

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR
POLICY STATEMENT OR PLAN, CHANGE OR VARIATION**

Clause 6 of First Schedule, Resource Management Act 1991

To Selwyn District Council

Name of submitter: Roll Ten Investments Limited

1. This is a submission on Plan Change 29 to the Selwyn District Plan (the **proposal**).
2. Roll Ten Investments Limited could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that this submission relates to are:
 - a. See attached table.
4. The submission is:
 - a. See attached table and additional pages.
5. Roll Ten Investments Limited seeks the following decision from the local authority:
 - a. See attached table and additional pages.
6. Roll Ten Investments Limited wishes to be heard in support of its submission.
7. If others make a similar submission, Roll Ten Investments Limited will consider presenting a joint case with them at a hearing.



.....
P A C Maw

Solicitor for Submitter

Date: 28 April 2011

Address for service of Submitter:

Wynn Williams & Co

Homebase, Unit B, 195 Marshland Road, Shirley, Christchurch 8083

P O Box 4341

CHRISTCHURCH 8140

Telephone: 03 3797622

Fax: 03 3792467

Contact person: P A C Maw

The specific provisions of PC29 that the submission relates to are:	The submission is that:	Roll Ten Investments Limited seeks the following decisions from Selwyn District Council:
Policy B3.4.23a	The Policy, as drafted, fails to take into account the physical constraints which currently exist in the Rolleston Town Centre. In particular, that part of the Policy which seeks to bring activity to street frontages by means of the position of buildings and active frontage along the street boundary and by internalising car parking is overly prescriptive, and may not result in development which is properly integrated with surrounding sites. It also fails to recognise that the majority of visitors to a town centre arrive and depart by car. The Policy fails to recognise that new development in town centres must also be attractive and accessible by people arriving in cars. It is impractical for those persons to park their car at the rear of a store and have to walk to the street front to enter buildings. It also fails to take into account that retail activities (including food and beverage sales) require back of house storage space. As such, it is not possible to put active frontages on the road side of a building as well as that part of a building facing a car park. Therefore, the requirements to site car parks behind buildings, but have active frontages facing the street can not readily co-exist, and will detract from the provision of functional retail space within town centres.	That part of the Policy which states: <i>“bringing activity to street frontages by means of the position of buildings and active frontage along the street boundary and by internalising car parking with a site or development block”</i> should be deleted. That part of the Policy that reads: <i>“ensuring that design and layout prioritises the needs of pedestrians over the parking of cars”</i> should be deleted and replaced with: <i>“ensuring that design and layout accommodates a mixed use traffic environment including pedestrians, cycles, motor vehicles and public transport”</i> Consequential amendments will also need to be made to the explanation to the Policy to reflect that persons visiting town centres arrive by various modes of transport.

	That part of the Policy which requires that design and layout prioritise the needs of pedestrians over the parking of cars, fails to recognise that the majority of people visiting a town centre do so by car. As such, the design and layout of town centres needs to take into account the needs of persons visiting those centres by car as well as the needs of pedestrians.	
Policy B3.4.27	This policy allows for medium density housing and comprehensive housing in Business 1 zones provided it has the same standard of design and site layout as in residential areas. It is inappropriate for land which has been zoned Business 1 to be used for medium density housing or for comprehensive housing. Business 1 zoned land should be preserved for business type activities. It is inappropriate to co-locate business activities and residential activities as this has the potential to lead to reverse sensitivity effects, and may compromise the function, vitality and amenity of existing town centres. Medium density housing and comprehensive housing should be provided at the interface between Business 1 zoned land and residential zoned land, not within the Business 1 zone. Enabling Business 1 zoned land to be used for residential or comprehensive housing use will compromise the Council's ability to properly plan for integrated town centres, and the provision of adequate business land to cater for future growth.	The Policy should be deleted in its entirety.

Policy B4.3.6	This Policy relates to the rezoning of land for business if it has an appropriate shape to allow for the creation of a high quality town or smaller centre environment. The Policy contemplates that additional land is required for business purposes. This is not the case in Rolleston. There is more than sufficient Business 1 zoned land available in Rolleston to cater for growth over the life-cycle of this Plan. Care needs to be taken when zoning land for business use to ensure that it does not detract from the function, amenity and viability of existing town centres. The Policy needs to be amended to reflect the fact that Business land will only be rezoned if it does not detract from the function, amenity and vitality of existing town centres, and only when a proper assessment of retail distribution effects has been carried out. In addition, the types of development which the Council seeks to avoid includes shops on one side of a road only in town centres. This fails to recognise the existing layout of the Rolleston Town Centre, and fails to recognise that land ownership may differ on different sides of a road.	The Policy needs to be amended as follows: <i>“Only rezone land for business if:</i> <i>a. It does not adversely effect the function, amenity and vitality of existing Town Centres;</i> <i>b. It has an appropriate shape to allow for the creation of a high quality town or smaller centre environment.”</i> The explanation to the Policy needs to be amended by deleting reference to <i>“shops on one side of a road only in town centres”</i>.
Rule 19.9.1	This Rule is overly prescriptive and the controls which the rule seeks to introduce are unlikely to result in development which is attractive and commercially viable. In particular, it may not be possible or economically viable for there to be no car parking between the	Rule 16.9.1.1 should be deleted in its entirety.

	frontage of any building and a legal road (Rule 16.9.1.1) because of the orientation of the site and the road. Building design needs to be integrated with a site to ensure that buildings are erected in a way which is attractive to persons visiting the site, and this may necessitate northward facing buildings which provide good access to sunlight and protection from wind. On certain sites, this would require car parking to be located between the street and the building.	
Rule 16.9.2	This Rule provides that any building or structure which does not comply with Rule 16.9.1 is a discretionary activity. Rule 16.9.1 relates to matters of urban design. Non-compliance with the Rule should not trigger full discretionary activity status. Rather, non-compliance should trigger restricted discretionary activity status, with the discretion limited to matters of urban design.	The Rule should be amended to make non-compliance with Rule 16.9.1 a restricted discretionary activity with the discretion limited to a finite list of urban design matters, as set out in Rules 16.9.1.2 – 16.9.1.4.
Rule 16.10.3.1	Rule 16.10 introduces significant uncertainty around how large development may take place. The matters over which the Council has retained a discretion are too wide, too subjective and too uncertain. It is unsatisfactory from a resource management perspective to grant the Council such wide discretion as it introduces an unacceptably high degree of uncertainty for those seeking to develop land within the Business 1 zone. The matters over which the Council has restricted its discretion are set out in Rules 16.10.3.1-16.10.3.9. Rule 16.10.3.1(a) refers to the need to integrate	Rule 16.10.3.1(a) should be deleted in its entirety. The first and third bullet points under Rule 16.10.3.1(b) should be deleted. Rule 16.10.3.1(c) should be deleted and replaced with the following: <i>“integrates roof mounted equipment in a manner that does not detract from the visual amenity of the building”.</i>

	development with surrounding buildings. However, the Rule fails to take into account that buildings located on surrounding sites may not have been constructed to fully maximise the bulk, height and scale permitted by the Plan. For example, a building on a surrounding site may have only been built to a height of 5 metres, whereas the permitted standard may be 10 metres. It would be artificial to constrain the development of a new site because a surrounding site has not yet been fully developed. In order to remedy this, the rule should be amended to refer to a building or buildings which could be erected on surrounding sites which comply with the building density, site coverage and building height rules in the Plan. Rule 16.10.3.1(b) relates to the creation of a varied and visually appealing street scene. It is artificial to subdivide ground floor facades into traditional scale modules with a width of 5 – 10 metres as this provides a barrier to particular tenants occupying the Business 1 zone. Further, the need to regulate detailing such as windows on upper floors to provide consistency with neighbours is too subjective, and may result in building development in accordance with the lowest common denominator. Rule 16.10.3.1(c) relates to roof mounted equipment. Not all roof mounted equipment will be visible if buildings are constructed to full height within the zone. For example, an air-conditioning unit located at the mid-point on a relatively flat pitched roof of a 10 metre high building may not be visible from public spaces,	
--	---	--

	even though it has not been disguised. It is submitted that this Rule needs to be amended by requiring roof equipment to be integrated with the building in such a way that it does not detract from the visual amenity of the building.	
Rule 16.10.3.2	This rule relates to the provision of active frontage and entranceways to buildings. The requirements fail to recognise that the majority of visitors to the Rolleston Town Centre arrive by motor vehicle. It is impractical to require building entranceways to be located on the street frontage, but car parks to be located at the rear of sites. Large developments should be designed to ensure that the development as a whole is integrated with the site, rather than with the streets that it is adjacent to. Active frontage designed to face internal roads would achieve this purpose.	The Rule should be amended so that it specifically refers to the provision of active frontage facing internal roads.
Rule 16.10.3.5	This Rule requires, amongst other things, assessment of the extent to which the development would provide active frontage along street boundaries. For reasons already submitted, it may be inappropriate to provide active frontage to street boundaries for large scale developments. This is because the developments will be designed in such a way as to integrate them with car parking on the site.	That part of the Rule which refers to active frontage along street boundaries should be deleted.
Rule 16.10.3.6	This Rule relates to the design and layout of car parking areas. It is submitted that the Rule is too	The Rule should be deleted in its entirety.

	prescriptive and fails to take into account the orientation of sites. The Rule is too prescriptive in terms of seeking to internalise car parks within the development block, and it is inefficient and not commercially viable to require that car parking be located at least 20 metres from the site boundaries where it may compromise the establishment of buildings adjacent to the road.	
Rule 16.10.3.9	This Rule refers to the assessment criteria for small scale developments. For the same reasons as set out above, it is submitted that Rule 16.9.1.1 should be deleted, and that this should not form an assessment matter for large developments.	Reference to Rule 16.9.1.1 should be excluded from the matters listed under 16.9.1
Note to Rule 16.10 (pages 7 and 8 of Plan Change 29)	This note is vague and uses terms which are not used throughout part 16.10. For example, the note refers to “people oriented space”, and cross-references Rule 16.10.3. However, there is no Rule 16.10.3, and it is not clear what the cross-reference is referring to as the term “people oriented space” is not used widely through part 16.10. The examples given of people oriented space may result in a conflict being created between the various examples.	The note should be deleted in its entirety.
Rule 16.12.3	This Rule classifies buildings or structures which do not comply with the external finish standards set out in Rule 16.12.1 as non-complying activities. It is submitted that non-complying activity status is too onerous, particularly for development within town centres.	Rule 16.12.3 should be amended such that non-compliance with rule 16.12.1 is a restricted discretionary activity, with the Council’s discretion restricted to the external finish of the building or structure.

	The types of retail tenants which should be attracted to town centres within Selwyn, and particularly Rolleston, are national retail chains which often have their own, distinctive colour schemes. This aids in customer recognition of the stores, and assists in promoting those stores and the town centre as a whole.	
Rules 16.13 and 16.14	These Rules relate to the design and layout of dwellings in the commercial (Business 1) zone. For the reasons given in relation to Policy B3.4.27, it is submitted that the use of Business 1 zoned land for residential use is inappropriate. As such, it is submitted that Rules 16.13, 16.14 and 16.15 be deleted in their entirety	Rules 16.13, 16.14 and 16.15 should be deleted in their entirety.
Definition of “people oriented space”.	The definition is vague, particularly the part which refers to “high pedestrian amenity”. Pedestrian amenity is a very subjective phrase. It is submitted that the definition should be refined so that it is clear what “pedestrian amenity” includes.	Amend the definition of “high pedestrian amenity” to make provide greater certainty as to what that phrase means.

Further reasons for relief sought:

Without the amendments sought by Roll Ten Investments Limited, the proposal does not achieve the purpose and principles of the Act, including, but not limited to:

1. The promotion of the sustainable management of natural and physical resources under section 5 of the RMA; or
2. The achievement of the efficient use and development of natural and physical resources under section 7(b) of the RMA.

Further relief sought:

If the changes to the Policies and Rules sought by Roll Ten Investments Limited are not accepted, then Roll Ten Investments Limited requests that the proposal be rejected in its entirety.

Roll Ten Investments Limited also seeks any consequential amendments necessary to give effect to the relief sought.