

David Hattam

From: Sue Jarvis <sue.jarvis@orcon.net.nz>
Sent: Tuesday, 26 April 2011 9:50 a.m.
To: David Hattam
Subject: plan change 29 LET submission
Attachments: plan change 29 LET submission.docx

Hi David

Attached is a submission from the Lincoln Envirotown Trust. See you Monday.

Best wishes

Sue

Submission from Lincoln Envirotown Trust re: plan change 29

Prepared by Sue Jarvis

Overall comment: The plan change suggests some great improvements and the sooner it comes into force the better.

Words we suggest should be added are in highlight yellow, comments highlighted in turquoise

Policy B3.4.23a

- Ensuring that development supports the urban structure by providing for direct and logical pedestrian and cycle routes within and through large sites and to entranceways along pedestrian desire lines.
- Ensuring that design and layout prioritises the needs of pedestrians and cyclists over the parking of cars.

4th paragraph p.3: For these reasons a centre must have a layout which supports pedestrian and cyclist activity ... etc

Additional paragraph p.3

In general developments should be designed in a way that is environmentally sustainable including in a way that reduces the effect of the development on climate change and water quality. This might include the use of energy efficient orientation and design, porous paving for parking areas, rainwater collection tanks.

16.10.3.1 b) (p.6)

Contributes to a varied and visually appealing street scene through: the continuation or improvement (otherwise bad planning will be continued!) of existing building lines, where these are visually appealing and consistent with the overall values of the community such as wishing to have a "village" feel for the centre of Lincoln.

16.10.3.7 (p.7)

The design and location of landscaping to mitigate the visual effect of development and to define the edges of streets and other space accessible to the public

Note: the landscaping should use ecosourced natives to restore the natural character of the land. Species chosen should be suitable to the area of Canterbury of the urban development, unless there is a defined reason for them not to be used. The plantings should use long lived, varied species including some shrubs and some large native trees. Tussocks, while useful for under planting are only temporary as they have a short life span. Suggestion of species are available from the Lincoln Envirotown native planting guide www.lincolnenvirotown.org.nz or from The DOC nursery at Motukarara

16.12.2.1 (p. 9)

All roof areas shall be finished in colours with a reflectance value (RV) rating of no more than 40%

Comment: while this may be visually appealing, it may not be a sensible restriction if we want to reduce climate change. There has been research done that shows that white roofs (or light colours) reflect the sun's energy and reduces the "heat island" effect and hence reduces the effect the built environment has on local and global warming. An even better suggestion, which I see hasn't been mentioned anywhere, is the encouragement of green "living" roofs. In many places in Europe now, planted roofs are becoming mandatory. I assume the SDC has a responsibility to encourage building in such a way to reduce the effects human activity has on the climate?

16.14.1.2 (c) (p.11)

Provides a good level of glazing

Comment: what does a "good level" mean. Large windows? Small windows (to reduce heat loss)? Double or triple glazed windows?

16.14.1.3 (p12) Dwelling design, position and orientation

(g) Provides building orientation for the greatest solar gain in winter, and reduced gain in summer.

(h) Incorporates energy saving features into the design of the building, such as concrete heat sinks, double or triple glazing, efficient, solar water heating, and water collection from roofs.

Comment: This should also apply to commercial buildings

16.14.1.7 (a) (p. 13) Excellent!

17.6.1.1 (b) (p. 15)

The provision of lighting for the safety and security of the parking area users.

This should be of energy saving lighting such as LED lights, angled downwards to reduce light pollution.

17.7.1 (p15)

Note: the landscaping should use ecosourced natives to restore the natural character of the land. Species chosen should be suitable to the area of Canterbury of the urban development, unless there is a defined reason for them not to be used. The plantings should use long lived, varied species including some shrubs and some large native trees. Tussocks, while useful for under planting are only temporary as they have a short life span. Suggestion of species are available from the Lincoln Envirotown native planting guide www.lincolnenvirotown.org.nz or from The DOC nursery at Motukarara



110427011 2



Royal New Zealand Plunket Society – Southbridge Sub-Branch

c/- C M Barnett

Lakeside, R D 3

LEESTON 7683

Ph: 3243429 email: carba@ruralinzone.net

22 April 2011

Planning Department
Selwyn District Council
PO Box 90
ROLLESTON 7643

Dear Sir/Madam

Submission to Proposed Plan Change 29 of the Selwyn District Plan – Royal New Zealand Plunket Society – Southbridge Sub-Branch

Please find attached a submission to Proposed Plan Change 29 of the Selwyn District Plan.

If you have any queries regarding the attached document then please do not hesitate to contact the writer.

Yours faithfully
Royal New Zealand Plunket Society – Southbridge Sub-Branch

C M Barnett
On behalf of R Haycock - President

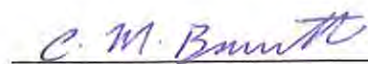
FORM 5 OF THE RESOURCE MANAGEMENT ACT 1991

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

NAME OF SUBMITTER: Royal New Zealand Plunket Society - Southbridge Sub-Branch.

ADDRESS FOR SERVICE: Southbridge Plunket
c/- C M Barnett
271 Harts Road
Lakeside
R D 3
LEESTON 7683

CONTACT DETAILS Phone: 03 324 3429
Fax: 03 324 3429



SIGNATURE OF SUBMITTER (or person authorised to sign on behalf of submitter)

C M Barnett

On behalf of R Haycock, President – Southbridge Plunket Sub-Branch

The Southbridge Plunket Sub-Branch does wish to be heard in support of this submission.

The Southbridge Plunket Sub-Branch would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

1. Specific Provisions of Proposed Plan Change 29 that this submission relates to:

The entire Proposed Plan Change 29 including, and not limited to, those specific provisions listed in Annexure A attached.

2. The Submission Opposes the entire Proposed Plan Change 29 including, and not limited to, all those specific provisions listed in Annexure A attached, unless stated otherwise.

3. The Following Decision from the Selwyn District Council is Sought

That the requested changes shown in Annexure A be adopted and inserted in or removed from Plan Change 29 and the Selwyn District Plan, in the relevant chapters.

4. Background of the Submitter

The Southbridge Plunket Sub-Branch (hereafter referred to as Southbridge Plunket) owns, operates and maintains the premises/Plunket Rooms at 6 Gordon Street, Southbridge and is located within the Business 1 zone under the provisions of the Selwyn District Plan. The property is a small site, 177m², located immediately adjacent to the Southbridge Playcentre which operates from the

property on the corner of Gordon and High Streets. The Playcentre is also located in the Business 1 zone. The Plunket Rooms have frontage to Gordon Street only.

The Plunket Rooms were established in 1972 and have since then been used constantly by the Plunket Nurse and the parents, families and children who use the Plunket service. It is an important and essential community health facility for not only Southbridge Township but also the wider Southbridge rural community.

Since the establishment of the building on the site, there was an extension to the building. This extension was required in order to better facilitate the use of the building and provide for a private area for the Plunket Nurse to meet with parents and children, away from other parties who have the following appointments with the Nurse. The extension was built in a manner which complimented the style of the existing building. This makes it have a tidy and succinct appearance.

Because of the small nature of the site and its complimentary co-existence with the adjacent Playcentre, the existing parking area is located on the site but between the Playcentre playground and the Gordon Street carriageway. It has been located here to ensure the safety and convenience of babies, small children and parents.

Southbridge Plunket is self-funded. All maintenance, rates, electricity and operating costs are paid for through monies raised by the Southbridge Plunket Committee largely gathered from the local community. Any development of the facility to date and in the future relies entirely on the goodwill of the local community.

21 APRIL 2011

Date

ANNEXURE A: SUBMISSIONS

Provision in Selwyn District Plan as proposed to be amended by Proposed Plan Change 29	Support, Oppose or Insert	Suggested Amendments	Decision Requested	Reasons for submission
Entire Plan Change				
Entire Plan Change 29	Oppose	Withdraw the entire Plan Change 29; Or Amend text of Proposed Plan Change by making an exemption from the proposed provisions for childcare facilities and/or the entire Business 1 zone of Southbridge and other small rural townships. Insert definition within the District Plan that defines what a 'childcare facility' is.	Withdraw the entire Plan Change 29; Or Remove the application of Plan Change 29 controls from those small rural townships; and/or Make exemption from the proposed provisions for childcare facilities. Insert definition within the District Plan that defines what a childcare facility is.	It is entirely inappropriate to impose such provisions on childcare facilities that have been historically located within a Business 1 zone. It is noted that the existing district plan does not contain a definition or rules for childcare facilities. It is also recognised that other businesses and community facilities are located within the Business 1 zone of Southbridge and it is also not appropriate to subject these activities to the proposed new design guidelines i.e. Southbridge Swimming Pool, Southbridge Town Hall, potentially new fire station. The Business 1 zone activities in Southbridge are well established and would be more likely to be subject to alterations rather than full-scale re-development. With the proposed design rules in place the end result of their application here would be in either non-integrated design or subject property/business owners to the onerous task of applying for seemingly unnecessary resource consents. While it is recognised that design rules do assist in the development of attractive aesthetics in larger towns they may be of little relevance in small rural townships in this district. One of the attractions of small townships within the rural area is their individual characteristics and to have

Provision in Selwyn District Plan as proposed to be amended by Proposed Plan Change 29	Support, Oppose or Insert	Suggested Amendments	Decision Requested	Reasons for submission
				stringent design controls imposed in these areas would only serve to further stifle business and community activity. Such rules also provide risk of making all townships in a district look similar which also reduces the attractiveness of individual characteristics.
1 Amendments to Policies				
Policy B3.4.22	Oppose	Delete proposed new wording.	Delete proposed new wording.	The level of controls proposed are too restrictive and overbearing for a small rural township such as Southbridge, and in particular on sites that have a community based role. This township has a pleasant amenity level but to require restrictions as to building colour and cladding in an area which is not located within close proximity to any outstanding landscape or significant heritage features goes beyond the expectations of this township. It is noted also that the Plunket Rooms do not have frontage to the main street of Southbridge and has very little impact on the aesthetics and visual amenity of High Street, which the majority of the Business 1 zone fronts.
Policy B3.4.23a – Third point	Oppose	Delete Third point relating to internalisation of car parking facilities.	Delete Third point relating to internalisation of car parking facilities.	It would be difficult to achieve internalisation of car parking facilities within the Business 1 zone of Southbridge in the majority of cases. It would also serve little purpose to do so. The level of commercial activity does not require such stringent rules and would only serve to further disrupt the flow of pedestrians in this area.

Provision in Selwyn District Plan as proposed to be amended by Proposed Plan Change 29	Support, Oppose or Insert	Suggested Amendments	Decision Requested	Reasons for submission
Rule 16.9 Small Scale Commercial Developments (Less than 450m²)				
Rule 16.9.1	Oppose	Amend wording to make exception for childcare facilities as well as dwellings and/or the Southbridge Business 1 zone.	Amend wording to make exception for childcare facilities as well as dwellings and/or the Southbridge Business 1 zone.	Given the current makeup of the Business 1 zone in Southbridge and the orientation of development on the Plunket site it would be entirely inappropriate to apply such rules to development here. It would also be too onerous to expect childcare facility operators to apply for resource consents for any new development when funding is difficult enough to obtain for the mere existence of the facility, let alone funding for resource consents because of provisions that have no relationship to such activities.
Rule 16.9.2 Discretionary Activities	Oppose	Amend wording to be "Controlled Activities"	Delete reference to "Discretionary Activities" and replace with "Controlled Activities"	In addition, it seems overbearing of the Council to impose a 'discretionary activity' status over any failure to meet the provisions of Rule 16.9.1 and introduce third party input. Instances where breaches of design rules occur should be either only controlled or restricted discretionary activities with no requirement for third party input. Third party input when dealing with subjective opinions about cladding, colours etc tend to extend the costs of resource consenting and potentially lead to inappropriate aesthetics.
Rule 16.12 Buildings and External Finish				
Rule 16.12.1 Permitted Activities	Oppose	Delete all of Rule 16.12.1.	Delete all of Rule 16.12.1.	It is entirely inappropriate to require buildings within the Southbridge Business 1 zone to be clad in only natural stone, or natural or stained timber; or, alternatively be coloured to a certain grey scale. This would prevent or excessively limit the expression of the occupier of a site. In relation to childcare facilities there is the need to provide for bright 'happy' colours

Provision in Selwyn District Plan as proposed to be amended by Proposed Plan Change 29	Support, Oppose or Insert	Suggested Amendments	Decision Requested	Reasons for submission
				to ensure a high level of safety. To require any new development of the sites to comply or obtain resource consent for any breach of parking provision may cost more than any new development itself and render the development unaffordable.
8 Add the following Reasons for Rules				
Additional information to add	Insert	Add in the following statement under 'Reasons for Rules – Design and Layout of Business 1 development': <i>“Childcare Facilities have been excluded from the application of these rules as they are community funded and provide an important service to the district. It is not appropriate to impose building design controls on these activities as they have particular needs in order to function safely and within their own guidelines”.</i> Or, alternatively add statement providing reasons for the exclusion of Southbridge Business 1 zone from these rules.	Amend 'Reasons for Rules' to include statement/s in adjacent column.	As mentioned above, it is inappropriate to subject childcare facilities to onerous design controls when they are providing a necessary service to its immediate community and the wider district. Also, such controls are inappropriate in the Business 1 zone of Southbridge.

Provision in Selwyn District Plan as proposed to be amended by Proposed Plan Change 29	Support, Oppose or Insert	Suggested Amendments	Decision Requested	Reasons for submission
9 Add the following definitions				
Definitions	Insert	Insert following definition: <i>"Childcare Facility means the use of land and/or buildings for the provision of regular child - care, examination, instruction or training by suitably qualified caregivers, nurses and/or instructors and includes their ancillary activities."</i>	Amend definitions in Plan as requested in adjacent column.	This new definition is required in order to facilitate the insertion of the exemption of such facilities from the proposed design control rules.

David Hattam

From: David Smith
Sent: Thursday, 28 April 2011 4:03 p.m.
To: David Hattam
Subject: FW: Proposed Plan Change 29 - Design of Development in Business 1 Zones
Attachments: Selwyn District Council - Foodstuffs.pdf; Submission - Foodstuffs.pdf

From: Rebecca Hill [mailto:rebecca.hill@andersonlloyd.co.nz] **On Behalf Of** Joshua Leckie
Sent: Thursday, April 28, 2011 3:45 PM
To: Submissions
Cc: Jen Crawford
Subject: Proposed Plan Change 29 - Design of Development in Business 1 Zones

ANDERSONLLOYD LAWYERS

Please find **attached**, on behalf of Foodstuffs (South Island) Properties Limited, a submission on proposed Plan Change 29. Original to follow by post.

Regards

Joshua Leckie
Solicitor

P: 03 364 9261
E: joshua.leckie@andersonlloyd.co.nz

Anderson Lloyd
18a Birmingham Drive
Middleton
Christchurch, New Zealand

PO Box 13831,
Christchurch 8141

P: 03 379 0037
F: 03 379 0039

Also in:
Queenstown
Dunedin

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28 April 2011

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Selwyn District Council
PO Box 90
ROLLESTON 7643

By email - submissions@selwyn.govt.nz

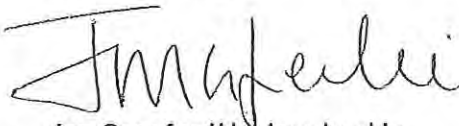
Anderson Lloyd
Level 10, Clarendon Tower
Cnr Oxford Terrace &
Worcester Street
Christchurch 8011, New Zealand
PO Box 13831, Christchurch 8141
P: 03 379 0037
F: 03 379 0039

Also in:
Queenstown
Dunedin
www.andersonlloyd.co.nz

Proposed Plan Change 29 - Design of Development in Business 1 Zones

Please find **enclosed** a submission on proposed Plan Change 29 to the Selwyn District Plan on behalf of Foodstuffs (South Island) Properties Limited.

Yours faithfully
Anderson Lloyd



Jen Crawford/Joshua Leckie
Partner/Solicitor
P: 03 364 9265
M: 027 436 6040
E: jen.crawford@andersonlloyd.co.nz
P: 03 364 9261
E: joshua.leckie@andersonlloyd.co.nz

Submission on Proposed Plan Change 29 to the Selwyn District Plan

Clause 6, First Schedule, Resource Management Act 1991

To: Selwyn District Council
PO Box 90
Rolleston 7643
submissions@selwyn.govt.nz

Name of Submitter: Foodstuffs (South Island) Properties Limited ("Foodstuffs")

1. This is a submission on Proposed Plan Change 29 ("PC29"), which concerns the provisions in the Selwyn District Plan ("the District Plan") related to new development in the Business 1 zone.
2. This submission relates to PC29 in its entirety, and including in particular the following specific provisions:
 - a. Proposed Policies B3.4.22, B3.4.23a and 4.3.6;
 - b. Proposed Rules 16.9, 16.10, 16.11, 16.12, 17.6, 17.7 and 19.1.
3. Foodstuffs' submission is in opposition to PC29, for the following reasons:

General

- i. PC29 does not assist the Selwyn District Council ("the Council") in carrying out its statutory duties under the Resource Management Act 1991 ("the Act"), including achieving the integrated management of the effects of the use, development, or protection of land.
- ii. PC29 fails to meet the requirements of section 32 of the Act, in that the proposed policies and rules are not the most appropriate method for achieving the Act's purpose nor are they the most efficient and effective means for achieving the District Plan's objectives.
- iii. PC29 does not promote the sustainable management of natural and physical resources and is not in accordance with Part 2 of the Act.

Specific

- iv. The assumptions underlying PC29 areas are unjustified and will not necessarily result in the most optimum planning solution for the District. The controls proposed by PC29 may in fact present a hurdle to achieving the most appropriate urban design outcomes, which in turn will act to stifle economic development and the vitality of townships. Good design and high quality commercial development is not always achieved simply by compliance with a rigid set of rules. The design and form of development in the Business 1 zone would be better managed through an effects assessment on a site-specific basis, and if necessary by the use of non-statutory measures such as design guidelines, rather than through the imposition of "one-size-fits-all" controls in the District Plan.
- v. PC29 reflects a centres-based approach to town planning, yet experience has shown that concerns about retail activity establishing outside of a town centre are generally unjustified. There is limited evidence to support the contention that such activity will undermine the vitality of an existing town centre to the point that it results in significant adverse effects on the wellbeing of the wider community.
- vi. PC29 seeks to actively discourage the use of parking between retail and roads. Such controls assume that this reflects poor site layout. This overlooks the function of large format retail businesses, such as supermarkets. It may also result in a number of unintended outcomes, such as compromising the safety of customers and undermining pedestrian flow. This approach contradicts the District Council's own economic assessment, which acknowledges that the link between carparking and stores needs to be safe, and will also be contrary to the broader objectives and policies of the District Plan.
- vii. The exceptions to Policy B3.4.22 relate to outstanding natural features, landscapes, and heritage and amenity values. The control on the design and form of town centres does not fit appropriately with this policy.
- viii. PC29 purports to manage "on-site public space", however what this amounts to is an inappropriate control on the use of privately owned spaces. This will potentially result in an erosion of private property rights without the necessary benefits to justify the additional controls, particularly when it is acknowledged

6. If other parties make a similar submission, Foodstuffs would be prepared to consider presenting a joint case with them at the hearing.



Foodstuffs (South Island) Properties Limited

By its solicitors and duly authorised agents

ANDERSON LLOYD

J M Crawford / J M Leckie

Dated this 28th day of April 2011

Address for service of Submitter:

Foodstuffs (South Island) Properties Limited

c/- Anderson Lloyd

PO Box 13831

Christchurch

Tel: 03 379 0037

Fax: 03 379 0039

Attention: Jen Crawford / Josh Leckie

David Hattam

From: David Smith
Sent: Thursday, 28 April 2011 4:02 p.m.
To: David Hattam
Subject: FW: Proposed Plan Change 29 - Design of Development in Business 1 Zones
Attachments: Selwyn District Council - Tait.pdf; Submission - Kelvin Tait.pdf

From: Rebecca Hill [mailto:rebecca.hill@andersonlloyd.co.nz] **On Behalf Of** Joshua Leckie
Sent: Thursday, April 28, 2011 3:46 PM
To: Submissions
Cc: Jen Crawford
Subject: Proposed Plan Change 29 - Design of Development in Business 1 Zones

ANDERSONLLOYD LAWYERS

Please find **attached**, on behalf of Kelvin Tait , a submission on proposed Plan Change 29. Original to follow by post.

Regards

Joshua Leckie
 Solicitor

P: 03 364 9261
 E: joshua.leckie@andersonlloyd.co.nz

Anderson Lloyd
 18a Birmingham Drive
 Middleton
 Christchurch, New Zealand

PO Box 13831,
 Christchurch 8141

P: 03 379 0037
 F: 03 379 0039

Also in:
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 Dunedin

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28 April 2011

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Selwyn District Council
PO Box 90
ROLLESTON 7643

By email - submissions@selwyn.govt.nz

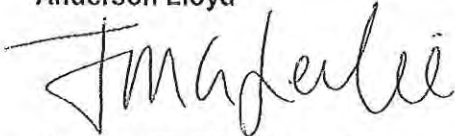
Anderson Lloyd
Level 10, Clarendon Tower
Cnr Oxford Terrace &
Worcester Street
Christchurch 8011, New Zealand
PO Box 13831, Christchurch 8141
P: 03 379 0037
F: 03 379 0039

Also in:
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Dunedin
www.andersonlloyd.co.nz

Proposed Plan Change 29 - Design of Development in Business 1 Zones

Please find **enclosed** a submission on proposed Plan Change 29 to the Selwyn District Plan on behalf of Kelvin Tait.

Yours faithfully
Anderson Lloyd



Jen Crawford/Joshua Leckie
Partner/Solicitor
P: 03 364 9265
M: 027 436 6040
E: jen.crawford@andersonlloyd.co.nz
P: 03 364 9261
E: joshua.leckie@andersonlloyd.co.nz

Submission on Proposed Plan Change 29 to the Selwyn District Plan

Clause 6, First Schedule, Resource Management Act 1991

To: Selwyn District Council
PO Box 90
Rolleston 7643
submissions@selwyn.govt.nz

Name of Submitter: Kelvin Tait

1. I am the owner/operator of the Darfield Four Square.
2. This is a submission on Proposed Plan Change 29 ("PC29"), which concerns the provisions in the Selwyn District Plan ("the District Plan") related to new development in the Business 1 zone.
3. This submission relates to PC29 in its entirety, and including in particular the following specific provisions:
 - a. Proposed Policies B3.4.22, B3.4.23a and 4.3.6;
 - b. Proposed Rules 16.9, 16.10, 16.11, 16.12, 17.6, 17.7 and 19.1.
4. My submission is in opposition to PC29, for the following reasons:
 - i. PC29 does not assist the Selwyn District Council ("the Council") in carrying out its statutory duties under the Resource Management Act 1991 ("the Act"), including achieving the integrated management of the effects of the use, development, or protection of land.
 - ii. PC29 fails to meet the requirements of section 32 of the Act, in that the proposed policies and rules are not the most appropriate method for achieving the Act's purpose nor are they the most efficient and effective means for achieving the District Plan's objectives.
 - iii. PC29 does not promote the sustainable management of natural and physical resources and is not in accordance with Part 2 of the Act.
 - iv. The assumptions underlying PC29 areas are unjustified and will not necessarily result in the most optimum planning solution for the District. The controls proposed by PC29 may in fact present a hurdle to achieving the most

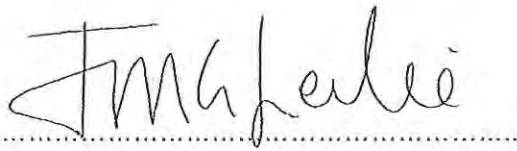
appropriate urban design outcomes, which in turn will act to stifle economic development and the vitality of townships.

- v. The proposed controls will act as a disincentive to retailers that may seek to establish in the District, which is inconsistent with the broader objectives and policies of the District Plan.
- vi. Good design and high quality commercial development is not always achieved simply by compliance with a rigid set of rules. The design and form of development in the Business 1 zone would be better managed through an effects assessment on a site-specific basis, and if necessary by the use of non-statutory measures such as design guidelines, rather than through the imposition of "one-size-fits-all" controls in the District Plan.
- vii. PC29 purports to manage "on-site public space", however what this amounts to is an inappropriate control on the use of privately owned spaces. This will potentially result in an erosion of my private property rights without the necessary benefits to justify the additional controls.
- viii. Imposing planning controls over the design and form of Business 1 land is not properly effects-based and is not an appropriate means to address the issue. If the District Council wishes to address issues such as car dependency, this is more properly managed through a broader transportation strategy dealing with matters such as public transport funding and, if necessary, provision for public carparking.
- ix. The proposed discretion given to the District Council when managing development undermines the effects based approach that is required for individual developments.

5. I seek the following decision:

- a. That Proposed Plan Change 29 be rejected in its current form; or
- b. That the Policies and Rules be amended to reflect the issues raised in this submission; and/or
- c. Such other relief as may be required to give effect to this submission, including consequential amendments to objectives, policies and rules of the District Plan that address the matters I have raised.

6. I wish to be heard in relation to this submission.
7. If other parties make a similar submission, I would be prepared to consider presenting a joint case with them at the hearing.



Kelvin Tait

By his solicitors and duly authorised agents
ANDERSON LLOYD

J M Crawford / J M Leckie

Dated this 28th day of April 2011

Address for service of Submitter:

Kelvin Tait
c/- Anderson Lloyd
PO Box 13831
Christchurch
Tel: 03 379 0037
Fax: 03 379 0039
Attention: Jen Crawford / Josh Leckie

David Hattam

From: David Smith
Sent: Thursday, 28 April 2011 3:56 p.m.
To: David Hattam
Subject: FW: Form 5 Submission

-----Original Message-----

From: Submissions
Sent: Thursday, April 28, 2011 3:01 PM
To: Submissions
Subject: Form 5 Submission

**** Your Details ****

Proposed Plan Change No: : 29
 First Name: : Marie and Shannon
 Surname : Gilmore
 Organisation Name : Prebbleton Hotel Limited
 Contact Name : Marie Gilmore
 Email Address : finnegans@xtra.co.nz
 Box/Road/Street Number and Name/Property Name : 585 Springs Rd
 Suburb : Prebbleton
 Town/City : Canterbury
 Post Code : 7604
 Phone Number : 3497746
 Fax Number :

**** Submission ****

My/Our Submissions is: : We have concern over issues raised in the following codes in plan change 29:

16.13 Dwellings
 16.13.14 Site Coverage
 16.14.15 Outdoor living space
 16.15.1 Permitted Activities
 17.6 Parking Areas and site layout
 17.7 Parking Areas and Landscaping
 17.7.2 Controlled Activities
 19.1.15 outdoor signs (6 meters)

We request the opportunity to discuss these and / or be heard on these points.

I/We seek the following decision from the Council for the following reasons : We have concern over issues raised in plan change 29 as pointed out above.

If you are attaching your submission separately, do so here : No file uploaded

Supporting Information : No file uploaded

**** Hearing Options ****

Do you wish to be heard in support of your submission : Yes

If others are making a similar submission would you consider presenting a joint case with them at the Hearing : Yes

**** Trade Competition ****

Trade Competition Declaration : I am directly affected by an effect of the subject matter of the submission that does not relate to trade competition or the effects of trade competition

David Hattam

From: Michael Rachlin <Michael.Rachlin@ecan.govt.nz>
Sent: Thursday, 28 April 2011 11:40 a.m.
To: David Hattam
Subject: PC29
Attachments: submission-signed.doc

Hello David

Please find attached CRC's submission in support of Plan Change 29.

Thank you

Regards

Michael Rachlin
Principal Planner

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Form 5

Submission on a publicly notified proposal for policy statement or plan *Clause 6 of First Schedule, Resource Management Act 1991*

PROPOSED PLAN CHANGE 29 SELWYN DISTRICT PLAN.

To: Selwyn District Council

Name of Submitter: Canterbury Regional Council (CRC).

This is a submission on the following proposed change to the Selwyn District Plan
Proposed Plan Change 29, Design of Development in the Business 1 zones, Selwyn District Plan

The specific provisions of the Proposed Plan Change 29 that the Canterbury Regional Council's submission relates to are:

All of the Plan Change provisions.

The Canterbury Regional Council's submission is:

PC29 is **supported**.

1. CRC and its statutory duties will be directly affected by PC29:

- (a) CRC has identified within its Operative Regional Policy Statement and proposed Change No.1 to the RPS the importance of improved urban design outcomes for Key Activity Centres and the promotion of active transport and public transport.
- (b) PC29 addresses, amongst other matters:
 - (i). The manner in which the strategic framework in the Greater Christchurch Urban Development Strategy and Change No.1 should be implemented through the Selwyn District Plan in relation to urban design outcomes for Key Activity Centres.
 - (ii). The role of active transport and public transport in Key Activity Centres
- (c) Accordingly, PC29 will directly affect:
 - (i). The statutory role of CRC, and the ability of the Selwyn District Plan to "give effect" to the RPS as directed by s75(3)(c) in relation to the operative Canterbury Regional Policy Statement, and have regard to any Proposed Regional Policy Statement (Change No.1) and to the Proposed Canterbury Natural Resources Regional Plan.
 - (ii). The extent to which the strategic planning direction adopted in relation to Key Activity Centres will promote improved urban design outcomes for town centres and contribute to efficient and effective transport and land use patterns, and urban consolidation.

2. The reasons for the submission from CRC are:

- (a) It is considered that PC29 provides a comprehensive and coherent package of amendments that achieves its stated purpose for the design of development in Business 1 Zones. Consequently, PC29:

- (i). Will be consistent with the purpose and principles of the Resource Management Act ('RMA');
- (ii). Is appropriate in terms of section 32 of the RMA;
- (iii). Will respond appropriately to the adverse effects on the environment that are currently generated by activities that are being developed in accordance with the existing District Plan provisions;
- (iv). Will achieve improved urban design outcomes in Key Activity Centres, consistent with Policy 7 of Change No.1 to the Regional Policy Statement;
- (v). Addresses appropriately issues identified in PC29, in the supporting document and in this submission;
- (vi). Warrants being implemented in terms of the RMA and sound resource management principles and practice.

The Canterbury Regional Council seeks the following decision from the local authority:

The relief sought by CRC is to:
Uphold PC29 in the form as notified

The Canterbury Regional Council does wish to be heard in support of this submission.

If others make a similar submission, the Canterbury Regional Council will consider presenting a joint case with them at a hearing.



Vin Smith
Regional Planning Manager

Date: 28th April 2011

Address for service of submitter:

Canterbury Regional Council
P O Box 345
Christchurch 8140

Telephone: 0275497643
Fax:
Email: michael.rachlin@ecan.govt.nz
Contact Person: Michael Rachlin – Principal Planner

David Hattam

From: David McMahon <david@rmgroup.co.nz>
Sent: Thursday, 28 April 2011 4:32 p.m.
To: Submissions
Cc: David Hattam
Subject: Submission to PC29
Attachments: FINAL Submission PC29 for CDL.pdf

Please find enclosed a submission by our client CDL Land NZ Ltd to PC29.

Please confirm receipt of this submission by return email

Regards

David



David | McMahon
Director
Resource Management Group

14B Elizabeth Street | Riccarton
Christchurch 8011

PO Box 9053 | TowerJunction
Christchurch 8149

DD | 04 473 5301
Cell | 027 233 1917

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Form 5

**SUBMISSION ON PUBLICLY NOTIFIED PLAN CHANGE NO.29 TO THE PARTIALLY
OPERATIVE SELWYN DISTRICT PLAN***Clause 6 of First Schedule, Resource Management Act 1991*

To: Selwyn District Council (SDC)
2 Norman Kirk Drive
Rolleston

NAME OF SUBMITTER: CDL Land New Zealand Limited (CDL)
(Note address for service below)

SUBMISSION - CDL LAND NEW ZEALAND LIMITED

CDL Land New Zealand Limited (CDL) is a land-based investment and development company. CDL believes in innovative design and sustainable development, and strives to create an excellent quality of life in the areas it develops. This involves carrying out extensive consultation on all of its developments in order to minimise the impact on the environment and community.

CDL aims to produce high quality residential sections, and has a wide geographical spread of product right across New Zealand, including landholdings in Rolleston.

CDL, along with two other companies ('Worthwhile Ltd' and 'Newmans Road') is the major landowner of ODP Area 1 (ODP1) in Rolleston under proposed Plan Change 7 (PC7). PC7 proposes a neighbourhood or local centre in ODP1, (the actual status has yet to be clarified as part of the PC7 hearing process), which is located within CDL's land. As under PC7 the Business 1 zone rules would apply to neighbourhood/local centres, CDL therefore has an interest greater than the public in general in respect to proposed Plan Change 29 (PC29) to the Selwyn District Plan.

In particular, CDL has a specific interest in the provisions of PC29 and how they would affect development of the proposed neighbourhood/local centre. While the exact development proposed on the site is unknown, it could involve community facilities and/or some form of small-scale retailing. The provisions of PC29 therefore have the ability to affect any future development.

THE SPECIFIC PROVISIONS SUBMITTED ON:

The specific provisions of PC29 that CDL's submission relates to are as follows:

- Proposed Policy B3.4.22 & corresponding explanation.
- Proposed Policy B3.4.23a & corresponding explanation.
- Proposed Policy B4.3.6 & corresponding explanation.
- Proposed Rules 16.10.2 & 16.10.3.1
- Proposed Rules 16.12.1, 16.12.2 & 16.12.3.

- Proposed amendments to Rule 19.1.1.6.
- Proposed Reasons for Rules.

NATURE OF CDL SUBMISSION

CDL is generally supportive of the intent behind PC29 to better integrate commercial development with its surroundings. CDL are also generally supportive of the desire by the Council to improve design within Business 1 areas generally.

However, CDL is concerned that there are a number of provisions within PC29 that are overly restrictive and/or lack flexibility, and are thus as currently framed do not represent the most appropriate way to achieve the objectives of the Selwyn District Plan (SDP), or the purposes of the Resource Management Act 1991 (RMA).

DETAIL OF CDL SUBMISSION

CDL notes that the intention behind PC29 is to ensure that the District's town centres have a high quality built environment, and will provide good facilities for pedestrians and cyclists. In general terms, CDL considers that the provisions of PC29 are appropriate to achieve better integration between commercial developments and non-motorised traffic, and that this in turn will contribute towards creating a better sense of place.

However, CDL considers that the provisions intended to achieve a "*high quality built environment*" are overly prescriptive, and have the potential to either discourage or hinder commercial development within Business 1 zones. In addition, some of the proposed provisions appear to be at odds with the outcomes sought, and in some instances, with the background reports informing the plan change. These specific concerns relate to the following provisions/matters:

- Assessment matters for large developments
- Buildings and external finish
- Signage
- Proposed Policies
- Planning Context
- Miscellaneous

CDLs concerns are as follows:

Assessment matters for large developments

Rule 16.10.1 proposes that any development in the Business 1 zone with a gross floor area of 450m² or above is automatically considered as a restricted discretionary activity, with Rule 16.10.2 listing those matters (16.10.3.1 - 16.10.3.9) to which the Council will restrict the exercise of their discretion to.

CDL considers that the matters specified for discretion, particularly those in 16.10.3.1 are overly restrictive and that rather than being assessment considerations, they will in effect default to being additional standards against which development would be assessed. For example, 16.10.3.1 requires consideration of whether the development:

- "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*

CDL considers that these assessment matters are in fact prescriptive rules that any proposal would be assessed against, and that in effect, they require compliance, as opposed to being guidelines used for assessment. CDL also considers that b) above is inconsistent within itself, as it seeks a “**varied**” streetscene, but then requires consistency with scale modules, building lines and detailing.

CDL considers that the aim of contributing to a varied and visually appealing streetscene is appropriate, but that the prescriptive assessment matters are not the most appropriate way to achieve the objectives of the SDP. As such, CDL consider that these should be deleted from PC29. CDL considers that this type of design guidance is better placed in the design guide.

Buildings and external finish

Rule 16.12 proposes restrictions on the exterior cladding of buildings, via use of specified materials (16.12.1.1 natural stone or natural or stained timber) or restrictions on colours (16.12.1.2 and 16.2.2.1). Under Rule 16.12.3, a breach of 16.2.1 is a non-complying activity.

CDL considers that the rules are overly restrictive, will impact upon commercial marketability, and are not the most appropriate way to achieve the objectives of the SDP.

CDL notes with respect to the restrictions on materials, that this does not appear to be discussed within the section 32 report, or any of the supporting documents (including the recommendations on page 52 of the background report), and as such, does not consider that the provision has been adequately assessed under the requirements of the RMA. In fact, on page 12 of the background Report, it is stated that “...*architectural style and materials, which do not affect the function of the building, are a lesser consideration.*” CDL therefore seeks that this rule is deleted.

Similarly, restrictions on the colour of roofs does not appear to be discussed in the section 32 report and is only given a cursory mention in the background supporting documents. Again, CDL does not consider that the provision has been adequately assessed under the requirements of the RMA, and seeks that the provision be deleted.

CDL also submits that the appendix to the plan change ‘*The effects of colour*’ (Colour Report) does not support such a restrictive stance with respect to the colour of buildings. In the Colour Report it is acknowledged that red colours “*are viewed as active and exciting*” with blues and greens “*viewed as soothing and passive*”. The Colour Report also states that “*In town centres and commercial environments a wide variety of colours is expected and has the positive effect of creating a sense of activity and vitality.*” Neither the relevant objective nor policy supports the proposed method (Rule 16.12.1) in that:

- Objective B3.4.2 of the SDP states: “**A *variety* of activities are provided for in townships, while maintaining the character and amenity of each zone.**” [Emphasis added]
- Policies which seek to implement this objective include 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 attractive to people.***” [Emphasis added]

CDL considers that the restrictions of external buildings will **not** achieve the policies and objectives outlined above with respect to allowing for a variety of activities within the zone and ensuring that the zone is vibrant and active and therefore attractive as a town centre. In particular, it is noted that the Colour Report concludes that “***Restraint in the use of strong colours therefore leads to a more harmonious townscape***” [Emphasis added]. CDL consider that while this may be the outcome of the proposed provisions, this outcome is **not** that which is sought by the Objectives and Policies of the SDP.

It is CDL's understanding that the example given in the Colour Report to support the discussion around the visual dominance of buildings with bright colours (a large format retailer in Ferrymead) was in a particularly sensitive landscape (the Avon-Heathcote estuary and wildlife area), and that it was not the bright colours proposed that were in themselves of concern, but rather those colours in that particular environment. This, in CDL's opinion, is extremely different to a blanket restriction across all Business 1 areas.

The report also states that *"...using one colour rather than another is unlikely to have cost implications of any significance."* CDL considers that this is a narrow viewpoint which takes into account only the cost of paint, but does not take into account the wider economic implications of such restrictive provisions. As acknowledged earlier in the Colour Report itself, *"Colour is a potent device in marketing. Individual premises use wall colour as well as signage to attract attention to themselves and colour can give an indication of the type of goods or services being offered."* Restrictions on colour therefore have an impact on marketability. A land owner, for example, may not be able to attract a tenant whose business branding includes a colour scheme that would not be permitted.

The proposed "Design Guide for Commercial Development" also briefly discusses colour, re-iterating the proposed rules under PC29, on p.9 of the guide, and the aim to avoid dominance through the use of bright colours. However, the guide goes on to suggest that *"Blank walls can be livened up with murals"*. CDL wonders how this would be possible under PC29, given that murals are usually painted in bright colours.

The discussion in the background report in relation to colour acknowledges that the proposed system (provisions) *"... has been used to control the colours of buildings in other district plans, usually for the sake of making them blend into rural surroundings"* [Emphasis added]. The section 32 report and background documents do not appear to suggest that the restrictions on colour proposed under PC29 are necessary to ensure buildings blend into the rural environment. Rather, the fact that colour is restricted in other districts in order to help them blend into rural surroundings emphasises the inappropriateness of the proposed provisions. The background report to the Plan Change acknowledges that *"A successful and vibrant town centre is a complex and rich mix of uses"*. A town centre, therefore, is intended to be vibrant and 'stand out', not blend into a rural backdrop. For all of the foregoing reasons, CDL seeks that the rule restricting colours of buildings be deleted in its entirety.

Overall, the background report, in discussing building design and materials states that these are *"...usually only regulated in areas where there is coherent existing character which would be eroded by unsympathetic modern design or materials. This situation does not exist in the district where townships are often characterized by an eclectic mix of buildings."* Again, CDL considers that a blanket approach to design in all Business 1 zones is inappropriate, and is inconsistent with the existing character of the zone.

Signage

Under PC29, it is proposed to make changes to Rule 19.1.1.6 which would amend the current limitation of freestanding signs from 3m² per sign to 3m² per site, or 6m² per site where the road frontage of the site is 50m or more. In effect, this would limit the amount of signage per site, with very little consideration of the overall site size (and thus the ability of the sign to accommodate such signage). For example, a large site, with a large amount of road frontage, would only be permitted 6m² of signage in total, the same as a smaller site with only 50m road frontage. This is a large reduction in the amount of signage permitted in the Business 1 zone. In CDL's experience, road frontage is a poor proxy for determining the amount of signage that a site is capable of absorbing/accommodating without any adverse impact on amenity.

CDL notes that there are no changes proposed to any Objective and Policies relating to signage. The overriding objective that is relevant is Objective B3.4.2:

"A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone."

Policy B3.4.20 states:

“Ensure signs in all zones are designed and positioned to avoid:

- Adverse effects on the visibility or safety of pedestrians, cyclists or motorists;*
- Impeding access to or past sites;*
- Nuisance effects from sound or motion features on signs or from glare or reflectivity;*
- Adverse effects on the amenity values of the zone; or*
- Dominance of the ‘skyline’ or view, caused by large signs protruding above the roofs of buildings.*

Policy B3.4.21 pertains to signs in the Living Zones only, for which there are greater restrictions. This policy states:

“Ensure signs in Living zones are of a size, design and number which maintain the quality of the environment and amenity values of the zone, but recognise the need for retail activities located in Living zones to have extra signs on the site.”

The explanation to this policy notes that *“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.”*

CDL considers that under the RMA, the test for the proposed amendments to the rule is whether, having regard to their efficiency and effectiveness, they are more appropriate to achieve the SDP’s objectives than the current rules. CDL considers that the changes would be inconsistent with the policies (including explanations) noted above, and are therefore ineffective in achieving the Plan’s objectives. In particular, the explanation to Policy B3.4.21 states that signage is an integral part of the amenity of business zones, and the overriding objective B3.4.2 seeks that activities are provided for which maintain the amenity values of each zone. The proposed changes, which seek to limit signage, are therefore inconsistent with the anticipated amenity values for the Business 1 zone. The discussion in the section 32 report relates largely to a supposed impact of signs on the “pedestrian experience”. However, CDL submits that this approach is not supported by the Objectives and Policies of the SDP.

Accordingly, CDL’s submission seeks deletion of the proposed amendments to Rule 19.1.1.6.

Proposed Policies

Proposed Policy B3.4.23a seeks that town centres (i.e. Business 1 zones) are integrated and vibrant. CDL considers that the proposed Policy, and provisions which seek better integrated commercial development, is more appropriate for achieving Objective B3.4.1 (*The District’s townships are pleasant places to live and work in*) and Objective B3.4.2 (*A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone*) of the SDP, than the current provisions. Similarly, CDL considers that the addition proposed to Policy B3.4.22 is more appropriate than the current provisions to meet the above objectives.

However, as outlined in this submission, CDL considers that some of the proposed provisions are inconsistent with both these policies and will not achieve the vibrant atmosphere that is sought. The proposed restrictions on building materials do not equate to the balance proposed Policy B3.4.22 seeks in relation to allowing people *“freedom in their choice of design”*, while avoiding *“adverse effects on adjoining sites”*, maintaining *“pleasant and attractive streets and public areas”*, and maintaining *“the character of areas with... special heritage or amenity values”*.

With particular regard to the latter consideration, CDL notes that the proposed changes would apply to all Business 1 zones, rather than to a specific character area with *special* amenity values that the policy anticipates. As such, the identified provisions will not give effect to the above objectives of the SDP. In line with the changes sought to the identified provisions, CDL also seeks that the amendments proposed to the first and third paragraphs to the explanation to Policy B3.4.22 are rejected.

Planning Context

The background report considers the provisions of Plan Change 1 (PC1) to the Regional Policy Statement, acknowledging that PC29 shall have regard to PC1. The background report quotes Objective 2: Character and Sustainability, and supporting Policy 7: Development Form and Design, which refers to the principles of the Urban Design Protocol (Ministry for the Environment, 2005). CDL consider that the provisions of PC29 discussed in this submission **do not give effect to** PC1 because they will not achieve a “*built environment*” that has a “*sense of character and identity*”, and will restrict the ability of business to be “*functionally efficient and economically vibrant*” (Objective 2). Neither will these provisions provide for “*a high standard of visual interest and amenity*” (Policy 7).

Miscellaneous

It is clearly intended that PC29 applies to the Business 1 zone only (‘Proposed Plan Change 29: Design of Development in the Business 1 zones’). However there are some provisions in the proposed change that would apply to other zones, and accordingly, CDL seek that these be amended. These include:

- Policy B3.4.23a refers to ‘town centres’, but as there is not a ‘town centre’ zone in the plan, this should specifically refer to “Business 1 zones” so that the intention is clear;
- Policy B4.3.6 refers only to “business”, and should refer to “Business 1”;
- Similarly, if the initial relief sought regarding signage is not accepted, the changes should be restricted to the Business 1 zone only, as currently the changes proposed would apply to all businesses zone and this is outside the scope of the plan change.

CDL SEEKS THE FOLLOWING DECISION FROM SELWYN DISTRICT COUNCIL:

That *either*:

A. PC29 be amended as follows:

1. **Retain** operative wording in paragraphs 1 & 3 of the ‘Explanation and Reasons’ to Policy B3.4.22 and **reject** proposed changes to those paragraphs; ✓
2. **Amend** proposed Policy B3.4.23a, by replacing references to “town centres” with “Business 1 zones”. ✓
3. **Amend** proposed Policy B4.3.6 to refer to the ‘Business 1 Zone’ only; ✓
4. **Delete** the word “through”, and the following bullet points from proposed Rule 16.10.3.1(b);
5. **Delete** proposed Rules 16.12.1 and 16.12.2 in their entirety, and consequently 16.12.3;
6. **Retain** operative wording of Rule 19.1.1.6 and **reject** proposed changes to rule.
 - If this relief is not granted, a secondary relief is sought such that the amended rule apply only to the Business 1 zone, to which PC29 applies.
7. **Delete** the following paragraph from ‘Reasons for Rules’:

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.
8. Any other changes required to give effect to the relief sought.

OR

- B. If the primary relief sought above is not granted, then the secondary relief sought is that PC29 be rejected in its entirety.

HEARING

CDL wishes to be heard in support of its submission. If others make similar submissions, CDL may be prepared to consider presenting a joint case with them at any hearing.

Submission signed for and on behalf of CDL:



.....
David McMahon
Director
Resource Management Group Ltd

Dated: 28 April 2011

Address for service of submitter:

CDL Land New Zealand Ltd
c/- Resource Management Group Ltd
PO Box 9053
Tower Junction
Christchurch 8149
Attn: DJ McMahon

(p) 027 233 1917
(e) david@rmgroup.co.nz

David Hattam

From: David McMahon <david@rmgroup.co.nz>
Sent: Thursday, 28 April 2011 4:32 p.m.
To: Submissions
Cc: David Hattam
Subject: Submission to PC29
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Please find enclosed a submission by our client CDL Land NZ Ltd to PC29.

Please confirm receipt of this submission by return email

Regards

David



David | McMahon
Director
Resource Management Group

14B Elizabeth Street | Riccarton
Christchurch 8011

PO Box 9053 | TowerJunction
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DD | 04 473 5301
Cell | 027 233 1917

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Form 5

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OPERATIVE SELWYN DISTRICT PLAN***Clause 6 of First Schedule, Resource Management Act 1991*

To: Selwyn District Council (SDC)
2 Norman Kirk Drive
Rolleston

NAME OF SUBMITTER: CDL Land New Zealand Limited (CDL)
(Note address for service below)

SUBMISSION - CDL LAND NEW ZEALAND LIMITED

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- Proposed amendments to Rule 19.1.1.6.
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NATURE OF CDL SUBMISSION

CDL is generally supportive of the intent behind PC29 to better integrate commercial development with its surroundings. CDL are also generally supportive of the desire by the Council to improve design within Business 1 areas generally.

However, CDL is concerned that there are a number of provisions within PC29 that are overly restrictive and/or lack flexibility, and are thus as currently framed do not represent the most appropriate way to achieve the objectives of the Selwyn District Plan (SDP), or the purposes of the Resource Management Act 1991 (RMA).

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CDL also submits that the appendix to the plan change ‘*The effects of colour*’ (Colour Report) does not support such a restrictive stance with respect to the colour of buildings. In the Colour Report it is acknowledged that red colours “are viewed as active and exciting” with blues and greens “viewed as soothing and passive”. The Colour Report also states that “In town centres and commercial environments a wide variety of colours is expected and has the positive effect of creating a sense of activity and vitality.” Neither the relevant objective nor policy supports the proposed method (Rule 16.12.1) in that:

- Objective B3.4.2 of the SDP states: “A **variety** of activities are provided for in townships, while maintaining the character and amenity of each zone.” [Emphasis added]
- Policies which seek to implement this objective include 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 attractive to people**.” [Emphasis added]

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It is CDL's understanding that the example given in the Colour Report to support the discussion around the visual dominance of buildings with bright colours (a large format retailer in Ferrymead) was in a particularly sensitive landscape (the Avon-Heathcote estuary and wildlife area), and that it was not the bright colours proposed that were in themselves of concern, but rather those colours in that particular environment. This, in CDL's opinion, is extremely different to a blanket restriction across all Business 1 areas.

The report also states that *"...using one colour rather than another is unlikely to have cost implications of any significance."* CDL considers that this is a narrow viewpoint which takes into account only the cost of paint, but does not take into account the wider economic implications of such restrictive provisions. As acknowledged earlier in the Colour Report itself, *"Colour is a potent device in marketing. Individual premises use wall colour as well as signage to attract attention to themselves and colour can give an indication of the type of goods or services being offered."* Restrictions on colour therefore have an impact on marketability. A land owner, for example, may not be able to attract a tenant whose business branding includes a colour scheme that would not be permitted.

The proposed "Design Guide for Commercial Development" also briefly discusses colour, re-iterating the proposed rules under PC29, on p.9 of the guide, and the aim to avoid dominance through the use of bright colours. However, the guide goes on to suggest that *"Blank walls can be livened up with murals"*. CDL wonders how this would be possible under PC29, given that murals are usually painted in bright colours.

The discussion in the background report in relation to colour acknowledges that the proposed system (provisions) *"... has been used to control the colours of buildings in other district plans, usually for the sake of making them blend into rural surroundings"* [Emphasis added]. The section 32 report and background documents do not appear to suggest that the restrictions on colour proposed under PC29 are necessary to ensure buildings blend into the rural environment. Rather, the fact that colour is restricted in other districts in order to help them blend into rural surroundings emphasises the inappropriateness of the proposed provisions. The background report to the Plan Change acknowledges that *"A successful and vibrant town centre is a complex and rich mix of uses"*. A town centre, therefore, is intended to be vibrant and 'stand out', not blend into a rural backdrop. For all of the foregoing reasons, CDL seeks that the rule restricting colours of buildings be deleted in its entirety.

Overall, the background report, in discussing building design and materials states that these are *"...usually only regulated in areas where there is coherent existing character which would be eroded by unsympathetic modern design or materials. This situation does not exist in the district where townships are often characterized by an eclectic mix of buildings."* Again, CDL considers that a blanket approach to design in all Business 1 zones is inappropriate, and is inconsistent with the existing character of the zone.

Signage

Under PC29, it is proposed to make changes to Rule 19.1.1.6 which would amend the current limitation of freestanding signs from 3m² per sign to 3m² per site, or 6m² per site where the road frontage of the site is 50m or more. In effect, this would limit the amount of signage per site, with very little consideration of the overall site size (and thus the ability of the sign to accommodate such signage). For example, a large site, with a large amount of road frontage, would only be permitted 6m² of signage in total, the same as a smaller site with only 50m road frontage. This is a large reduction in the amount of signage permitted in the Business 1 zone. In CDL's experience, road frontage is a poor proxy for determining the amount of signage that a site is capable of absorbing/accommodating without any adverse impact on amenity.

CDL notes that there are no changes proposed to any Objective and Policies relating to signage. The overriding objective that is relevant is Objective B3.4.2:

"A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone."

Policy B3.4.20 states:

“Ensure signs in all zones are designed and positioned to avoid:

- Adverse effects on the visibility or safety of pedestrians, cyclists or motorists;*
- Impeding access to or past sites;*
- Nuisance effects from sound or motion features on signs or from glare or reflectivity;*
- Adverse effects on the amenity values of the zone; or*
- Dominance of the ‘skyline’ or view, caused by large signs protruding above the roofs of buildings.*

Policy B3.4.21 pertains to signs in the Living Zones only, for which there are greater restrictions. This policy states:

“Ensure signs in Living zones are of a size, design and number which maintain the quality of the environment and amenity values of the zone, but recognise the need for retail activities located in Living zones to have extra signs on the site.”

The explanation to this policy notes that *“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.”*

CDL considers that under the RMA, the test for the proposed amendments to the rule is whether, having regard to their efficiency and effectiveness, they are more appropriate to achieve the SDP’s objectives than the current rules. CDL considers that the changes would be inconsistent with the policies (including explanations) noted above, and are therefore ineffective in achieving the Plan’s objectives. In particular, the explanation to Policy B3.4.21 states that signage is an integral part of the amenity of business zones, and the overriding objective B3.4.2 seeks that activities are provided for which maintain the amenity values of each zone. The proposed changes, which seek to limit signage, are therefore inconsistent with the anticipated amenity values for the Business 1 zone. The discussion in the section 32 report relates largely to a supposed impact of signs on the “pedestrian experience”. However, CDL submits that this approach is not supported by the Objectives and Policies of the SDP.

Accordingly, CDL’s submission seeks deletion of the proposed amendments to Rule 19.1.1.6.

Proposed Policies

Proposed Policy B3.4.23a seeks that town centres (i.e. Business 1 zones) are integrated and vibrant. CDL considers that the proposed Policy, and provisions which seek better integrated commercial development, is more appropriate for achieving Objective B3.4.1 (*The District’s townships are pleasant places to live and work in*) and Objective B3.4.2 (*A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone*) of the SDP, than the current provisions. Similarly, CDL considers that the addition proposed to Policy B3.4.22 is more appropriate than the current provisions to meet the above objectives.

However, as outlined in this submission, CDL considers that some of the proposed provisions are inconsistent with both these policies and will not achieve the vibrant atmosphere that is sought. The proposed restrictions on building materials do not equate to the balance proposed Policy B3.4.22 seeks in relation to allowing people “freedom in their choice of design”, while avoiding “adverse effects on adjoining sites”, maintaining “pleasant and attractive streets and public areas”, and maintaining “the character of areas with... special heritage or amenity values”.

With particular regard to the latter consideration, CDL notes that the proposed changes would apply to all Business 1 zones, rather than to a specific character area with *special* amenity values that the policy anticipates. As such, the identified provisions will not give effect to the above objectives of the SDP. In line with the changes sought to the identified provisions, CDL also seeks that the amendments proposed to the first and third paragraphs to the explanation to Policy B3.4.22 are rejected.

Planning Context

The background report considers the provisions of Plan Change 1 (PC1) to the Regional Policy Statement, acknowledging that PC29 shall have regard to PC1. The background report quotes Objective 2: Character and Sustainability, and supporting Policy 7: Development Form and Design, which refers to the principles of the Urban Design Protocol (Ministry for the Environment, 2005). CDL consider that the provisions of PC29 discussed in this submission **do not give effect to** PC1 because they will not achieve a “*built environment*” that has a “*sense of character and identity*”, and will restrict the ability of business to be “*functionally efficient and economically vibrant*” (Objective 2). Neither will these provisions provide for “*a high standard of visual interest and amenity*” (Policy 7).

Miscellaneous

It is clearly intended that PC29 applies to the Business 1 zone only (‘Proposed Plan Change 29: Design of Development in the Business 1 zones’). However there are some provisions in the proposed change that would apply to other zones, and accordingly, CDL seek that these be amended. These include:

- Policy B3.4.23a refers to ‘town centres’, but as there is not a ‘town centre’ zone in the plan, this should specifically refer to “Business 1 zones” so that the intention is clear;
- Policy B4.3.6 refers only to “business”, and should refer to “Business 1”;
- Similarly, if the initial relief sought regarding signage is not accepted, the changes should be restricted to the Business 1 zone only, as currently the changes proposed would apply to all businesses zone and this is outside the scope of the plan change.

CDL SEEKS THE FOLLOWING DECISION FROM SELWYN DISTRICT COUNCIL:

That *either*:

A. PC29 be amended as follows:

1. **Retain** operative wording in paragraphs 1 & 3 of the ‘Explanation and Reasons’ to Policy B3.4.22 and **reject** proposed changes to those paragraphs; ✓
2. **Amend** proposed Policy B3.4.23a, by replacing references to “town centres” with “Business 1 zones”. ✓
3. **Amend** proposed Policy B4.3.6 to refer to the ‘Business 1 Zone’ only; ✓
4. **Delete** the word “through”, and the following bullet points from proposed Rule 16.10.3.1(b);
5. **Delete** proposed Rules 16.12.1 and 16.12.2 in their entirety, and consequently 16.12.3;
6. **Retain** operative wording of Rule 19.1.1.6 and **reject** proposed changes to rule.
 - If this relief is not granted, a secondary relief is sought such that the amended rule apply only to the Business 1 zone, to which PC29 applies.
7. **Delete** the following paragraph from ‘Reasons for Rules’:

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.
8. Any other changes required to give effect to the relief sought.

OR

- B. If the primary relief sought above is not granted, then the secondary relief sought is that PC29 be rejected in its entirety.

HEARING

CDL wishes to be heard in support of its submission. If others make similar submissions, CDL may be prepared to consider presenting a joint case with them at any hearing.

Submission signed for and on behalf of CDL:



.....
David McMahon
Director
Resource Management Group Ltd

Dated: 28 April 2011

Address for service of submitter:

CDL Land New Zealand Ltd
c/- Resource Management Group Ltd
PO Box 9053
Tower Junction
Christchurch 8149
Attn: DJ McMahon

(p) 027 233 1917
(e) david@rmgroup.co.nz

David Hattam

From: Lieuwe <lieuwe@clear.net.nz>
Sent: Thursday, 28 April 2011 6:07 p.m.
To: Submissions
Cc: David Hattam; catherinerose@xtra.co.nz; charpete@xtra.co.nz; Cr Nigel Barnett; Cr Pat McEvedy; dandcmcmillan@xtra.co.nz; debonaire@xtra.co.nz; joanne.geoff@xtra.co.nz; lieuwe.doubleday@ird.govt.nz; lieuwe@clear.net.nz; palmerstrans@xtra.co.nz; phil.susan@xtra.co.nz; rollinsc@lincoln.ac.nz; wdlk@vodafone.co.nz
Subject: PPC#29 Submissions attached (this time)
Attachments: 2011.04.28 LD Submission re PC 29.pdf

David Hattam
Strategic Policy Planner
Selwyn District Council
PO Box 70
Rolleston 7643
submissions@selwyn.govt.nz

Hi David

Private submission attached (this time!). We never really got the chance to thrash the issue out in our committee meeting (Southbridge Advisory Committee) hence this private submission. The submission focuses somewhat on the underlying rationale in the background report and the obvious differences between small townships and large towns with pretensions. More thought in my view needs to be given to the role of small towns and how these proposals will impact on them. Incentives not hurdles.

Regards

Lieuwe

**Submission on Publicly Notified Plan Change 29
Selwyn District Plan**

28 April 2011

Selwyn District Council
P.O.Box 90
Rolleston 7643
Canterbury

Submitter: Mr Lieuwe Doubleday

Contact L.A.Doubleday
Details: 17 St John Street
Southbridge 7602
Email: Lieuwe@clear.net.nz
Tel: 324-2992

The Submitter

1. **Opposes** the Selwyn District Council's proposed Plan Change 29 (as currently presented) to the extent documented in the submission below.
2. **Wishes to be heard** on this submission;

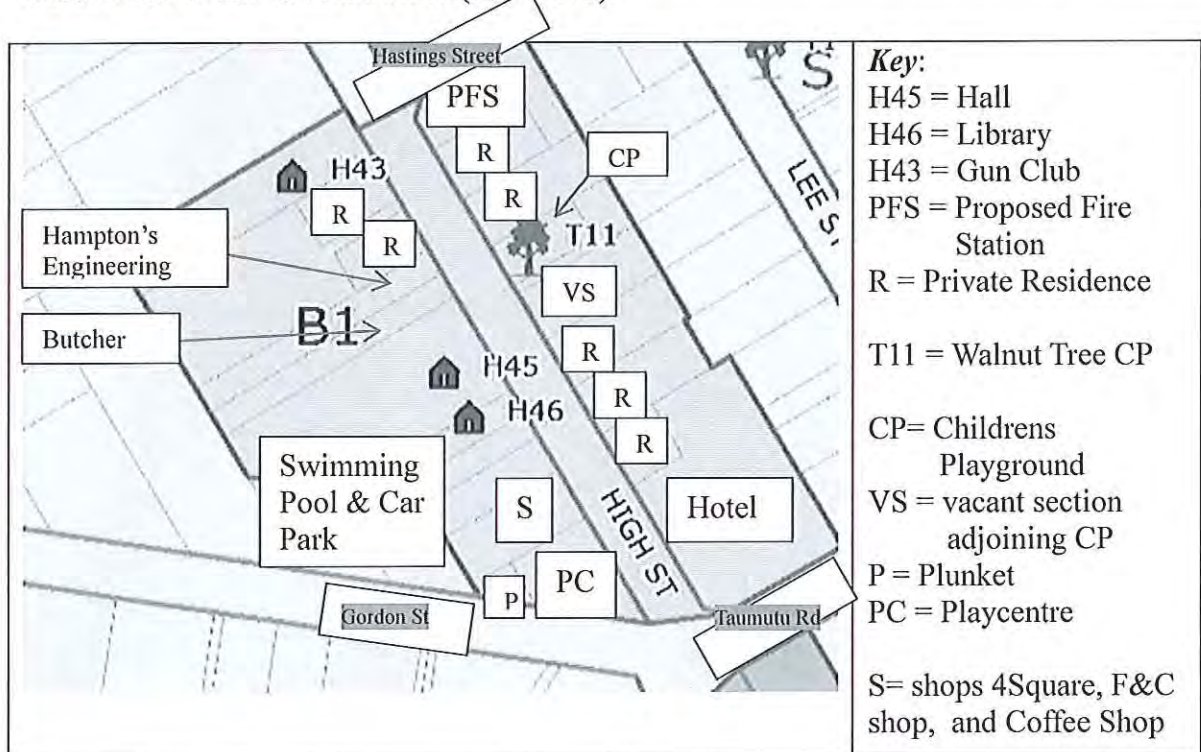
Submission Proposed Plan Change 29 Design of Development in Business 1 Zones

Consultation Process

3. A direct approach should have been made to the Southbridge Township Committee ("SAC") with respect to the proposed plan change, and the absence of any consultation with the SAC before the Plan Change was notified is regrettable. The SAC has only recently been made aware of the Plan Change and has been unable to consider the matter as a committee in time for close of submissions.

B1 Southbridge Context

4. The Business 1 zone in Southbridge is situated either side of the High Street (the main street) running from the junction with Hastings Street (North end) to the junction with Gordon Street and Taumutu Road (South end).



Key Features: B1 zone is dominated by

- (a) public spaces and amenities – Hall, Library, Swimming Pool and adjacent car park space, Children's Playground and vacant section adjoining the playground (to be purchased by the township, as a reserve).
- (b) Heritage buildings - Hall, Library, Gun club

Submission	Proposed Plan Change 29	Design of Development in Business 1 Zones
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1-0 Proposed Plan Change 29 (“PPC29”) is opposed in its entirety (as currently drafted) and should be withdrawn;

In the alternative PPC29 should be

2-0 Amended to exempt the Business 1 zone in Southbridge and other small rural towns from its application; and/or

3-0 Amended by the insertion of a \$500,000 *de minimus* threshold to exempt existing businesses in small rural townships from compliance with the Plan Change with respect to additions/alterations having a total value of less than \$500,000; and/or

4-0 Amended to limit the application of PPC29 only to new large scale developments in small rural townships.

Rationale:

5-0 An assumption underlying the rationale for the Proposed Plan Change is that one model fits all and that the drivers for change are uniform across the district. Analysis of the Southbridge position will identify clear points of difference from the assumptions and objectives acting as drivers for the Proposed Plan Change. **The Proposed Plan Changes makes no allowance for the particular circumstances and needs of smaller townships.**

6-0 **Points of difference** in Southbridge compared to the issues raised in the *PLAN CHANGE 29: DESIGN OF DEVELOPMENT IN THE BUSINESS 1 ZONE Background Report* include:

- (a) Clearly defined town centre;
- (b) Community function dominates over commercial function;
- (c) Absence of critical mass population density to drive commercial development;
- (d) “Rural form” as opposed to “urban form” (a function of ‘scale’);
- (e) Compact Business 1 zone; and
- (f) Alterations will dominate over new development.

Commenting on each in turn.

Submission	Proposed Plan Change 29	Design of Development in Business 1 Zones
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8-0 The concept of a **'town centre'** is driven in Southbridge's case by significant public spaces centred around the Hall, Swimming Pool and playground (see **B1 Southbridge Context** above). Public amenities and spaces predominate and the demand for commercial linkages to these public spaces are entirely peripheral and incidental. The point here is that Southbridge currently enjoys a 'town centre' where the same cannot be said for Rolleston, and perhaps Lincoln, or Prebbleton. If one of the objectives of the proposed plan change is to create opportunities for the development of 'town' centres then Southbridge is ahead of the game and should be exempted from the change.

9-0 **Community amenities dominate** the town centre as opposed to commercial activity. The following description in the background report detailing the interactions in a *town centre* illustrate only too well that Southbridge has yet to arrive.

*"Centres are defined by the quality of the retail and commercial tenants, public space, and the interface between that space and surrounding buildings" ...and later.... A successful and vibrant town centre is a complex and rich mix of uses such as amenity space, community uses, shops, restaurants, outdoor dining and stalls, places to rest, offices and housing."*¹

In our view the Council should be considering ways in which townships such as Southbridge can develop the "critical mass" necessary to make such a description viable. **Plan change 29** is not in the ball park. **Viability** is a function of critical mass. Plan Change 29 doesn't speak to this issue and in our view, if anything, it is likely to hinder developments.

10-0 **Population density** in Southbridge lacks the *critical mass* to drive commercial retail development.

11-0 **'Rural form' is not 'urban form'**. Southbridge is not a place of 'inner city apartments' where people walk out of their apartments to work or to eat breakfast in the local brasserie, or go out to buy the latest accessories at a Ballantynes equivalent. In terms of walkability it would take less than five minutes to walk the length of the Business 1 zone along the High Street from the corner of Gordon Street to Hastings Street. However, for township residents and more so for the rural residents, access to the civic centre of the town by vehicle is essential. It's not as if there are alternatives. Provision for parking is made along the 'wide' High Street and in the centre of the town in the carpark adjacent to the swimming pool and hall. There is little in the Background Report to the Proposed Plan Change which resonates with Southbridge. Certainly the statement below illustrates the degree of unreality and lack of connectedness with the Southbridge scene.

¹ Paragraph 2.1 page 5 PLAN CHANGE 29: DESIGN OF DEVELOPMENT IN THE BUSINESS 1 ZONE Background Report ("Background Report")

Submission	Proposed Plan Change 29	Design of Development in Business 1 Zones
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11-0 Rural not Urban form/-

There is a widespread acceptance of the role of urban form in promoting health. In particular, there is an appreciation of the damaging side effects of car dependent development which makes walking and cycling more difficult, either through the location of facilities in remote locations (out of reach of walking) or through the lack of provision for active modes of transport.²

Surely the point is that the desire for 'urban' form is a function of scale and the scale of activity in Southbridge, in part because of Selwyn District Council planning and funding choices, is just too small for Plan Change 29 to speak with any real relevance.

12-0 **Compact business 1 zone.** As the map in the B1 Zone Southbridge Context above shows commercial activity in the zone is very limited. The Background Report states at 2.1

Commercial development is an important component in this mix. It brings people in, adding life and vibrancy; reasons to visit the centre and creates an anchor for the public life of a town. It is re-enforced by good public space, community services and other activities which add reasons to visit the centre and allow residents the convenience of being able to accomplish daily errands in a single trip.³

The Selwyn District Council **has not** created an I-Zone in Southbridge's back yard. Nor has the Selwyn District Council incentivized commercial growth and residential development in Southbridge as it has done in Rolleston. Nor has the Council invested significant public funds in Southbridge as it has in Rolleston. The reality is that the 'commercial' sector in Southbridge is small and the increased compliance costs associated with any new development under the Proposed Plan Change 29 (even assuming they had some remote relevance in the Southbridge context) would in all likelihood act as a deterrent as opposed to an incentive for change. Southbridge needs opportunities not hurdles.

13-0 **Alterations** PPC29 assumes a critical mass of activity where the Background Report statement above is more true than not. The size of a community, proximity to other communities, and the degree of interaction between businesses and residents is an important factor in making commercial decisions. Where the population is small and the business centre is smaller still improvements to existing businesses are more likely than major developments of new initiatives and that being the case it is imperative that rule changes do not act as a disincentive to improvements to existing businesses.

² Paragraph 2.3.5 page 14 Background Report

³ Paragraph 2.1 page 5 Background Report

Submissions	Proposed Plan Change 29	Design of Development in Business 1 Zones
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- 14-0 **Uniformity by Conformity** – the degree of prescription in PPC29 rule 16 for small developments including residential development is unnecessarily restrictive and the lack of flexibility for existing businesses and residents is unhelpful. **There is a real focus on ‘retail’ in PPC29. Southbridge currently is not a retail mecca and there are businesses in the zone, which have a prime focus other than retail.**
- 15-0 **Summary** – The Background Report supporting PPC29 speaks largely to urban (not rural) growth situations e.g. Rolleston, where (a) the Council is by its actions actively ‘incentivising’ growth, and (b) responding to the undesirable planning effects of ad hoc developer lead development. The assumptions and issues underlying the one size fits all PPC29 model ignores the clear **points of difference** identified above in relation to Southbridge and other small rural townships and accordingly PPC29 should be rejected or modified as outlined above for these reasons.

David Hattam

From: David McMahon <david@rmgroup.co.nz>
Sent: Thursday, 28 April 2011 5:34 p.m.
To: David Hattam
Subject: LLD submissions
Attachments: FINALCorrected Submission PC29 by LLD without TC shown.pdf

Importance: High

David

We lodged the submission by **both LLD and CDL Land** to this plan change by the 5pm deadline. The read receipts have been received confirming that. Thanks for that.

I noticed that the **LLD** submission had some annoying typos in it. I have corrected them and reattached. Would you please substitute this LLD version for the earlier LLD one. I can categorically assure you there is no substantive change to the submission or the relief and happy to illustrate the typo changes that have been made if necessary.

Many thanks

David



David | McMahon
Director
Resource Management Group

14B Elizabeth Street | Riccarton
Christchurch 8011

PO Box 9053 | Tower Junction
Christchurch 8149

DD | 04 473 5301
Cell | 027 233 1917
Fax | 03

Delapsus resurgam

Form 5

**SUBMISSION ON PUBLICLY NOTIFIED PLAN CHANGE NO.29 TO THE PARTIALLY
OPERATIVE SELWYN DISTRICT PLAN***Clause 6 of First Schedule, Resource Management Act 1991*

To: Selwyn District Council (SDC)
2 Norman Kirk Drive
Rolleston

NAME OF SUBMITTER: Lincoln Land Development (LLD)
(Note address for service below)

SUBMISSION – LINCOLN LAND DEVELOPMENT

LLD was formed in 2007 as a new joint venture between Ngai Tahu Property Limited and Lincoln University. LLD set out to develop a 117ha site on the west side of Lincoln known as the Dairy Block. The aim of this joint venture is to employ best practice urban design principles to create a 'flagship' integrated neighbourhood for the Lincoln Township and the Greater Canterbury area.

The northern half of the Dairy Block is subject to an Outline Development Plan (ODP) as set out in Appendix 18 of the Selwyn District Plan (SDP), and has been granted Stage 1 and Stage 2 subdivision consents. The site has a mix of residential Living 1, 1A3, 1A4 and 2 zones. The block also contains a portion of land zoned Business 3 at the west of the site which is currently used for car parking, and the south-eastern extent is zoned Outer Plains, but is identified in proposed Plan Change 7 as a Greenfield outline development plan area.

As a major developer in Lincoln, LLD has an interest in planning provisions that affect the Lincoln Township. While PC29 is limited to the Business 1 zone (see further discussion within the submission on this point), LLD have considered the implications that PC29 could have on the wider township, and consequently their ability to market residential sections and undertake "development" as defined in the plan change.

THE SPECIFIC PROVISIONS SUBMITTED ON:

The specific provisions of PC29 that LLD's submission relates to are as follows:

- Proposed Policy B3.4.22 & corresponding explanation.
- Proposed Policy B3.4.23a & corresponding explanation.
- Proposed Policy B4.3.6 & corresponding explanation.
- Proposed Rules 16.10 & matters for discretion (16.10.3.1-16.10.3.9)
- Proposed Rules 16.12.1, 16.12.2 & 16.12.3.
- Proposed amendments to Rule 19.1.1.6.
- Proposed Reasons for Rules.

NATURE OF LLD SUBMISSION

LLD **opposes** PC29. LLD understands the intent behind PC29, to better integrate commercial development with its surroundings. While LLD are generally supportive of the desire by the Council to improve design within Business 1 areas generally, LLD is concerned about the particular methods chosen to attempt to implement these goals. Specifically, LLD is concerned that there are a number of provisions within PC29 that are overly restrictive and/or lack flexibility, and are thus as currently framed do not represent the most appropriate way to achieve the objectives of the SDP, or the purposes of the Resource Management Act 1991 (RMA).

DETAIL OF LLD SUBMISSION

LLD notes that the intention behind PC29 is to ensure that the District's town centres have a high quality built environment, and will provide good facilities for pedestrians and cyclists. LLD considers that while some of the provisions of PC29 may be appropriate to achieve better integration between commercial developments and non-motorised traffic, they are part of an overall 'package', which in combination, is highly prescriptive and unprecedented, and will restrain future development. This, in turn, will reduce the attractiveness of Lincoln as a place to live, work and play.

In particular, LLD considers that the provisions intended to achieve a *"high quality built environment"* are overly prescriptive, and have the potential to either discourage or hinder commercial development within Business 1 zones, which will have a detrimental flow-on effect on residential development. In addition, some of the proposed provisions appear to be at odds with the outcomes sought, and in some instances, with the background reports informing the plan change. These specific concerns relate to the following provisions/matters:

- Assessment matters for large developments
- Buildings and external finish
- Signage
- Proposed Policies
- Planning Context
- Miscellaneous

LLD's concerns relating to these matters are as follows:

Assessment matters for large developments

Rule 16.10.1 proposes that any development in the Business 1 zone with a gross floor area of 450m² or above is automatically considered as a restricted discretionary activity, with Rule 16.10.2 listing those matters (16.10.3.1 - 16.10.3.9) to which the Council will restrict the exercise of their discretion to.

LLD considers that the matters specified for discretion are overly restrictive and that rather than being assessment considerations, they will in effect default to being additional standards against which any development would be assessed. For example, 16.10.3.1 requires consideration of whether the development:

- "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*

LLD considers that these assessment matters are in fact prescriptive rules that any proposal would be assessed against, and that in effect, they require compliance, as opposed to being guidelines used for

assessment. LLD also considers that b) above is inconsistent within itself, as it seeks a “varied” streetscene, but then requires consistency with scale modules, building lines and detailing.

Similarly, 16.10.3.5 requires consideration of:

“The extent to which the development would maintain and provide continuous building lines, active frontage and verandahs along street boundaries and main pedestrian routes, particularly where adjacent to established retail activities”

LLD considers that this is a highly prescriptive “matter for discretion”, in effect, requiring maintenance and provision of those things identified. LLD considers that the underlying consideration is of visual integration and appeal, and that these are matters covered at a more general, and less prescriptive level, within the other identified matters of discretion, for example, 16.10.3.1.

The proposed wording of Rule 16.10.3.6 is again, written as a rule, not a matter for discretion:

“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*

In the section 32 report at p.20, there is discussion about the reason for all larger developments being discretionary, which concludes that a site specific assessment is necessary, as a rules-based approach: can become difficult to comply with for a complex development; can have unexpected outcomes particularly where designers try to comply with rules rather than producing a more suitable building; and that good urban design outcomes may involve trade-offs according to the circumstances. LLD accepts this argument, but considers that the prescriptiveness of the matters for discretion is such that in effect a rules-based approach is actually what is proposed under the PC29 provisions. LLD therefore considers that the provisions outlined above are not the most appropriate way to achieve the objectives of the SDP and the purpose of the RMA. In LLD’s view a more appropriate method for not only this matter (“*Assessment Matters for Large Developments*”) but also the following matter “Building and External Finish”) would be to include these provisions in a reworded format into a design guide into the district plan (it is noted the plan change references a design guide presumably outside the plan). A design guide in the plan would overcome legal problems associated with reference to an external document and would have the distinct added benefit of being less prescriptive and more flexible in achieving the sought outcomes of the plan change. This is an approach that has been successfully employed in the Wellington City Plan.

On that basis LLD seeks that the provisions outlined above (and below) be deleted from the Plan Change and ideally the plan change be rejected and re notified with a design guide approach.

Buildings and external finish

Rule 16.12 proposes restrictions on the exterior cladding of buildings, via use of specified materials (16.12.1.1 natural stone or natural or stained timber) or restrictions on colours (16.12.1.2 and 16.2.2.1). Under Rule 16.12.3, a breach of 16.2.1 is a non-complying activity.

LLD considers that the rules are overly restrictive, will impact upon commercial marketability, and are not the most appropriate way to achieve the objectives of the SDP.

LLD notes with respect to the restrictions on materials, that this does not appear to be discussed within the section 32 report, or any of the supporting documents (including the recommendations on page 52 of the background report), and as such, does not consider that the provision has been adequately assessed under

the requirements of the RMA. In fact, on page 12 of the background Report, it is stated that “...*architectural style and materials, which do not affect the function of the building, are a lesser consideration.*” LLD therefore seeks that this rule is deleted.

Similarly, restrictions on the colour of roofs does not appear to be discussed in the section 32 report and is only given a cursory mention in the background supporting documents. Again, LLD does not consider that the provision has been adequately assessed under the requirements of the RMA, and seeks that the provision be deleted.

LLD also submits that the appendix to the plan change ‘*The effects of colour*’ (Colour Report) does not support such a restrictive stance with respect to the colour of buildings. In the Colour Report it is acknowledged that red colours “*are viewed as active and exciting*” with blues and greens “*viewed as soothing and passive*”. The Colour Report also states that “*In town centres and commercial environments a wide variety of colours is expected and has the positive effect of creating a sense of activity and vitality.*” Neither the relevant objective nor policy supports the proposed method (Rule 16.12.1) in that:

- Objective B3.4.2 of the SDP states: “*A **variety** of activities are provided for in townships, while maintaining the character and amenity of each zone.*” [Emphasis added]
- Policies which seek to implement this objective include 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 attractive to people.***” [Emphasis added]

LLD considers that the restrictions of external buildings will **not** achieve the policies and objectives outlined above with respect to allowing for a variety of activities within the zone and ensuring that the zone is vibrant and active and therefore attractive as a town centre. In particular, it is noted that the Colour Report concludes that “*Restraint in the use of strong colours therefore leads to a more harmonious townscape*” [Emphasis added]. LLD consider that while this may be the outcome of the proposed provisions, this outcome is **not** that which is sought by the Objectives and Policies of the SDP.

It is LLD’s understanding that the example given in the Colour Report to support the discussion around the visual dominance of buildings with bright colours (a large format retailer in Ferrymead) was in a particularly sensitive landscape (the Avon-Heathcote estuary and wildlife area), and that it was not the bright colours proposed that were in themselves of concern, but rather those colours in that particular environment. This, in LLD’s opinion, is extremely different to a blanket restriction across all Business 1 areas.

The report also states that “...*using one colour rather than another is unlikely to have cost implications of any significance.*” LLD considers that this is a narrow viewpoint which takes into account only the cost of paint, but does not take into account the wider economic implications of such restrictive provisions. As acknowledged earlier in the Colour Report itself, “*Colour is a potent device in marketing. Individual premises use wall colour as well as signage to attract attention to themselves and colour can give an indication of the type of goods or services being offered.*” Restrictions on colour therefore have an impact on marketability. A land owner, for example, may not be able to attract a tenant whose business branding includes a colour scheme that would not be permitted. Where the appeal of a town centre for businesses is lost, LLD considers it is certain that this will have a flow-on effect on the marketability of residential properties. This then undermines the development of the wider Lincoln Township.

The proposed “Design Guide for Commercial Development” also briefly discusses colour, re-iterating the proposed rules under PC29, on p.9 of the guide, and the aim to avoid dominance through the use of bright colours. However, the guide goes on to suggest that “*Blank walls can be livened up with murals*”. LLD wonders how this would be possible under PC29, given that murals are usually painted in bright colours.

The discussion in the background report in relation to colour acknowledges that the proposed system (provisions) *"... has been used to control the colours of buildings in other district plans, usually for the sake of making them **blend into rural surroundings**"* [Emphasis added]. The section 32 report and background documents do not appear to suggest that the restrictions on colour proposed under PC29 are necessary to ensure buildings blend into the rural environment. Rather, the fact that colour is restricted in other districts in order to help them blend into rural surroundings emphasises the inappropriateness of the proposed provisions. The background report to the Plan Change acknowledges that *"A successful and vibrant town centre is a complex and rich mix of uses"*. A town centre, therefore, is intended to be vibrant and 'stand out', not blend into a rural backdrop. For all of the foregoing reasons, LLD seeks that the rule restricting colours of buildings be deleted in its entirety.

Overall, the background report, in discussing building design and materials states that these are *"...usually only regulated in areas where there is coherent existing character which would be eroded by unsympathetic modern design or materials. This situation does not exist in the district where townships are often characterized by an eclectic mix of buildings."* Again, LLD considers that a blanket approach to design in all Business 1 zones is inappropriate, and is inconsistent with the existing character of the zone. LLD is concerned that the restrictiveness of the proposed provisions will have a detrimental impact on development of the Business 1 zone, and that this will have flow-on effects on residential development, and undermine the sustainable growth of Lincoln Township.

Signage

Under PC29, it is proposed to make changes to Rule 19.1.1.6 which would amend the current limitation of freestanding signs from 3m² per sign to 3m² per site, or 6m² per site where the road frontage of the site is 50m or more. In effect, this would limit the amount of signage per site, with very little consideration of the overall site size (and thus the ability of the sign to accommodate such signage). For example, a large site, with a large amount of road frontage, would only be permitted 6m² of signage in total, the same as a smaller site with only 50m road frontage. This is a large reduction in the amount of signage permitted in the Business 1 zone. In LLD's experience, road frontage is a poor proxy for determining the amount of signage that a site is capable of absorbing/accommodating without any adverse impact on amenity.

LLD firstly notes that the change to the rule would apply across all business zones, as it has not been restricted to just the Business 1 zone. This is contrary to the comments in the public notice and within the Plan Change itself, that PC29 pertains only to Business 1 land. LLD therefore question the scope for this aspect of the change.

Notwithstanding the above, LLD notes that there are no changes proposed to any Objective and Policies relating to signage. The overriding objective that is relevant is Objective B3.4.2:

"A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone."

Policy B3.4.20 states:

"Ensure signs in all zones are designed and positioned to avoid:

- Adverse effects on the visibility or safety of pedestrians, cyclists or motorists;*
- Impeding access to or past sites;*
- Nuisance effects from sound or motion features on signs or from glare or reflectivity;*
- Adverse effects on the amenity values of the zone; or*
- Dominance of the 'skyline' or view, caused by large signs protruding above the roofs of buildings.*

Policy B3.4.21 pertains to signs in the Living Zones only, for which there are greater restrictions. This policy states:

“Ensure signs in Living zones are of a size, design and number which maintain the quality of the environment and amenity values of the zone, but recognise the need for retail activities located in Living zones to have extra signs on the site.”

The explanation to this policy notes that *“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.”*

LLD considers that under the RMA, the test for the proposed amendments to the rule is whether, having regard to their efficiency and effectiveness, they are more appropriate to achieve the SDP’s objectives than the current rules. LLD considers that the changes would be inconsistent with the policies (including explanations) noted above, and are therefore ineffective in achieving the Plan’s objectives. In particular, the explanation to Policy B3.4.21 states that signage is an integral part of the amenity of business zones, and the overriding objective B3.4.2 seeks that activities are provided for which maintain the amenity values of each zone. The proposed changes, which seek to limit signage, are therefore inconsistent with the anticipated amenity values for the Business 1 zone. The discussion in the section 32 report relates largely to a supposed impact of signs on the “pedestrian experience”. However, LLD submits that this approach is not supported by the Objectives and Policies of the SDP.

Accordingly, LLD’s submission seeks deletion of the proposed amendments to Rule 19.1.1.6. In the event that this relief is not granted, LLD seek as secondary relief that the changes be restricted to the Business 1 zone only.

Proposed Policies

Proposed Policy B3.4.23a seeks that town centres (i.e. Business 1 zones) are integrated and vibrant. Should PC29 not be rejected in its entirety, LLD considers that the proposed Policy in a general sense, and any provisions retained which seek better integrated commercial development, will be more appropriate for achieving Objective B3.4.1 (*The District’s townships are pleasant places to live and work in*) and Objective B3.4.2 (*A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone*) of the SDP, than the current provisions. The exception to this is that LLD consider that the proposed policy does not sufficiently address Large Format Retail (LFR) activities (except for a cursory mention in the explanation), and that this is inconsistent with the proposed suite of separate provisions for LFR.

The background report notes that due to its nature, LFR can be hard to accommodate in a town centre, with the car parks and service areas it requires, and larger buildings, which are difficult to design attractively, making them highly visible and dominant. The report considers that there is a variety of types of LFR, and some is accommodated in a town centre more easily than others. LLD consider that the proposed Policy B3.4.23a and supporting explanation should be expanded to specifically cover this. This in turn provides more backing for the proposed separate provisions for LFR development, and more guidance on when this development may be appropriate.

With respect to the concerns outlined earlier in this submission, LLD considers that some of the proposed provisions are inconsistent with Policy B3.4.22 and B3.4.23a and will not achieve the vibrant atmosphere that is sought by these policies. The proposed restrictions on building materials do not equate to the balance proposed Policy B3.4.22 seeks in relation to allowing people *“freedom in their choice of design”*, while avoiding *“adverse effects on adjoining sites”*, maintaining *“pleasant and attractive streets and public areas”*, and maintaining *“the character of areas with... special heritage or amenity values”*.

With particular regard to the latter consideration, LLD notes that the proposed changes would apply to all Business 1 zones, rather than to a specific character area with *special* amenity values that the policy anticipates. As such, the identified provisions will not give effect to the above objectives of the SDP. In line

with the changes sought to the identified provisions, LLD also seeks that the amendments proposed to the first and third paragraphs to the explanation to Policy B3.4.22 are rejected.

Planning Context

The background report considers the provisions of Plan Change 1 (PC1) to the Regional Policy Statement, acknowledging that PC29 shall have regard to PC1. The background report quotes Objective 2: Character and Sustainability, and supporting Policy 7: Development Form and Design, which refers to the principles of the Urban Design Protocol (Ministry for the Environment, 2005). LLD consider that the provisions of PC29 discussed in this submission **do not give effect to** PC1 because they will not achieve a “built environment” that has a “sense of character and identity”, and will restrict the ability of business to be “functionally efficient and economically vibrant” (Objective 2). Neither will these provisions provide for “a high standard of visual interest and amenity” (Policy 7).

Miscellaneous

As noted earlier, it is clearly intended that PC29 applies to the Business 1 zone only (‘Proposed Plan Change 29: Design of Development in the Business 1 zones’). However there are some provisions in the proposed change that would apply to other zones, and accordingly, LLD seek that these be amended. These include:

- Policy B3.4.23a refers to ‘town centres’, but as there is not a ‘town centre’ zone in the plan, this should specifically refer to “Business 1 zones” so that the intention is clear;
- Policy B4.3.6 refers only to “business”, and should refer to “Business 1”;
- The previous discussion on changes to signage Rule 19.1.1.6.

LLD SEEKS THE FOLLOWING DECISION FROM SELWYN DISTRICT COUNCIL:

- A. That, as the primary relief sought, PC29 is rejected in its entirety. NB. The LLD submission is such that whilst a number of changes could be made to the Plan change (as outlined below), the number of changes is such that the Plan Change would be rendered less effectual (“the death by a thousand cuts” syndrome). On that basis, and given the LLD desire to preserve the intended outcomes of the plan change, but via a different method (design guide approach) LLD prefer to have the plan change rejected in its entirety.
- B. If the primary relief sought is not granted, then the secondary relief sought is that PC29 be amended as follows
 - **Retain** operative wording in paragraphs 1 & 3 of the ‘Explanation and Reasons’ to Policy B3.4.22 and **reject** proposed changes to those paragraphs;
 - **Amend** proposed Policy B3.4.23a, by:
 - replacing references to “town centres” with “Business 1 zones”;
 - Adding an additional bullet point as follows: “ensuring that large developments are complimentary to the Business 1 zone and do not undermine the town centre character.”
 - Amend the seventh bullet point of the explanation to read as follows (amendments shown using underline or ~~strike through~~: “Large developments have a greater scale of effects but can be designed comprehensively and include on-site public space.”

However, not all large developments will be able to be accommodated in the Business 1 zone, and larger developments will therefore not always be appropriate. These proposals therefore 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)."

- Amend proposed Policy B4.3.6 to refer to the 'Business 1 Zone' only;
- Delete the word "through", and the following bullet points from proposed Rule 16.10.3.1(b);
- Delete proposed Rule 16.10.3.5
- Amend Rule 16.10.3.6 to read as follows: *"The design and layout of the site in relation to the location of car parking areas."*
- Delete proposed Rules 16.12.1 and 16.12.2 in their entirety, and consequently 16.12.3;
- Retain operative wording of Rule 19.1.1.6 and reject proposed changes to rule.
- Delete the following paragraph from 'Reasons for Rules': *"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."*

HEARING

LLD wishes to be heard in support of its submission. If others make similar submissions, LLD may be prepared to consider presenting a joint case with them at any hearing.

Submission signed for and on behalf of LLD:



.....
David McMahon
Director
Resource Management Group Ltd

Dated: 28 April 2011

Address for service of submitter:

Lincoln Land Development
c/- Resource Management Group Ltd
PO Box 9053
Tower Junction
Christchurch 8149

Attn: DJ McMahon

(p) 027 233 1917

(e) david@rmgroup.co.nz

David Hattam

From: David Smith
Sent: Thursday, 28 April 2011 5:04 p.m.
To: David Hattam
Subject: FW: Submission on Plan Change 29
Attachments: 2266587 Submission on PC29 - v1.pdf

From: Antoinette Golden [mailto:antoinette.golden@russellmcveagh.com]
Sent: Thursday, April 28, 2011 4:25 PM
To: Submissions
Cc: James Gardner-Hopkins; Dean Chrystal; Sam@Planitassociates.co.nz
Subject: Submission on Plan Change 29

David,

We act for Progressive Enterprises Limited.

Please find **attached**, for lodging with the Council, our client's submission on Proposed Plan Change 29 to the Selwyn District Plan. A hardcopy will follow by post.

Please do not hesitate to contact me if you have any queries.

Kind regards

Antoinette

Antoinette Golden
SOLICITOR

Russell McVeagh, Vodafone on the Quay, 157 Lambton Quay, PO Box 10-214, Wellington 6011, New Zealand
DIRECT PHONE 64 4 819 7871 | DIRECT FAX 64 4 499 9556 | MOBILE 64 27 228 752

antoinette.golden@russellmcveagh.com | www.russellmcveagh.com

Russell McVeagh

OFFICIAL LAW FIRM OF RUGBY WORLD CUP 2011

Winner - ALB : Deal Team of the Year, New Zealand Deal of the Year, Deal Maker of the Year, M&A Deal of the Year.

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**SUBMISSION ON A PUBLICLY NOTIFIED PROPOSED PLAN UNDER
CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT
ACT 1991**

To: Selwyn District Council ("**Council**")

Submission on: Plan Change 29 to the Selwyn District Plan ("**PC29**")

Name: Progressive Enterprises Limited ("**Progressive**")

Address: Progressive Enterprises Limited, C/- Planit Associates at
the address for service specified below

Introduction

1. Progressive develops and operates supermarkets throughout New Zealand including the Countdown, Foodtown and Woolworths supermarkets, and the Gull/Woolworths minimarts.
2. Progressive holds a resource consent to construct a supermarket in Rolleston. The site, located on the corners of Masefield Drive, Dryden Avenue and McCauley Street is located within the Business 1 Zone. Construction of the supermarket is expected to commence in May 2011.
3. Progressive has extensive experience in the design, consenting and construction of both supermarkets and small scale retail. Through this experience, Progressive has obtained a keen understanding of the need to balance urban design principles and a desire for a quality urban environment with operational requirements and economic flexibility.
4. In general terms, Progressive supports a centres-based approach to planning that recognises the importance of centres, and enables a level of growth and mix of activities in centres in a way, or at a rate, commensurate with growth in the community, as well as the needs and expectations of the community. Such an approach brings benefits to communities in the form of social and functional amenity and transportation efficiency, and other efficient urban form outcomes.
5. Progressive also seeks that controls in centres are realistic and have appropriate regard to the operational and commercial requirements of businesses, especially large format retail. It is important for the vitality and vibrancy of centres that large format retail can locate in centres and is not forced to locate in inappropriate, out of centre locations.

Scope of submission

6. As PC29 relates to the design of development in the Business 1 zones, this submission relates to PC29 in its entirety including any policies and rules that could directly affect Progressive's current or future operations, as well as those that might impact on, or unduly constrain, appropriate development and growth in the Business 1 zones generally.

General reasons for submission

7. Progressive generally supports the proposed policies and rules for the Business 1 Zone in so far as they are consistent with a centres-based approach to accommodating growth of the type supported by Progressive (outlined in paragraph 3 above), particularly in relation to commercial growth, and meets its concerns regarding appropriate controls in the zone (outlined in paragraph 4). Progressive further wishes, and requests changes as appropriate, to ensure the Selwyn District Plan:
 - (a) enables an appropriate amount of retail development as necessary and in appropriate locations to fulfil the needs of the community while avoiding, remedying or mitigating adverse effects;
 - (b) will meet the reasonable foreseeable needs of future generations;
 - (c) will promote objectives that represent the most appropriate way of achieving the purposes of the Resource Management Act 1991 ("RMA");
 - (d) will adopt objectives, policies, rules and other methods that are the most appropriate way of achieving the objectives or the purposes of the RMA;
 - (e) will enable the efficient use and development of resources within the Selwyn District, and will enable social, economic and cultural well being; and
 - (f) will overall promote sustainable management of resources, will achieve the purpose of the RMA, and is consistent with Part 2 and other provisions of the RMA and the District Plan.
8. In particular, but without limiting the generality of the above, Progressive seeks that the following matters also be addressed.

Policies

9. Progressive supports, either in their entirety or in part, the following proposed policies in PC29:
 - (a) to maintain and establish pleasant and attractive streets and public areas (Policy B3.4.22); and
 - (b) to ensure that the town centres are walkable and well integrated, and that development in town centres contributes to the economic and social vibrancy of the District's towns (Policy B3.4.23a).
10. However, Progressive opposes or has concerns with Policy B4.3.6 as it considers it fails to adequately acknowledge the operational requirements of many businesses (especially large format retail). Progressive's submission is that it imposes inappropriate restrictions on the layout and building design of business activities and an impracticable threshold to meet to rezone land for business development.

11. Progressive also opposes or has concerns with Policy B3.4.23a in part as it considers it to unnecessarily prioritise pedestrian requirements and fails to acknowledge other practical design and layout aspects of commercial development that should be given some, if not equal weight when assessing the appropriateness of development in town centres.

Relief Sought

12. Progressive seeks the following relief:
- (a) retain the proposed Policies, to the extent they are consistent with Progressive's concerns;
 - (b) amend or delete Policy B4.3.6 and Policy B3.4.23a, and any other related policies to meet Progressive's concerns; and
 - (c) any other consequential amendments.

Rule 16.9: Small Scale Commercial Developments (less than 450m²)

13. Progressive generally supports the proposed rules to the extent that they support the enablement of business activities.
14. Progressive opposes or has concerns with those rules that impose unnecessary restrictions on the layout and building design of commercial development and to that extent opposes the following rules:
- (a) location of car parks - Rule 16.9.1.1;
 - (b) building frontages - Rule 16.9.1.2;
 - (c) verandas - Rule 16.9.1.4; and
 - (d) discretionary activities - Rule 16.9.2.
15. Progressive supports high amenity values in town centres and considers it to be appropriate for this objective to be implemented by way of rules in relation to street frontages and other design controls. However, the proposed rules place unnecessary and costly restrictions on current and potential small business owners. Progressive considers these rules to be onerous and to place an unnecessary burden on potential landowners seeking to develop sites within the zone.
16. Furthermore, the rules are overly restrictive as any non-compliance with a rule results in the activity being a fully discretionary activity (Rule 16.9.2). Progressive considers that this is unnecessary and that a "middle ground" approach should be taken in relation to non-compliances with permitted activity standards.

Relief sought

17. Progressive seeks the following relief:
- (a) retain the proposed rules, to the extent they are consistent with Progressive's concerns;

is Progressive's submission that as the effects of small scale and large scale developments are different in scale and scope, it is inappropriate for permitted activity standards for small scale developments to be a relevant consideration when assessing the appropriateness of large scale developments and this should be reflected in the planning framework. The matters for discretion listed in 16.10.2 should be specifically focused to avoid, remedy and mitigate effects arising from large scale developments.

23. Specifically, the assessment criteria in relation to design requirements will make it difficult and costly for landowners/developers to integrate new development with the existing environment which may result in development ceasing unless the Council is proposing to offer other incentives.

Relief sought

24. Progressive seeks the following relief:
- (a) retain the proposed assessment criteria, to the extent they are consistent with Progressive's concerns;
 - (b) either delete assessment criteria 16.10.3.1(a) and (b) or amend the criteria to make them less onerous and to give the Council a more general discretion to consider adjacent buildings;
 - (c) delete or amend assessment criteria 16.10.3.2-4 to meet Progressive's concerns;
 - (d) delete assessment criteria 16.10.3.5 as the matters addressed in it are adequately and specifically provided for in other proposed rules in PC29;
 - (e) amend or delete assessment criteria 16.10.3.6 to meet Progressive's concerns;
 - (f) delete assessment criteria 16.10.3.9;
 - (g) amend the assessment criteria generally so as to not unnecessarily prioritise pedestrian amenity over other considerations, and to adequately provide for mitigation measures rather than adopting such a stringent approach;
 - (h) either delete Rules 16.12.1-32 or amend them so as to not specifically prescribe materials that must be used as Progressive considers the controls regulating the design and colour scheme are sufficient in achieving the desired amenity effect; and
 - (i) any other consequential amendments.

Rules 16.13: Dwellings

25. Progressive supports the requirement for dwellings in the Business 1 zones to achieve noise and acoustic privacy. It is Progressive's submission that the permitted activity standards for dwellings do not

adequately provide sufficient controls to ensure an acceptable standard of noise insulation.

Relief sought

26. Progressive seeks the following relief:
 - (a) include as part of Rule 16.13.1 a noise insulation requirement in accordance with Rule 16.14.1.4; and
 - (b) any other consequential amendments.

Rules 17.6 and 17.7: car parking

27. Progressive generally supports the proposed rules to the extent that they support the enablement of business activities.
28. Progressive specifically supports Rule 17.6.1 and considers the controlled activity status for development or redevelopment of a parking area and the matters for discretion outlined in 17.6.1.1 to be entirely appropriate.
29. In relation to section 17.7, Progressive accepts that landscaping considerations in relation to car park areas are relevant and supports the recognition of such within the planning framework, however, Progressive has concerns around the detail of the rules proposed. 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. Progressive considers that the rules proposed in 17.7 impose obligations on landowners/developers in respect of car park area layout and design that are unnecessary and considers that the section should be amended to adequately reflect what is practicable.

Relief sought

30. Progressive seeks that the rules in section 17.7 be amended to provide for more realistic and workable landscape requirements in relation to parking areas and any other consequential relief.

Commercial Design Guide

31. Progressive considers that the Commercial Design Guide referred to in PC29 is extensive, far too prescriptive and places specific unnecessary onerous requirements on developers. The Commercial Design Guide forms part of the Selwyn District Plan by way of incorporation through PC29. The Commercial Design Guide is an extensive and all encompassing document comprising of 40 pages and Progressive's submission is that it should not be included as part of the Selwyn District Plan through the PC29 process and, if included at all, should be done so via a separate plan change process. Individual applications should be assessed on their merits and not be required to fit into the prescriptive requirements of these design guidelines.

Relief Sought

32. Progressive seeks that any reference to the Commercial Design Guide in PC29 be deleted and any other consequential relief.

General relief sought

33. Progressive seeks that:

- (a) PC29 be adopted only insofar as it is consistent with the outcomes sought or to address the issues referred to in paragraphs 3 to 7, and otherwise be amended to ensure that it is so consistent or addresses those issues;
- (b) PC29 be amended to reflect the specific relief requested from paragraphs 12, 17, 24, 26, 30 and 32; and
- (c) any such further or consequential amendments necessary to give effect to this submission are made.

Progressive wishes to be heard in support of this submission.

Signature:

PROGRESSIVE ENTERPRISES LIMITED
by its solicitors and authorised agents
Russell McVeagh:



James Gardner-Hopkins

Date: 28 April 2011

Address for Service: C/- Planit Associates
PO Box 1845
Christchurch 8140

Telephone: 03 377 9829

Fax: 03 377 9833

David Hattam

From: David Smith
Sent: Thursday, 28 April 2011 4:54 p.m.
To: David Hattam
Subject: FW: PC29
Attachments: Letter of service - PC29.pdf; Rolleston Square Limited - PC29.pdf; Rolleston Retail Limited - PC29.pdf; Roll Ten Investments Limited - PC29.pdf

From: Philip Maw [mailto:philip.maw@wynnwilliams.co.nz]
Sent: Thursday, April 28, 2011 4:11 PM
To: Submissions
Cc: David Hattam
Subject: PC29

We act for:

1. Rolleston Square Limited;
2. Rolleston Retail Limited; and
3. Roll Ten Investments Limited.

We enclose submissions for filing on Plan Change 29 for each of these companies.

Kind regards,

Philip Maw
Associate

Wynn Williams & Co
Unit B, Homebase
195 Marshland Road
Tel: +64 3 379 7622
Cell: 021 1552 172
Email: philip.maw@wynnwilliams.co.nz
Website: www.wynnwilliams.co.nz



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WYNN WILLIAMS & CO
BARRISTERS · SOLICITORS

28 April 2011

Attention Planning Department
Selwyn District Council
PO Box 90
ROLLESTON 7643

By email:
submissions@selwyn@govt.nz

PLAN CHANGE 29

We act for:-

- a. Rolleston Square Limited;
- b. Rolleston Retail Limited; and
- c. Roll Ten Investments Limited.

We **enclose** for filing submissions by each of these companies on Plan Change 29 to the Selwyn District Plan.

Yours faithfully
Wynn Williams & Co



Philip Maw
Associate

e-mail: philip.maw@wynnwilliams.co.nz

**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: Rolleston Square Limited

1. This is a submission on Plan Change 29 to the Selwyn District Plan (the **proposal**).
2. Rolleston Square 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. Rolleston Square Limited seeks the following decision from the local authority:
 - a. See attached table and additional pages.
6. Rolleston Square Limited wishes to be heard in support of its submission.
7. If others make a similar submission, Rolleston Square 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:	Rolleston Square 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,	
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	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 Rolleston Square 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 Rolleston Square Limited are not accepted, then Rolleston Square Limited requests that the proposal be rejected in its entirety.

Rolleston Square Limited also seeks any consequential amendments necessary to give effect to the relief sought.

**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: Rolleston Retail Limited

1. This is a submission on Plan Change 29 to the Selwyn District Plan (the **proposal**).
2. Rolleston Retail 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. Rolleston Retail Limited seeks the following decision from the local authority:
 - a. See attached table and additional pages.
6. Rolleston Retail Limited wishes to be heard in support of its submission.
7. If others make a similar submission, Rolleston Retail Limited will consider presenting a joint case with them at a hearing.



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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:	Rolleston Retail 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,	
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	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 Rolleston Retail 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 Rolleston Retail Limited are not accepted, then Rolleston Retail Limited requests that the proposal be rejected in its entirety.

Rolleston Retail Limited also seeks any consequential amendments necessary to give effect to the relief sought.

**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,	
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	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.

David Hattam

From: Michael Rachlin <Michael.Rachlin@ecan.govt.nz>
Sent: Thursday, 28 April 2011 11:40 a.m.
To: David Hattam
Subject: PC29
Attachments: submission-signed.doc

Hello David
Please find attached CRC's submission in support of Plan Change 29.

Thank you

Regards
Michael Rachlin
Principal Planner

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This footnote also confirms that this email message has been swept by MIMESweeper for the presence of computer viruses.

www.ecan.govt.nz

Form 5

Submission on a publicly notified proposal for policy statement or plan *Clause 6 of First Schedule, Resource Management Act 1991*

PROPOSED PLAN CHANGE 29 SELWYN DISTRICT PLAN.

To: Selwyn District Council

Name of Submitter: Canterbury Regional Council (CRC).

This is a submission on the following proposed change to the Selwyn District Plan
Proposed Plan Change 29, Design of Development in the Business 1 zones, Selwyn District Plan

The specific provisions of the Proposed Plan Change 29 that the Canterbury Regional Council's submission relates to are:

All of the Plan Change provisions.

The Canterbury Regional Council's submission is:

PC29 is **supported**.

1. CRC and its statutory duties will be directly affected by PC29:

- (a) CRC has identified within its Operative Regional Policy Statement and proposed Change No.1 to the RPS the importance of improved urban design outcomes for Key Activity Centres and the promotion of active transport and public transport.
- (b) PC29 addresses, amongst other matters:
 - (i). The manner in which the strategic framework in the Greater Christchurch Urban Development Strategy and Change No.1 should be implemented through the Selwyn District Plan in relation to urban design outcomes for Key Activity Centres.
 - (ii). The role of active transport and public transport in Key Activity Centres
- (c) Accordingly, PC29 will directly affect:
 - (i). The statutory role of CRC, and the ability of the Selwyn District Plan to "give effect" to the RPS as directed by s75(3)(c) in relation to the operative Canterbury Regional Policy Statement, and have regard to any Proposed Regional Policy Statement (Change No.1) and to the Proposed Canterbury Natural Resources Regional Plan.
 - (ii). The extent to which the strategic planning direction adopted in relation to Key Activity Centres will promote improved urban design outcomes for town centres and contribute to efficient and effective transport and land use patterns, and urban consolidation.

2. The reasons for the submission from CRC are:

- (a) It is considered that PC29 provides a comprehensive and coherent package of amendments that achieves its stated purpose for the design of development in Business 1 Zones. Consequently, PC29:

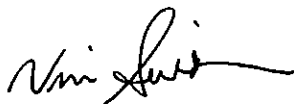
- (i). Will be consistent with the purpose and principles of the Resource Management Act ('RMA');
- (ii). Is appropriate in terms of section 32 of the RMA;
- (iii). Will respond appropriately to the adverse effects on the environment that are currently generated by activities that are being developed in accordance with the existing District Plan provisions;
- (iv). Will achieve improved urban design outcomes in Key Activity Centres, consistent with Policy 7 of Change No.1 to the Regional Policy Statement;
- (v). Addresses appropriately issues identified in PC29, in the supporting document and in this submission;
- (vi). Warrants being implemented in terms of the RMA and sound resource management principles and practice.

The Canterbury Regional Council seeks the following decision from the local authority:

The relief sought by CRC is to:
Uphold PC29 in the form as notified

The Canterbury Regional Council does wish to be heard in support of this submission.

If others make a similar submission, the Canterbury Regional Council will consider presenting a joint case with them at a hearing.



Vin Smith
Regional Planning Manager

Date: 28th April 2011

Address for service of submitter:

Canterbury Regional Council
P O Box 345
Christchurch 8140

Telephone: 0275497643
Fax:
Email: michael.rachlin@ecan.govt.nz
Contact Person: Michael Rachlin – Principal Planner

David Hattam

From: Peter Glasson <peter.glasson@glassonrm.co.nz>
Sent: Thursday, 28 April 2011 11:23 p.m.
To: Submissions
Subject: Submission of RD & JR Butt to Plan Change 29
Attachments: SUB PC29 280411.doc

Peter Glasson

Director



GLASSON RESOURCE MANAGEMENT LIMITED

24 Weka St

Fendalton

CHRISTCHURCH 8041

03 348 9090

F 03 348 9092

M 021 324 954

E peter.glasson@glassonrm.co.nz

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**Resource Management (Forms, Fees, and
Procedure) Regulations 2003**

Schedule 1

Form 5

Submission on publicly notified Plan Change
Selwyn District Plan

Clause 6 of First Schedule, Resource Management Act 1991

To Selwyn District Council
(c/- David Hattam, Strategic Policy Planner)
2 Norman Kirk Drive
PO Box 70
ROLLESTON 7643
FX: 03-347-2799
E: submissions@selwyn.govt.nz

1. Full name of submitter: Robin David Butt & Jacqueline Ruth Butt ("the Submitter")

The submitter is the Owner of that 0.8330 hectare parcel of land located at Weedons Ross Road, West Melton, and lying approximately in the centre of the West Melton township, and legally described as Lot 1 DP 398852 and contained in Certificate of Title Reference 394311.

This is a submission on Proposed Plan Change 29 to the Selwyn District Plan.

2. The specific provisions of the proposal that my submission relates to are:

SEE ATTACHED TABLE – COLUMN 1

3. Our submission in SUPPORT / OPPOSITION is:

SEE ATTACHED TABLE – COLUMN 2

4. We seek the following decision from Selwyn District Council:

SEE ATTACHED TABLE – COLUMN 3

5. We DO wish to be heard in support of our submission

6. If others make a similar submission, we will not consider presenting a joint case with them at a hearing

7.

Peter L Glasson

Signed for and on behalf of
Robin David Butt & Jacqueline Ruth Butt

Date: 28 April 2011

8. Address for service of submitter:

Robin David Butt & Jacqueline Ruth Butt
c/- Peter Glasson
Director
Glasson Resource Management Limited
24 Weka St
Fendalton
CHRISTCHURCH 8041

P: 03 348 9090
M: 021 324 954
F: 03 348 9092
E: peter.glasson@glassonrm.co.nz

Page	(1) The specific provisions of the Proposed Plan Change that the submission of R D Butt & J R Butt relates to is as follows:	(2) R D Butt & J R Butt submission is that:	(3) R D Butt & J R Butt seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to R D Butt & J R Butt):
Policy B3.4.23a	Those proposed changes in Policy B3.4.23a that relate to the requirement for the positioning of Business 1 activities directly on the street frontage with carparking behind the building.	R D Butt & J R Butt OPPOSE the Policy in its entirety. The proposed changes are mandatory and do not take account of situations where it is more suitable to have carparking in front of the buildings undertaking business activities. The proposed changes are contrary to sound resource management planning policy and practice.	DELETE the proposed changes as set out in Plan Change Policy B3.4.23a of Plan Change 29, in their entirety, and any accompanying Explanations and Reasons.
Policy B4.3.6	Those proposed changes in Policy B4.3.6 that relate to the requirement for the positioning of Business 1 activities directly on the street frontage with carparking behind the building; and oppose development of shops: • which sit behind large areas of car parking • which turn their backs on the road or other public areas • on one side of a road only in town centres	R D Butt & J R Butt OPPOSE the Policy in its entirety. The proposed changes are mandatory and do not take account of situations where it is more suitable to have carparking in front of the buildings undertaking business activities. The proposed changes are contrary to sound resource management planning policy and practice.	DELETE the proposed changes as set out in Plan Change Policy B4.3.6 of Plan Change 29, in their entirety, and any accompanying Explanations and Reasons.

Page	(1) The specific provisions of the Proposed Plan Change that the submission of R D Butt & J R Butt relates to is as follows:	(2) R D Butt & J R Butt submission is that:	(3) R D Butt & J R Butt seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to R D Butt & J R Butt):
Rules 16.9 - 16.12	Rules 16.9 -16.12 in their entirety	R D Butt & J R Butt OPPOSE the proposed rules in their entirety. The proposed changes are unnecessary and do not take account of situations where it is more suitable to have carparking in front of the buildings undertaking business activities. The proposed changes are contrary to sound resource management planning policy and practice.	DELETE the proposed Rules 16.9 -16.12 of Plan Change 29, in their entirety, and any accompanying Explanations and Reasons.
Rule 16.13.1	Rule 16.13.1: Dwellings in Business Zones	R D Butt & J R Butt OPPOSE the proposed rule in its entirety. The Business 1 zone is supposed to encourage medium density residential development. However, the proposed rule is micromanagement of design and stifles design differences. It results in Council interference in private development. It is an over reaction on Council's part to the Warehouse development in Rolleston. The proposed changes are contrary to sound resource management planning policy and practice.	DELETE Rule 16.13.1.1 in its entirety.

Page	(1) The specific provisions of the Proposed Plan Change that the submission of R D Butt & J R Butt relates to is as follows:	(2) R D Butt & J R Butt submission is that:	(3) R D Butt & J R Butt seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to R D Butt & J R Butt):
Rule 16.13.1 Rule 16.13.1.1	Rule 16.13.1.1: They have the exclusive use of an allotment with a minimum area of 500m ² .	R D Butt & J R Butt OPPOSE the proposed rule in its entirety. The Business 1 zone is supposed to encourage medium density residential development. However, the proposed rule preventing residential development in allotments under 500m² will not allow such development. The proposed changes are contrary to sound resource management planning policy and practice.	DELETE Rule 16.13.1.1 in its entirety AND DELETE Proposed Rule 16.13.1 in its entirety.
Rule 16.13.1 Rule 16.13.1.2	Rule 16.13.1.2: The allotment contains a minimum 10m x 15m building area.	R D Butt & J R Butt OPPOSE the proposed rule in its entirety. The Business 1 zone is supposed to encourage medium density residential development. However, the proposed rule requiring residential development in a minimum sized lot of 10m x 15m will not allow such development. The proposed changes are contrary to sound resource management planning policy and practice.	DELETE Rule 16.13.1.2 in its entirety AND DELETE Proposed Rule 16.13.1 in its entirety.

Page	(1) The specific provisions of the Proposed Plan Change that the submission of R D Butt & J R Butt relates to is as follows:	(2) R D Butt & J R Butt submission is that:	(3) R D Butt & J R Butt seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to R D Butt & J R Butt):
Rule 16.13.1 Rule 16.13.1.4	Rule 16.13.1.4: Site coverage does not exceed 40%	R D Butt & J R Butt OPPOSE the proposed rule in its entirety. The Business 1 zone is supposed to encourage medium density residential development. However, the proposed rule preventing residential development over 40% site coverage will not allow such development. The proposed changes are contrary to sound resource management planning policy and practice.	EITHER DELETE Rule 16.13.1.4 in its entirety AND DELETE Proposed Rule 16.13.1 in its entirety OR REPLACE with: 16.13.1.4 The maximum residential floor area ratio per site shall be 1.2 AND INSERT Definition of Residential Floor area ratio into Definitions section of the Plan.
Rule 16.14	Rule 16.14: Comprehensive Residential Development	R D Butt & J R Butt OPPOSE the proposed rule in its entirety. The Business 1 zone is supposed to encourage medium density residential development. However, the proposed rule is micromanagement of design and stifles design differences. It results in Council interference in private development. The proposed changes are contrary to sound resource management planning policy and practice.	DELETE Rule 16.14 in its entirety.

Page	(1) The specific provisions of the Proposed Plan Change that the submission of R D Butt & J R Butt relates to is as follows:	(2) R D Butt & J R Butt submission is that:	(3) R D Butt & J R Butt seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to R D Butt & J R Butt):
Rule 16.15.1(a)	Rule 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 ² and a minimum dimension of 4m.	R D Butt & J R Butt OPPOSE the proposed rule in its entirety. The Business 1 zone is supposed to encourage medium density residential development. However, the proposed rule requires too larger outdoor living space within a Business 1 zone. The proposed changes are contrary to sound resource management planning policy and practice.	DELETE Rule 16.15.1(a) in its entirety OR reduce the area required for outdoor living space to 30m ² with a minimum dimension of 3m.
Rule 16.15.1(d) (or should that be (c)?)	Rule 16.15.1(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.	R D Butt & J R Butt OPPOSE the proposed rule in its entirety. The Business 1 zone is supposed to encourage medium density residential development. However, the proposed rule is micromanagement of design and stifles design differences. It results in Council interference in private development. The rule does not allow for good design nor particular site characteristics. The proposed changes are contrary to sound resource management planning policy and practice.	DELETE Rule 16.15.1(d) in its entirety.

Page	(1) The specific provisions of the Proposed Plan Change that the submission of R D Butt & J R Butt relates to is as follows:	(2) R D Butt & J R Butt submission is that:	(3) R D Butt & J R Butt seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to R D Butt & J R Butt):
Rule 16.15.2	Rule 16.15.2: Restricted Discretionary Activities – Dwellings and Private Outdoor Living Space	R D Butt & J R Butt OPPOSE the proposed rule in its entirety. The Business 1 zone is supposed to encourage medium density residential development. However, the proposed rule is micromanagement of design and stifles design differences. It results in Council interference in private development. The rule does not allow for good design nor particular site characteristics. The proposed changes are contrary to sound resource management planning policy and practice.	DELETE Rule 16.15.2 in its entirety.

Page	(1) The specific provisions of the Proposed Plan Change that the submission of R D Butt & J R Butt relates to is as follows:	(2) R D Butt & J R Butt submission is that:	(3) R D Butt & J R Butt seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to R D Butt & J R Butt):
Rule 17.6.1	Rule 17.6.1: Controlled Activities – Parking Areas and Site Layout	R D Butt & J R Butt OPPOSE the proposed rule in its entirety. The Business 1 zone provisions need to retain as much flexibility as possible. However, the proposed rule is micromanagement of design and stifles design differences. It results in Council interference in private development by Council Planners who have little or no experience in actually managing or developing a Business site. The rule does not allow for good design nor particular site characteristics. The proposed changes are contrary to sound resource management planning policy and practice.	DELETE Rule 17.6.1 in its entirety.

Page	(1) The specific provisions of the Proposed Plan Change that the submission of R D Butt & J R Butt relates to is as follows:	(2) R D Butt & J R Butt submission is that:	(3) R D Butt & J R Butt seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to R D Butt & J R Butt):
Rule 17.7	Rule 17.7 Parking Areas and Landscaping	R D Butt & J R Butt OPPOSE the proposed rule in its entirety. The Business 1 zone provisions need to retain as much flexibility as possible. However, the proposed rule is micromanagement of design and stifles design differences. It results in Council interference in private development by Council Planners who have little or no experience in actually managing or developing a Business site. The rule does not allow for good design nor particular site characteristics. The rule implies that cars are somehow are an adverse visual effect that need to be hidden. Yet cars (both stationary and moving) are seen on roads everyday by everyone, including planners. The rule will prevent the visual exposure of commercial business activities to the street and passing motorists. The proposed changes are contrary to sound resource management planning policy and practice.	DELETE Rule 17.7 in its entirety.

Page	(1) The specific provisions of the Proposed Plan Change that the submission of R D Butt & J R Butt relates to is as follows:	(2) R D Butt & J R Butt submission is that:	(3) R D Butt & J R Butt seeks the following decision from the Selwyn District Council (or relief to like effect satisfactory to R D Butt & J R Butt):
Part 8 and Part 9	Part 8 Reasons for Rules and Part 9 Definitions	R D Butt & J R Butt OPPOSE the proposed changes in their entirety for the reasons as set out above. The proposed changes are contrary to sound resource management planning policy and practice.	MAKE any consequential changes to Part 8 and Part 9 in accordance with the relief set out above.

David Hattam

From: Lynley Shaw <lynley.shaw@nzhomeloans.co.nz>
Sent: Thursday, 28 April 2011 10:58 p.m.
To: Submissions
Cc: David & Margaret Drake
Subject: Submission by Rolleston Residents Association in relation to Proposed PPlan Change 29
Attachments: Submission PC29 Copy.pdf

Hello

Please find attached our submission in support of the proposed plan change 29.

Kind Regards

Lynley Shaw

Rolleston Residents Association

Chairperson

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Form 5

Submission on publicly notified Plan Change 29

Selwyn District Plan

Clause 6 of First Schedule, Resource Management Act 1991

To Selwyn District Council
2 Norman Kirk Drive
PO Box 90
Rolleston
Christchurch 7614
FAX: 03-347-2799

1. Full name of submitter: **Rolleston Residents Association**

This is a submission on the following proposed Plan Change:

Design of Development in the Business 1 zone – Proposed Plan Change 29

2. The specific provisions of the proposal that my submission relates to are: all the proposed plan amendments.

3. Our submission in SUPPORT is:

- 1) **Update Policy B3.4.22 and Insert new policy B3.4.23a on managing the quality of commercial development** - we support this updated policy and insertion of new policy.
- 2) **Insert new policy B4.3.6 on Medium Density Housing** – we support the insertion of this new policy
- 3) **Insert new policy B4.3.6 on rezoning** – we support the insertion of this new policy
- 4) **Insert new rules 16.9 – 16.12 to manage the design and layout of commercial buildings**
– we support these new rules being inserted
- 5) **Insert new rules 16.13 – 16.15 to manage the design and layout of dwellings in the commercial zone** –
we support these new rules being inserted
- 6) **Amend proposed rule 17.6 (from PC12) to manage the design and layout of car parking and insert new rule 17.7** – we support this amendment to the existing rule and insertion of the new rule
- 7) **Amend rule 19.1** – we support this amendment
- 8) **Adding Reasons for Rules** – we support the various rules being added as per the proposed plan change documentation
- 9) **Adding definitions** – we support these definitions being added as per the proposed plan change documentation

4. We seek the following decision from Selwyn District Council: **To implement the proposed Plan Change 29**

5. WE WISH to be heard in support of our submission

6. If others make a similar submission, I will consider presenting a joint case with them at a hearing

7. 
Signature of submitter (or person authorised to sign on their behalf)

Date: 28th April 2011

8. Address for service of submitter:
C/- 4 Peel Close, Rolleston
Telephone: 03 335 3507
Contact person: Lynley Shaw

Email: lynley@nzhlcan.co.nz
Fax: 03 366 0333
Title: Chairperson

David Hattam

From: David Smith
Sent: Thursday, 28 April 2011 3:57 p.m.
To: David Hattam
Subject: FW: Form 5 Submission

-----Original Message-----

From: Submissions
 Sent: Monday, April 25, 2011 9:15 AM
 To: Submissions
 Subject: Form 5 Submission

**** Your Details ****

Proposed Plan Change No: : 29
 First Name: : Sandy
 Surname : Williams
 Organisation Name : Selwyn Central Community Board
 Contact Name : c/o Marilyn Ponsford
 Email Address : sandy.williams@selwyn.govt.nz
 Box/Road/Street Number and Name/Property Name : P O Box 90
 Suburb : Rolleston
 Town/City :
 Post Code : 7643
 Phone Number : 021663692
 Fax Number : 03 3472799

**** Submission ****

My/Our Submissions is: : The Community Board is Submitting in Support of Plan Change 29. We hope the Design Guide for Commercial Development will help improve the layout, fit and feel of new Business and retail developments.

I/We seek the following decision from the Council for the following reasons : n/a

If you are attaching your submission separately, do so here : No file uploaded

Supporting Information : No file uploaded

**** Hearing Options ****

Do you wish to be heard in support of your submission : No

If others are making a similar submission would you consider presenting a joint case with them at the Hearing :
Maybe

**** Trade Competition ****

Trade Competition Declaration : I am directly affected by an effect of the subject matter of the submission that does not relate to trade competition or the effects of trade competition