed RPS.

## **7.0 CONCLUSIONS ON STATUTORY CONSIDERATIONS**

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- 7.1 The applicable Part 2 matters include the enablement of people and communities to provide for their social, economic and cultural well-being, the efficient use and development of natural and physical resources, and the maintenance and enhancement of amenity values and the quality of the environment (s.5, s.7(b), 7(c) and 7(f)). I note that no Treaty of Waitangi issues have been raised in the documentation or at the hearing.
- 7.2 Town centres are important to a community and impact upon many aspects of community life – economically, environmentally and socially (including culturally). In my view, PC29 (as amended) recognises this importance and enables both individual landowners and communities to provide for, and indeed enhance, their social, economic and cultural well-being, and their health and safety. I consider that PC29 (as amended) will allow, and promote, the efficient use and development of these physical resources that are town centres, and will result in outcomes that contribute significantly to the maintenance and enhancement of amenity values and the quality of the environment.
- 7.3 I consider that PC29 (as amended) achieves integrated management of the effects of development, and that it clearly falls within the s.31 functions of the Council for the purpose of giving effect to the Act.
- 7.4 In the PC29 context, Section 32 requires an evaluation of the extent to which the policies, rules or methods are the most appropriate for achieving the Plan objectives. I have reviewed the s.32 evaluation, the s.42A report, all submissions, further submissions, evidence and statements, and have discussed the relevant policies, rules or methods in relation to their benefits, costs, efficiencies and effectiveness



above. I conclude that the policies, rules and methods introduced by PC29 (as amended) are the most appropriate way to achieve the objectives.

- 7.5 I have assessed the provisions of the relevant Regional documents and conclude that PC29 (as amended) is consistent with them, and that it gives effect to the operative RPS. Therefore, I consider that PC29 meets the requirements of s.74 and s.75 of the Act.

## 8.0 RECOMMENDATION

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- 8.1 In conclusion, my recommendation on PC29 is that it be **approved with modifications**, for the reasons discussed above. The recommended modifications are attached as **Appendix 1**.
- 8.2 The Act states<sup>13</sup> that the Council is not required to give a decision that addresses each submission individually; however, it may be considered useful to update the submission table included as Appendix 2 within the s.42A report. Therefore, for information purposes, the recommendations on individual submissions (and, consequently, on the relevant further submissions), as listed in the s.42A report, are attached as **Appendix 2**.

Commissioner Janette Dovey  
1 November 2011

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<sup>13</sup> Schedule 1, Part 1, Clause 10

## APPENDIX 1

### RECOMMENDED MODIFICATIONS TO PLAN CHANGE 29

This appendix shows the recommended amendments to PC29.

Text proposed to be added by the original plan change as notified is shown as **bold underlined** and text to be deleted as ~~strike through~~.

Text proposed to be added by this Commissioner's Recommendation is shown as **bold double underlined** and text to be deleted as ~~**bold double strike through**~~. These amendments are also shaded for the sake of clarity.

### PLAN AMENDMENTS

**1 Amend Policy B3.4.21 by deleting the final sentence of the explanation and reasons, which reads as follows:**

**"There are no equivalent policies or rules to restrict the number, design or size of signs in Business zones (other than at Castle Hill) because signage is an integral part of the amenity values of business areas."**

**4 2** Update Policy B3.4.22 and Insert new policy B3.4.23a on managing the quality of commercial development

### POLICIES

#### 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 adverse effects on adjoining sites; ~~or~~ **and or**
- Maintain the character of areas with outstanding natural features or landscapes values or special heritage or amenity values; **and or**
- **Maintain and establish pleasant and attractive streets and public areas in the Business 1 zone.**

#### Explanation and Reasons

~~For most places in general~~, the District Plan does not have provisions that tell people what colour, shape or materials to use when building structures. ~~The Council thinks this is a matter of personal choice. 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, and some controls to manage the effect of buildings on public spaces, particularly in town centres (the Business~~

~~1 zone).~~ 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.**

~~This means that there are relatively few rules for traditional low density residential development. However for higher density and infill housing or commercial development more active management is needed to address the effects on neighbours and public spaces because the use of setback controls has proven both inefficient and ineffective. These rules protect the privacy of neighbours and the quality of the street scene.~~

The exception to Policy B3.4.22 is in Some areas that have been identified in the Plan as having either: outstanding natural features or landscapes 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 a resource consent, if the proposed design is appropriate to the area.

The areas subject to building design controls 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: Arthur's 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 still 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 any relevant structural criteria in the New Zealand Building Code.

#### Method

- District Plan Rules
- Height of Buildings (All Zones)
- Size of Buildings (Living zones)
- Recession Planes (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, means of the positioning of buildings and active frontage along the street boundary and not locating car parking between buildings and a road by internalising car parking with a site or development block**
- **providing for a high quality pedestrian experience in places the public may 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.**
- **ensuring entranceways are positioned in logical places for pedestrian access**
- **ensuring that design and layout prioritises the needs of pedestrians over the parking of cars**

### **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 development and which do not contribute to a pleasant and convenient pedestrian experience will undermine the opportunity for a community hub to be developed.**

The plan differentiates between small developments (with floor areas below 450m<sup>2</sup>) 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).

~~In general, for new areas such as greenfield sites, it is expected that car parking will be internalised, with streets lined with buildings. Where large sites are being progressively developed, this should be done in such a way as to enable the future achievement of this intention. In particular, car parking should not be positioned in such a way that it precludes the future development of those parts of the site with road frontage.~~

## Methods

### District Plan Rules (Business 1 zones)

- Streetscene
- Retail Activities
- On-Site Public Spaces
- Entranceways
- External finish
- Landscaping

### Urban Design Guides

## **Policy B3.4.23b**

Support the use of building or landscaping concept plans or ideas developed for townships in Selwyn District where such plans or ideas:

- Are appropriate to the proposed activity;
- Do not contravene any District Plan policies or rules; and
- The builder/developer is interested in using them.

## ~~2 — Insert new policy B4.3.6 on Medium Density Housing~~

## ~~**Policy B3.4.27**~~

~~**Allow for Medium Density and Comprehensive housing in Business 1 zones provided it has the same standard of design and site layout as in residential areas**~~

~~The plan encourages medium density housing in town centres to make efficient use of land and support walkability. But it is expected that such areas will have a similar amenity to any other residential area, for the benefit of both the residents and the people who use the town centre.~~

~~[renumber subsequent policies and amend table 4.3.1 to reflect renumbering]~~

### 3 Insert new policy B4.3.6 on rezoning

#### **Policy B4.3.6**

~~Only rezone land for business if it has an appropriate shape to allow for the creation of a high quality town or smaller centre environment~~

~~Ensure that land to be rezoned to Business 1 is assessed as to whether it has appropriate dimensions and characteristics to allow for the creation of the type of Business 1 zone environment sought in Policy B3.4.23a.~~

~~The usability of business land is highly dependent on its shape. If land is rezoned without regard to how it can be used, the result can be a town centre or neighbourhood centre where a high quality built environment is difficult to achieve.~~

~~Examples of the type of development which the Council is seeking to avoid are:~~

- ~~• Shops which sit behind large areas of car parking~~
- ~~• Shops which turn their backs on the road or other public areas~~
- ~~• Shops on one side of a road only in town centres~~

~~Often, due to the shape of the land rezoned, it is difficult to achieve an improved urban form, for instance because the shape of the zone is not deep enough for two rows of shops to face each other across a street. It is therefore important that an application for rezoning demonstrates how the land can be used a way that will result in a high quality built environment, as described in Policy 3.4.23a.~~

~~In instances where a high quality built environment is not possible or would depend to a great extent on the form of development chosen, then site specific rules may be required, either to restrict what can be done on the site, or the form of development which occurs.~~

~~The Council's *Commercial Design Guide* is a useful reference on how the shape of land may constrain development options.~~

- 4 Insert new rules 16.9 – 16.11 ~~2~~ to manage the design and layout of commercial buildings

## **RULES**

### **16.9 SMALL SCALE COMMERCIAL DEVELOPMENTS (LESS THAN 450m<sup>2</sup>)**

#### Permitted Activities

#### **16.9.1 ~~Except for buildings used as a dwelling, buildings or 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 450m<sup>2</sup> and up to 20 on-site car parking spaces shall be a permitted activity in the Business 1 zone provided that:**

**16.9.1.1 Except in Southbridge, Coalgate and Dunsandel, No 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 A least 60 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 façade 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 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**

## Restricted Discretionary Activities

16.9.2 Any building or structure which does not comply with rule 16.9.1 shall be a restricted discretionary activity. The exercise of the discretion shall be limited to consideration of effects on the amenity of public spaces and pedestrian movement.

16.9.3 Any application arising from Rule 16.9.2 will not require the written approval of other persons and shall be non-notified.

## 16.10 LARGE SCALE COMMERCIAL DEVELOPMENTS (450m<sup>2</sup> OR MORE)

### Restricted Discretionary Activities

16.10.1 Any development in In the Business 1 zone (other than Comprehensive Residential Development), developments comprising one or more new commercial buildings and/or commercial building additions with a total gross floor area of 450m<sup>2</sup> 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

b) contributes to visual variety, including in relation to the architectural modulation and detailing proposed, and

c) visually integrates servicing equipment.

~~a) Is visually integrated with the surrounding buildings by means of its scale, including the transition in size between it and adjacent buildings and any architectural measures to mitigate this; and~~

~~b) Contributes to a varied and visually appealing streetscene through:~~

~~• the subdivision of ground floor facades into traditional scale modules with a width of 5-10m;~~

~~• the continuation of existing building lines;~~

~~• the use of regularity of detailing (such as windows and architectural detailing) on upper floors and that such detailing is consistent with neighbours where appropriate; and~~

~~c) Avoids or disguises roof mounted equipment such as airconditioning units~~



~~16.10.23.2~~ The extent to which the design and location of active frontage and entranceways to buildings ~~to~~:

- 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.

~~16.10.23.3~~ The extent to which the design and layout of the site provides and addresses (for instance through active frontage) well located people oriented space appropriate to the scale and nature of activities on site, ~~and~~

~~16.10.23.4~~ 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, ~~providing access to and from:~~

- a) ~~Main attractions on the site such as community facilities, the main entrances to shops, or public space; and~~
- b) ~~Main attractions on adjoining sites; and~~
- c) ~~Points of access to surrounding areas including roads, reserves and walkways; and~~
- d) ~~Public transport facilities~~

~~16.10.23.5~~ The extent to which the development ~~would~~ maintains and/or provides continuous building lines, active frontage and verandahs along street boundaries and main pedestrian routes, ~~particularly where adjacent to established retail activities; and~~

~~16.10.23.6~~ Whether car parking areas contribute to the provision of high quality public space, and are not located between buildings and a road where possible.

~~The design and layout of the site in relation to the location of car parking areas so that these are~~

- a) ~~Located at the rear or side of developments; and~~
- b) ~~Not located between buildings and a road; and~~
- c) ~~Generally located where they are internalised within the development block; and~~
- d) ~~For large greenfield sites being developed progressively, that car parking is not generally located at or within 20m of the boundaries of sites where it may compromise the establishment of buildings adjacent to the road; and~~

~~16.10.23.7~~ The extent to which the design and location of landscaping ~~to~~ will contribute to a high quality pedestrian experience by ~~mitigating~~ the visual effect

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

16.10.23.8 The provision of appropriate servicing for the proposed activities in relation to amenity effects, and

16.10.3.9 The degree of compliance with the matters listed under 16.9.1

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: On-site public space refers to the whole area where people can be expected to be present. People-oriented space (rule 16.10.3.3) refers to that part of the on-site space which has high pedestrian amenity, or to adjacent public space.

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, eExamples of people oriented space might include:

- 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 with no more than 2 rows of parking; with a total width of no more than 20m of surface accessible to vehicles.
- “Pedestrian Precincts”: traffic-free street or lanes faced by active frontage on both sides.
- “Pedestrian Parades”: wide footpaths (min 6m width) 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 (min 6m\*6m, excluding 1.8m width through walkways), separated from car parking by landscaping.
- “Pedestrian Squares”: generally enclosed on 2 or more sides by active frontage for at least 60% of their perimeter, and where vehicles are not permitted.

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

#### 16.11 RETAIL FRONTING ON SITE PUBLIC SPACE/S

16.11.1 In the Business 1 zone, where retail activities front on-site public space/s rather than public space/s, they are a permitted activity if the site layout complies with the following:

16.11.1.1 shop frontages must be separated from car parking by a footpath and landscaping area with a minimum combined width of 3m; and

16.11.1.2 The area specified in 16.11.1.1 above must include an unobstructed sealed footpath of no less than 1.8m in width.

#### 16.12 BUILDINGS AND EXTERNAL FINISH

##### Permitted Activities

16.12.1 In the Business 1 zone, buildings and structures shall be a permitted activity if the exterior cladding of any wall or elevation (excluding glazing) complies with the following:

16.12.1.1 It is made from or clad in natural stone or with natural or stained timber; or

16.12.1.2 When graded using the British Standard BS5252:1976 Framework for Colour Co-ordination for Building Purposes, the exterior finish of at least 75% of any elevation (including any signage, whether attached to the elevation, painted on it, or otherwise provided), meets the following standards:

a) Is within greyness groups A and B.

b) Is greyness group C, with reflectance value (RV) rating of no more than 40%.

16.12.2 In the Business 1 zone, buildings shall be a permitted activity if the external finish of the roof complies with the following:

16.12.2.1 All roof areas shall be finished in colours with a reflectance value (RV) rating of no more than 40% and fall within the greyness groups A, B and C.

##### Non-Complying Activities

16.12.3 Any building or structure which does not comply with rule 16.12.1 shall be a non-complying activity

~~16.12.4 The installation of exterior security shutters in the business 1 zone shall be a non-complying activity~~

## **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.~~

~~5 Insert new rules 16.13 – 16.15 to manage the design and layout of dwellings in the commercial zone~~

### **16.13 DWELLINGS**

~~16.13.1 In the Business 1 zone, dwellings shall be a permitted activity if the following standards are met:~~

~~16.13.1.1 They have the exclusive use of an allotment with a minimum area of 500m<sup>2</sup>.~~

~~16.13.1.2 The allotment contains a minimum 10m x 15m building area.~~

~~16.13.1.3 Any dwelling shall be set back at least 3m from any road boundary or any accessway or right of way over which the dwelling has legal use.~~

~~16.13.1.4 Site coverage does not exceed 40%~~

~~16.13.1.4 Any garage where a vehicle door faces the road, a private Right of Way or shared access over which the dwelling has legal use, shall be set back a minimum of 5.5m from the road boundary, private Right of Way, or shared access.~~

~~16.13.1.5 No garage or accessory building is to be located between the front facade of the dwelling and the road boundary, or the private Right of Way or shared access by which the allotment is accessed.~~

~~16.13.1.6 Any dwelling or principle building, excluding garages or accessory buildings, shall be set back a minimum of 2m from any internal boundary. Buildings may however be sited along an internal boundary if the building shares a common wall with another building on an adjoining site.~~

~~16.13.1.7 Any dwelling shall be sited at least 2m from any other dwelling, unless it is attached to that dwelling.~~

~~16.13.1.8 No set back is required for any garage or accessory building from an internal boundary, provided that the total length of garages or accessory buildings adjacent to the internal boundary do not exceed 7m and provided these garages or accessory buildings comply with a 45 degree recession plane measured from 2.5m above ground level at the boundary.~~

~~16.13.1.9 All balconies at first floor level and above may only be located in a façade that faces a road boundary or an internal boundary shared with land vested or designated with Council for stormwater, recreation or esplanade reserve/ strip purposes.~~

~~16.13.1.10 Any windows at first floor level or above must:~~

- ~~• face a road boundary, or an internal boundary shared with land vested or designated with Council for stormwater, recreation or esplanade reserve/ strip purposes; or~~
- ~~• Be set back a minimum of 10m from an internal boundary; or~~
- ~~• Have a sill height of at least 1.6m above internal floor level; or~~
- ~~• Be obscure glazed, and either non-opening or top hinged, and be associated with a bathroom, toilet, or hallway.~~

## ~~16.14 COMPREHENSIVE RESIDENTIAL DEVELOPMENT~~

### ~~Restricted Discretionary Activities — Comprehensive Residential Development~~

~~16.14.1 In the Business 1 zone, comprehensive residential development shall be a restricted discretionary activity, which shall not be notified and shall not require the written approval of affected parties. Under Rule 16.14.1 the Council shall restrict the exercise of its discretion to consideration of:~~

#### ~~16.14.1.1 Context and Spaciousness~~

~~The extent to which comprehensive development responds to the existing context through:~~

- ~~(b) Being oriented towards adjoining public spaces such as roads, parks, or reserves and presents a front façade with a good level of glazing. Visible pedestrian front entrances and low front fencing;~~
- ~~(c) Providing dwellings which relate to each other and surroundings in terms of regularity of features~~

~~such as window height and detailing and a consistency in roof slope and form.~~

#### ~~16.14.1.2 Attractive Street Scene~~

~~The extent to which the public interface and external appearance of buildings in comprehensive developments:~~

- ~~(a) Provides dwellings with visual interest when viewed from any public spaces through articulation, roof form, openings and window location;~~
- ~~(b) Provides visible entry to the dwelling when viewed from the road or the main public access to the development;~~
- ~~(c) Provides a good level of glazing and overlooking from habitable rooms towards the road and any adjacent public open spaces.~~
- ~~(d) Building design provides a balance of consistency and variety in the street scene.~~
- ~~(e) Provides open frontages which will not be enclosed by fences over 1m in height.~~

#### ~~16.14.1.3 Dwelling design, position and orientation~~

~~The extent to which the dwelling design, position and orientation of buildings in comprehensive developments:~~

- ~~(a) Locates and orientates dwellings to define external spaces, to allow adequate sunlight and daylight into main living rooms and private outdoor spaces;~~
- ~~(b) Positions dwellings to ensure that dwellings front on to, and are accessed from, the road, private Right of Way, or shared accessways;~~
- ~~(c) Positions dwellings to capitalise on any views or natural features;~~
- ~~(d) Minimises the visual dominance of garaging and vehicle parking areas, especially as viewed from the street or public open spaces. The use of rear courtyards for parking is encouraged.~~
- ~~(e) Incorporates attractive detailed design including provision of mailboxes and space for bin storage and collection~~
- ~~(f) Provides attractive and efficient shared parking where required.~~

#### ~~16.14.1.4 Visual and acoustic privacy~~

~~The extent to which buildings in comprehensive developments achieve visual and acoustic privacy through:~~

- ~~(a) Avoiding or minimising direct views from the windows of one dwelling into another at distances less than 20m through the use of the following design devices:~~

~~The shape and position of the buildings~~

~~The location of windows e.g. off set windows and high sill windows~~

~~Intervening screening e.g. 1.8 metre high fences (not on road boundary or frontage with accessways), hedges, trees~~

~~Screening devices on balconies to ensure that they do not overlook windows or private spaces~~

- ~~(b) The provision of acoustic treatment between dwellings through enhancing separation between openings, effective solid acoustic screening and by locating noise sensitive spaces from noisy activities (e.g. separation of bedrooms from service areas and garages).~~

#### ~~16.14.1.5 Private outdoor living spaces~~

~~The extent to which comprehensive developments provide private outdoor living spaces that:~~

- ~~(a) Have the primary outdoor living space directly accessible from an internal living room;~~
- ~~(b) Have any secondary outdoor living spaces such as balconies directly accessible from living rooms or bedrooms;~~
- ~~(c) Are located so that the principle private outdoor living space will receive sunshine for a reasonable portion of the day in winter;~~
- ~~(d) Are located so that the principle outdoor living space is not directly overlooked by windows or balconies of neighbouring dwellings;~~
- ~~(e) The extent to which communal outdoor living space is provided within a comprehensively designed development and the functionality of that space for meeting the likely needs of future occupants.~~
- ~~(f) Are located to the side or rear of the dwelling and not adjacent to the road boundary.~~

#### ~~16.14.1.6 Safety and security~~

~~The extent to which comprehensive developments are designed to reduce the fear and incidence of crime through:~~

~~(a) The avoidance of narrow alleyways and places of entrapment;~~

~~(b) A clear definition between public and private spaces;~~

~~(c) The ability to provide casual surveillance of public space from private property and vice versa;~~

#### ~~16.14.1.7 Accessibility and connectivity~~

~~The extent to which comprehensive developments are designed for accessibility and connectivity through:~~

~~(a) Providing for the safe and efficient movement of pedestrians, cyclists and motorised vehicles within and through the development and to surrounding residential areas and commercial and community facilities;~~

~~(b) Providing direct pedestrian and cycle linkages from developments to and between any adjoining reserves and open spaces.~~

~~16.14.1.8 The extent to which living conditions in the dwellings would be adversely affected by established activities within the business zone (reverse sensitivity).~~

### ~~16.15 DWELLINGS AND PRIVATE OUTDOOR LIVING SPACE~~

#### ~~Permitted Activities — Dwellings and Private Outdoor Living Space~~

~~16.15.1(a) Dwellings in the Business 1 zone shall be provided with a private outdoor living space with a minimum area of 50m<sup>2</sup> and a minimum dimension of 4m.~~

~~(b) Any area provided by balconies with a minimum dimension of 1.5m counts towards the minimum required area of outdoor living space.~~

~~(d) The outdoor living space (excluding balconies) is not to be located between the front building façade and the road boundary or a right of way over which the dwelling has legal access.~~

#### ~~Restricted Discretionary Activities — Dwellings and Private Outdoor Living Space~~

~~16.15.2 Any activity which does not comply with Rule 16.15.1 shall be a restricted discretionary activity which shall not be notified and shall not require the written approval of affected parties. Under Rule 16.15.1 the Council shall restrict the exercise of its discretion to consideration of:~~

~~16.15.2.1 The degree to which any reduction in outdoor living space will adversely affect the ability of the site to~~



~~provide for the outdoor living needs of residents of the site.~~

~~16.15.2.2 The extent to which any outdoor living space intrudes in front of any residential unit such that it would be likely to give rise to pressure to erect high fences between the dwelling and the street, to the detriment of an open street scene.~~

~~16.15.2.3 The degree to which large areas of public open space are provided within very close proximity to the site.~~

~~16.15.2.4 The degree to which any communal outdoor living areas on the site are proposed where individual dwellings form part of a comprehensive residential development.~~

~~16.15.2.5 The degree to which a reduction in outdoor living space would contribute to a visual perception of cramped development or over development of the site.~~

~~6 Amend proposed rule 17.6 (from PC12) to manage the design and layout of car parking and insert new rule 17.7~~

## ~~17.6 PARKING AREAS AND SITE LAYOUT~~

### ~~Controlled Activities Parking Areas and Site Layout~~

~~17.6.1 Any development or redevelopment, of a parking area with more than 20 parking spaces in the Business 1 zone shall be a controlled activity~~

~~17.6.1.1 The exercise of Councils discretion shall be limited to the following:~~

~~(a) The location, layout and orientation of parking areas relative to:~~

~~Buildings, the road frontage, and any physical constraints for the site, and~~

~~i. Vehicle manoeuvring, access and circulation, and~~

~~ii. Pedestrian and cyclist access and circulation within the site particularly safety at vehicle crossings and the provision of direct and attractive routes, and~~

~~(b) The provision of lighting for the safety and security of the parking area users, and~~

~~(c) The amount, location, height, variation and depth of landscaping within and adjacent to the parking areas and the road frontage.~~

**5** **Insert new rule 17.7**

**17.7 PARKING AREAS AND LANDSCAPING**

**Permitted activities**

**17.7.1** **In the Business 1 zone, Except as provided in 17.7.2, Car parks new car parking areas shall be a permitted activity if they comply with the following:**

**17.7.1.1** **A continuous landscaping strip is provided between any legal road and the an adjacent parking area, except across vehicle crossings, 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 area or**
- A depth of at least 1.5m, planted with visually impermeable hedging that will reach a continuous height of 1m 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, Any development or redevelopment of a parking area new car parking areas resulting in more than 20 parking spaces, which complies with the permitted activity standards in 17.7.1, shall be a controlled activity.**

**17.6.1.1** **The exercise of Councils discretion shall be limited to the following:**

- a) The provision of degree to which low level landscaping has been provided in order to break up the appearance of hardsurfacing, particularly between the car park and pedestrian areas.**
- b) The provision and location of trees in the parking area. All tree shall be set in planting beds with a minimum dimension of 1.5m x 1.5m at a rate at least of 1 tree per 10 spaces  
**Whether an adequate number of trees, within suitably sized planting beds, have been provided in appropriate locations within the 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.**

## **7 6 Amend rule 19.1**

### **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 freestanding 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 any other site complies with the requirements in Rule 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 metres, 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 The total freestanding signage per site sign does not exceed:~~

~~a) 3m<sup>2</sup> in area where it is not attached to a building where the site's road frontage is less than 50m;~~  
~~or~~

~~b) 6m<sup>2</sup> in area otherwise~~

**19.1.1.6 a) The sign does not exceed 3m<sup>2</sup> 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 3m<sup>2</sup> where the site's road frontage is less than 50m, or 6m<sup>2</sup> otherwise; and**

19.1.1.7 The sign is not of a colour or design that resembles a traffic sign or signal; and

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; and

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.

## **§ 7** Add the following 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.

Rules ~~16.10 and 16.11~~ 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.

~~Rule 16.12 manages the external finish of buildings to ensure that business 1 zones are not dominated by buildings with large areas of very bright colour.~~

## Dwellings

Rules 16.14 – 16.16 are included in the Commercial area is to ensure that dwellings have an equivalent standard of amenity to Living zones, in what is intended to be a high-quality environment.

The proposed business zone rules include a minimum lot size of 500m<sup>2</sup>. In practice this is large for medium density housing and reduced lot sizes are a discretionary activity. Policy guidance indicates that houses should have an equivalent standard to residential areas and this should allow assessment of smaller lots.

The reason for relying on this mechanism is to avoid the need to include relatively complex subdivision rules in the business 1 zone, which has no minimum lot size and subdivision rules which are not appropriate for residential use. In practice, these rules are intended to provide minimum standards for the use of land for residential purposes whilst still allowing flexible subdivision standards appropriate for business use.

## 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.

## 9.8 Add the following definitions

### Definitions

Active Residential Frontage means a dwelling elevation (or that part of a dwelling elevation) which is comprised of a high proportion (more than 20% by area) of doors (excluding garage doors) and windows.

Active Commercial 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.

Active Frontage refers to either active residential frontage or active commercial frontage.

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.

On-site Public Space means de-facto public space occurring on private sites. This includes all places where the public may be present including visitor car parking areas, private lanes and accessways to buildings. It excludes areas such as service lanes for the delivery of goods.

~~People Oriented Space means public space (or publicly accessible space on private land) which has high pedestrian amenity.~~

9 Complete any consequential Plan renumbering that may be required in order to give effect to Plan Change 29.

## APPENDIX 2

### RECOMMENDATIONS ON SUBMISSIONS

**Note:** “Accept in part” in this context means “Accept in part in so far as the recommended amendments go towards meeting the relief sought in the submission”.

Further submitters are shown in ***bold italics*** under the relevant submission.

Sub No	Point	Decision Requested	Recommendation
1	1	Amend policy B3.4.23a to include references to cycling and environmentally sensitive design.	Reject
	2	Amend rule 16.10.3.1(b) relating to building lines.	Accept in part
	3	Add a note under rules 16.10.3.7 and 17.7.1 to require use of eco-sourced native species.	Reject
	4	Amend rule 16.12.2.1 as that light colour roofs reflect the sun's energy, reducing the heat island effect and the effect of building on global warming.	Accept in part
	5	Add new bullet points under rule 16.14.1.3 to ensure buildings are positioned for solar gain and incorporate energy saving features. Also apply these rules to commercial development	Reject
		<b><i>Opposed 11-13</i></b>	
	6	Amend rule 17.6.1.1(b) on lighting in parking areas to require that this is energy efficient to reduces light pollution.	Reject
2	1	Withdraw Plan Change 29; OR remove application of rules from small townships; OR Make exemption for childcare facilities and insert definition of childcare facilities.	Accept in part
		<b><i>Support 2, 7, 8, 18, 19</i></b> <b><i>Oppose 6</i></b>	
	2	Delete new wording to policy 3.4.22.	Accept in part
	3	Delete third point relating to internalisation of car parking in Policy B3.4.23a.	Accept in part
		<b><i>Support 7, 18, 19, 11-13</i></b>	
	4	Amend wording of rule 16.9 to make exception for childcare facilities AND/OR the Southbridge B1	Accept in part

		zone; amend status of rule 16.9.2 to controlled or restricted discretionary with no requirement for third party input.	
		<b>Support 7, 18, 19, 11-13</b>	
	5	Delete rule 16.12.1 OR amend non-complying status of rules 16.12.3 and 16.12.4.	Accept
		<b>Support 7, 18, 19, 11-13</b>	
	6	Delete rule 17.7.1 or provide an exemption for childcare facilities.	Reject
		<b>Support 7, 18, 19, 11-13</b>	
	7	Add additional paragraph to reasons for rules to explain why childcare facilities are excluded.	Reject
		<b>Support 7, 18, 19, 11-13</b>	
	8	Insert new definition of childcare facilities.	Reject
		<b>Support 7, 18, 19, 11-13</b>	
<b>3</b>	1	Reject Plan Change 29	Reject
		<b>Support 9, 11-13</b>	
	2	Amend rule 17.7.1	Accept in part
		<b>Support 11-13</b>	
	3	Amend rule 16.10.3.3	Reject
		<b>Support 7, 11-13</b>	
	4	Amend rule 16.9 and 16.10	Accept in part
		<b>Support 7, 11-13</b>	
<b>4</b>	1	Reject Plan Change 29	Reject
		<b>Support 11-13</b>	
		<b>Oppose 6</b>	
	2	Amend rule 16.10.3.3	Reject
		<b>Support 11-13</b>	
	3	Amend rule 16.10	Accept in part
		<b>11-13</b>	
<b>5</b>	1	Not stated	Accept in part
<b>6</b>	1	Uphold PC29	Accept in part



		<b>Oppose 7, 9, 11-13</b>	
<b>7</b>	1	Amend PC29 to make it more flexible	Accept in part
	2	Make amendments to rule 16.10.3.1(b): Delete the word "through" and the subsequent bullet points from rule 16.10.3.1(b)	Accept in part
		<b>Support 11-13</b>	
	3	Delete rules 16.12.1, 16.12.2 and 16.12.3 and associated text in Reasons for Rules.	Accept
		<b>Support 11-13</b>	
	4	Remove amendments to rule 19.1.1.6	Reject
	5	Revise Policy B3.4.22 to remove amendments to first and third paragraphs of explanation.	Accept in part
	6	Amend provisions so that they do not apply to zones other than B1	Accept
<b>8</b>	1	Reject PC29; OR exempt Southbridge and other small towns; OR insert a minimum \$500,000 threshold for additions and alterations; OR limit the application of PC29 to large development only in small towns.	Accept in Part
		<b>Support 2, 8, 18, 19</b> <b>Oppose 6</b>	
<b>9</b>	1	Amend PC29 to make it more flexible (or reject it)	Accept in part
		<b>Oppose 6</b>	
	2	Make amendments to rule 16.10.3.1(b): Delete the word "through" and the subsequent bullet points from rule 16.10.3.1(b). Or reject plan change and re-notify it with an alternative approach.	Accept in part
		<b>Support 11-13</b>	
	3	Delete rules 16.12.1, 16.12.2 and 16.12.3 and associated text in Reasons for Rules.	Accept
		<b>Support 11-13</b>	
	4	Remove amendments to rule 19.1.1.6	Reject
	5	Amend Policy 3.4.23a with regard to Large Format Retail.	Reject
		Reject amendments to first and third paragraphs of explanation under Policy B3.4.22.	Accept in part

	6	Amend provisions so that they do not apply to zones other than B1	Accept
10	1	Delete policy B3.4.23a or amend to reduce priority given to pedestrians	Accept in part
		<b>Support 11-13</b>	
	2	Amend or delete Policy B4.3.6	Accept in part
		<b>Support 11-13</b>	
	3	Amend rule 16.9.2 to provide for controlled (not discretionary) activity status	Reject
	4	Makes amendments to rule 16.10 to make the rule less onerous	Accept in part
	5	Amend rule 16.12 so as not to prescribe materials	Accept
	6	Include new provisions for acoustic insulation for dwellings	Reject
	7	Amend section 17.7 to provide for less onerous landscaping requirements.	Accept in part
		<b>Support 11-13</b>	
	8	Delete references to the Commercial Design Guide.	Reject
		<b>Support 11-13</b>	
11	1	Amend policy B3.4.23a [to reduce priority placed on pedestrians]	Accept in part
	2	Delete Policy B3.4.27	Accept
	3	Amend policy 4.3.6 to include consideration of existing town centres	Reject
	4	Delete rule 16.9.1.1 and change non-compliance with rule 16.9.1 to restricted discretionary status	Accept in part
	5	Delete Rule 16.10.3.1(a); Delete first and third bullet points under 16.10.3.1(b); Amend rule 16.10.3.1(c)	Accept in part
	6	Amend rule 16.10.3.2 so that it refers to provision of active frontage facing the road	Reject
	7	Delete that part of rule 16.10.3.5 that refers to active frontage along street boundaries	Reject
	8	Delete rule 16.10.3.6	Accept in part

	9	Delete rule 16.10.3.9	Accept
	10	Delete notes under rule 16.10	Accept in part
	11	Change activity status for non-compliances with rule 16.12 to restricted discretionary	Reject
	12	Delete rules 16.13, 16.14 and 16.15	Accept
	13	Amend definition of People Oriented Space	Accept in part
<b>12</b>	1	Amend policy B3.4.23a [to reduce priority placed on pedestrians]	Accept in part
	2	Delete Policy B3.4.27	Accept
	3	Amend policy 4.3.6 to include consideration of existing town centres	Reject
	4	Delete rule 16.9.1.1 and change non-compliance with rule 16.9.1 to restricted discretionary status	Accept in part
	5	Delete Rule 16.10.3.1(a); Delete first and third bullet points under 16.10.3.1(b); Amend rule 16.10.3.1(c)	Accept in part
	6	Amend rule 16.10.3.2 so that it refers to provision of active frontage facing the road	Reject
	7	Delete that part of rule 16.10.3.5 that refers to active frontage along street boundaries	Reject
	8	Delete rule 16.10.3.6	Accept in part
	9	Delete rule 16.10.3.9	Accept
	10	Delete notes under rule 16.10	Accept in part
	11	Change activity status for non-compliances with rule 16.12 to restricted discretionary	Reject
	12	Delete rules 16.13, 16.14 and 16.15	Accept
	13	Amend definition of People Oriented Space	Accept in part
<b>13</b>	1	Amend policy B3.4.23a [to reduce priority placed on pedestrians]	Accept in part
	2	Delete Policy B3.4.27	Accept
	3	Amend policy 4.3.6 to include consideration of existing town centres	Reject
	4	Delete rule 16.9.1.1 and change non-compliance with rule 16.9.1 to restricted discretionary status	Accept in part

	5	Delete Rule 16.10.3.1(a); Delete first and third bullet points under 16.10.3.1(b); Amend rule 16.10.3.1(c)	Accept in part
	6	Amend rule 16.10.3.2 so that it refers to provision of active frontage facing the road	Reject
	7	Delete that part of rule 16.10.3.5 that refers to active frontage along street boundaries	Reject
	8	Delete rule 16.10.3.6	Accept in part
	9	Delete rule 16.10.3.9	Accept
	10	Delete notes under rule 16.10	Accept in part
	11	Change activity status for non-compliances with rule 16.12 to restricted discretionary	Reject
	12	Delete rules 16.13, 16.14 and 16.15	Accept
	13	Amend definition of People Oriented Space	Accept in part
<b>15</b>	1	Delete new policies 3.4.23a and B4.3.6	Reject
		<b>Support 11-13</b>	
	2	Delete rules 16.9-16.12	Accept in part
	3	Delete rule 16.13.1.1	Accept
	4	Delete rule 16.14	Accept
	5	Delete rules 16.15.1(a) and (d), or reduce the required outdoor living area to 30m2 with a 3m dimension. Delete rule 16.15.2	Accept
	6	Delete rule 17.6.1 and rule 17.7	Accept Reject
		<b>Support 11-13</b>	
<b>16</b>	1	Update rules as per proposed plan change	Accept in part
		<b>Oppose 7, 9, 11-13</b>	
<b>17</b>	1	Update rules as per proposed plan change	Accept in part
		<b>Oppose 7, 9</b>	