

PROPOSED CHANGE 3 TO THE SELWYN DISTRICT PLAN

DECISION ON THE PLAN CHANGE REQUEST AND SUBMISSIONS

Hearings Commissioner David Mountfort

7/30/2010

PLAN CHANGE 03 PRESTONS DOWNS AT WEST MELTON
RECOMMENDED DECISION TO THE SELWYN DISTRICT COUNCIL ON
PROPOSED CHANGE 3 TO THE SELWYN DISTRICT PLAN
HEARINGS COMMISSIONER DAVID MOUNTFORT

Introduction

1. Proposed Plan Change 03 to the Selwyn District Plan is the result of a request for a change to the District Plan under Part 2 of the First Schedule to the Resource Management Act 1991 by Gillman Wheelans Ltd. The Change requested is to zone a site at West Melton as Living WM (West Melton), which is a new form of zoning proposed for this site alone. It would provide for the subdivision of the land into sites of between 500 and 5000m² with an average of about 2000m², and the erection of dwelling houses on them. The Change was duly advertised under the First Schedule of the Resource Management Act 1991, and submissions and further submissions were made. I was appointed as a Hearings Commissioner by the Selwyn District Council to hear the application and submissions and to make a recommendation on it.

The Requester

2. The plan change requester is Gillman Wheelans Ltd, a Christchurch-based property developer.

The Site

3. The site is located at West Melton, on the north-west side of the existing township. It has extensive frontages to State Highway 73, Weedons Ross Rd and Haketts Rd, and a small frontage to Laird place. It comprises 85 ha of land, in two ownerships. It is currently zoned a mixture of Living 1, Living 1 deferred and Living 2 deferred. The site is L-shaped, and runs generally north/south along the western edge of the existing village.

The location

4. State Highway 73 is an arterial road connecting Christchurch City with the West Coast. Haketts Rd is a local road converging on SH73, serving rural properties in the vicinity, and joining up with SH73 just to the east of West Melton. Weedons Ross Rd is a local road which passes through the centre of West Melton and joins up Haketts Rd and SH73. Laird Place is a short local cul-de-sac within the existing village. West Melton is approximately 13 km from the edge of the built up part of Christchurch City at Yaldhurst.

The existing zoning

5. The land is currently zoned a mix of Living 1, Living 1 deferred and Living 2 deferred. This zoning anticipates residential development at densities of 800m², 1000m² and 5000m² minimum lot sizes respectively. The Living 1 zones are clustered close to the existing village on the east side of the block. The deferrals may only be uplifted once reticulated community water supply and wastewater systems are provided and an Outline Development Plan (ODP) is included in the district plan. I was advised that this

would enable the site to be developed with about 226 lots. This figure became a central feature of the case.

The proposal

6. The requester proposes a mixed density zone, with a central core of medium/low density lots of between 500-3000m² surrounded by low density lots of 3000-5000m². An Outline Development Plan is proposed for inclusion in the district plan which shows the two Density Areas, a central linear park and other reserves, a surface water network and a roading network. The ODP is proposed in 2 alternatives, with and without access to State Highway 73. This is because the requester needs but has not yet received necessary approvals from the New Zealand Transport Agency to build a link road intersecting with SH73, which is a Limited Access Road.
7. The Change proposes amendments to
 - a) some explanatory text in the district plan,
 - b) no amendments to objectives,
 - c) amendments to Policies B4.1.4 and B4.3.92 and their Explanations, and the Explanation to B4.3.93,
 - d) an amendment to the Anticipated Environmental Results,
 - e) a set of rules for a new Living WM (West Melton Zone),
 - f) an Outline Development Plan and amendments, and
 - g) Amendments to Planning Maps 086 and 088
8. The Change proposes a total 292 allotments must be achieved in the new zone (Clause 1.18). The difference between this and the theoretical capacity of the existing zoning (226 allotments) became a significant issue in the case because of the position of a number of the submitters.
9. In effect the applicant proposes to activate the deferred residential zoning status of most the site in a different form and extend that different form also to the active Living 1 portion of the site.

The submitters

10. 18 submissions and 11 further submissions were received, as recorded in Appendix 2.

The Hearing

11. I conducted a hearing at the District Council offices on 24 June 2010. The requester was represented by Mr. Prebble, who called evidence from the company and a number of expert witnesses. I also heard from submitters RD Hughes Ltd, Mr Murray Greig, the Selwyn Central Community Board and Mr Richard Nesbitt. Ms Jane Whyte, a planning consultant presented a planning report on behalf of the Council, incorporating reports from Mr Andrew Mazey, Asset Manager Transportation, Mr Hugh Blake-Manson, Asset manager Utilities and Ms Anne Greenup, Asset Manager for Reserves. I have read and considered the written submissions from those submitters who did not attend the hearing.

Statutory context

12. This case has to be decided so to achieve the purposes and principles of the Resource Management Act, and to carry out the Council's general functions and duties under sections 32-32 of the Act. In preparing district plan provisions the obligations for district plans set out in sections 75-77 of the Act. Most of these matters are well known so I do not repeat them here. However in this case, section 32 is particularly important. The relevant parts of this require that I make an evaluation, which is set out in subsection (3) as follows

(3) An evaluation must examine—

(a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and

(b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

13. As the plan is operative, and none of the objectives in the plan are challenged by the Plan change, those objectives in the district plan can generally be taken as achieving the purposes of the Act. Thus the evaluation I am required to make is whether the existing policies and rules including the existing zone achieve the objectives better than the amended policies and new rules in the proposed change. As discussed below, that was not a straight-forward exercise.

Consistency with Operative Canterbury Regional Policy Statement (the RPS)

14. Any plan change must give effect to the operative RPS (s75(3) of the RMA). I agree with Jane Whyte that nothing in the proposal contravenes the operative RPS, which tends to be somewhat general in cases like this.

Proposed Change 1 to the Regional Policy Statement (PC1)

15. I must have regard to Proposed Change 1 to the RPS (RMA s74(2)). I am to have regard to it, but am not obliged to apply it strictly. The most relevant aspects of PC1 to this plan change relate to how much growth is anticipated or allowed to take place at West Melton. PC1 provides for a further 570 households at West Melton (subject to what is said below), on land already zoned for the purpose, which includes the site of this plan change. PC1 is not operative. There is an appeal against PC1 which seeks (amongst other things) that residential land at West Melton be developed at a density of 10 households per hectare, which is far in excess of what is proposed here and would result in 500-600 households on this site alone, by my rough calculations after deducting the land set aside for reserves and stormwater management. There is also other zoned but undeveloped land at West Melton. As both density and the number of households to be provided at West Melton became major issues in this case, I have to regard PC1 with caution as it is somewhat unsettled. However I note that nobody seems to have appealed against the inclusion of the subject land within the West Melton growth area, according to the helpful summaries on the ECAN website.

Do PC1 household numbers include existing zoning?

16. On behalf of RD Hughes Ltd, Daniel Thorne, a qualified resource management planner argued that there was an upper limit set in PC1 for West Melton of 570 households and that included the existing zoned and built up area. The submitter's new Gainsborough

subdivision contains about 155 households to date and has the potential for 204 at full development according to Mr Thorne. Prior to Gainsborough there were 42 houses in West Melton, a total of 246 households. This would leave only more 324 households to be provided. If the requester is permitted to provide 292 of these, as proposed, this would leave only 32 lots for the remaining area that has been zoned, being the Wilsons South Block on the south side of the township which has a capacity under its zoning for about 96. The difference of 64 is almost exactly the same as the amount PC3 exceeds its present zoned capacity of 226. Therefore Mr Thorne's argument is that the requester should not be allowed to exceed the density already provided for in the District Plan, leaving the Wilsons South block to provide the balance.

17. I have reread Policy 6 of PC1 in the light of this. It is not absolutely clear how to interpret this aspect of it. Ms Whyte, in her section 42A report for the Council and Mr Prebble for the requester, perhaps wisely, advised me that I do not need to give effect to PC1 as it is not operative and still subject to appeals. That is true. However I do not consider Mr Thorne's approach to be right in any case. Table 2 of PC1, for each of the 3 districts, has the words "New Growth Areas" before the relevant numbers in each case. I take it from that, that the numbers are to refer to new growth rather than existing development, which means for West Melton 570 new households on land already zoned for the purpose. I am aware that this is an amendment inserted by the PC1 Hearings Commissioners, so it was not in the original version. However I believe that the Commissioners were intending to clarify PC1 rather than fundamentally change its meaning in this regard.
18. PC1 did not show any additional lands at West Melton over and above what was already zoned. I do not regard the original 42 houses as part of the growth potential for West Melton. PC1 is quite simply not backward looking in that way. Nothing in PC1 suggests it. The notations in PC1 for West Melton say that it is for new growth, and for the zoned land. When is growth to be regarded as "new"? PC1 itself is silent on this. I would have thought the only possible cut-off date available is the date of notification of PC1 in July 2007. The next problem is how to calculate the yield from Gainsborough, which was approved but not developed before the notification of PC1. It may not therefore be "new growth" at all. Alternatively, perhaps the sections already developed prior to this application, which number 155, are existing development and the 40 or so remaining are to be counted as new development? The problem is that if Gainsborough is regarded as all new development, there would be insufficient sections available for the remaining undeveloped land, whereas if Gainsborough is all old development, then there are too many.
19. From personal knowledge, I am aware that for the same situation in Christchurch City, zoned but undeveloped lands at Aidanfield and Burwood as at the date of notification were regarded as new growth for the purposes of Policy 6.
20. The Council's approach appears to be that Gainsborough is regarded as new development, but not the older 42 houses, on the basis that Gainsborough was approved prior to July 2007, but largely if not completely undeveloped at that time. This is a pragmatic approach because it provides for a reasonable allocation of housing of both the PC3 lands (292), Gainsborough (204) and Wilsons South (74), with perhaps a very small overrun of 22 if Wilsons South develops to its full capacity under its zoning of 96.
21. A further difficulty for Mr Thorne's argument is that it does not work at all for larger centres where existing development levels are much closer to the allocated growth. I

note the same wording applies to areas in the other two districts which were zoned but undeveloped at the time of PC1 being proposed. Kaiapoi for example is intended to increase by 3300 households, but it must have at least that many already. Does that mean that Kaiapoi is intended to grow not at all, or only minimally? I consider if such a surprising result was intended, it would have been stated much more explicitly. The argument really only works for small centres such as West Melton, where the allocated growth far exceeds the number of existing households. However PC1 does not make any such distinction between small and large towns.

22. I have therefore concluded that the 570 households for West Melton must include the two zoned but undeveloped areas on the planning maps as at July 2007 including Gainsborough but not the existing 42 households. Anything else is simply too difficult and artificial. This will result, if PC3 is approved, in there being slightly too few allocated sections for the Wilsons South Block to provide, with a possible overrun of about 22. I regard this as inconsequential. It would be a trivial inconsistency with PC1, of about 3% at West Melton, if it even eventuates. I could deduct 22 households from the maximum yield of PC3 to balance up the charts in this way, but I am not persuaded that it would be worth it or achieve any useful benefit. Therefore there should be sufficient capacity for both to develop and no reason to limit this application.
23. Mr Thorne also said that the capacity of the sewer limits West Melton to a total of 570 households. However the applicant led expert evidence from Mr Andrew Hall that there was sufficient capacity in the sewer. Mr Hugh Blake-Manson, the Asset Manager Utilities at the Council said in his report a wastewater system is available to meet the demands of the proposed development. I accept the advice of the Council in this regard.

How does the proposal differ from the operative plan zoning?

24. Essentially the proposal differs from the operative zoning in the number of allotments it allows for, 292 against 226, and the layout of those sections. The existing zoning has the higher density (800-1000m² lots) Living 1 land clustered up against the existing village with much larger 5000m² lots between there and the Rural boundary. The proposal has the low/medium density smaller lots (500-3000m²) in the middle, surrounded by larger low density 3000-5000 m² lots. The proposed plan change has a detailed ODP which the existing zoning lacks, but in the case of the deferred zones that would have to be provided before the deferral could be removed, so no comparisons can be made there.

Issues to be resolved

25. In my opinion, the issues to be resolved come down to three questions.
- a) **Which is the best form of zoning, the existing or the proposed?** Fundamentally, this comes down to the issue of overall density, and whether that density is measured by the smallest of the allotments which could result, or the overall average lot size. Density and the location of different densities on the site are the only real differences between the existing and the proposed zonings, given that the operative zoning is mostly deferred for reasons which include the need for an ODP. Many of the details of the development are to be resolved through the ODP, so that is common to both alternatives.
 - b) **As well as this, are there any individual factors which should lead to the application being declined?** This would amount to a finding that the proposed ODP

and related rules package are unsatisfactory. This would however still leave the site under a zoning which could lead to its eventual development.

- c) If the proposed zoning and ODP are found to be the preferred option, are there any aspects of the proposal which could usefully be modified to mitigate adverse effects?**

The First Question – Which zoning to prefer?

26. The amount and density of development to take place at West Melton was a fundamental issue at the hearing, and was discussed intensely by the requester and a number of the submitters. The operative RPS and PC1 provide little specific guidance on this, other than Policy 6 of PC1 which says that there are to be 570 new households at West Melton, but essentially leaves it to the District Council to determine how that is to be brought about in terms of density, layout etc.
27. I therefore made a close study of the existing objectives and policies of the operative district plan to see if any guidance could be found there. I am aware that the requester proposes changes to some of the relevant policies, but these changes themselves need to be considered against the objectives, so I worked with the existing versions for this purpose. Putting it another way, you cannot amend a policy and then use that amended policy to justify the whole change proposal. The amendments to the policies are minor. They can be a secondary consideration, if the proposed zoning is found to be preferred.
28. Section B4 of the District Plan is titled “Growth in Townships” so is obviously a highly relevant part of the plan for this plan change request. Ms Whyte stated in her report that policies B4 1.1 to B41.4 deal with general density issues. However B41.1 relates specifically to how the Living 1 zone, should be developed, and B41.2 and B41.4 do the same for the Living 2 and Living X zones. Although the property is currently zoned Living 1 and 2, the application is to take it out of these zones, so those policies are not helpful in determining what the zoning should be. The policies are only applicable if the zoning is Living 1 or 2, they do not tell us if it should be Living 1 or 2.
29. Of this group I thought only B4.1.3 seemed to be of any help. It relates to allowing low density living environments in and around the edge of townships, provided this would achieve a number of considerations. Nearly all of it seems directly relevant to, and achieved by this proposal. I could find nothing in that policy which counted against this proposal. In doing so I acknowledge that some people might see the ability to provide a small number of sections as small as 500m² as not low density at all, and so contrary to this policy. However I consider that a very small number of minimum-sized sections (and that is all it could be given the other rules), in and amongst a much larger number of much larger sections means that the overall development could still be legitimately described as low density. Of course, nothing in that policy counts against retaining the Living 1 and 2 zones either.
30. In order to decide what the zoning, and the density should be, regard needs to be had to more general objectives and policies. For example the 2 overall objectives are

Objective B4.1.1

A range of living environments is provided for in townships, while maintaining the overall 'spacious' character of Living zones.

Objective B4.1.2

New residential areas are pleasant places to live and add to the character and amenity values of townships.

31. Again these are reasonably general, and probably applicable to either the existing or the proposed zoning. As with Policy B4.1.3, I consider that a small number of 500m² sections would not necessarily detract from the overall spacious character, or their pleasantness, character and amenity values.
32. There are 4 policies specific to the growth and development of West Melton.

- a) Policy B4.3. 89 is about the primary focus for new development being on the north side of State Highway 73. This is equally applicable to the existing or proposed zonings.
- b) Policy B4.3.90 is about achieving a consolidated pattern of growth. By allowing a range of section sizes, including some smaller ones, the proposal probably achieves this a little better than the existing zones, which feature a tight cluster of Living 1 zones up against the existing village with much larger, 5000m² minimum allotments next to those in a rather sprawling urban form.
- c) Policy B43.91 is to avoid using two existing roads in the village as collector roads for this subdivision, and either form of zoning can achieve that.
- d) Policy B4.3.92 is worth quoting in full. It is to

Promote new residential areas in West Melton that maintain the lower residential density of the existing village, where practical.

33. Again, the issue is whether the small number of smaller allotments that would result takes the proposal outside this policy. I was informed that the average lot size in the new development would be 2000m² or greater, and that a large number of allotments would be substantially larger, at 3000 m² or more. The smaller allotments would be surrounded by larger ones, so would only be apparent to new residents or their visitors or others who chose to enter into the new areas. They would not be apparent to existing residents of the village. Neighbours may actually prefer the more spacious layout along their boundaries than the existing zoning allows for (one submitter said this), so in that regard the proposed zoning may achieve this policy better than the existing zoning which puts Living 1 along those boundaries.
34. The explanation to this policy talks of achieving a lower overall density than areas closer to Christchurch and I am satisfied that this would occur. I take that as a reference to Lincoln, Rolleston, Prebbleton and Tai Tapu. I was given no information about average densities in these townships to make an accurate comparison, so I rely on my general observation that these townships contain at least a significant proportion of conventional suburban development in the range of about 600-1000m². If that is not the case, I note that this consideration is in the Explanation rather than the policy itself, so may be a just

rather inaccurate explanation, which attempts to add to the policy rather than explain it. The policy itself only calls for a comparison with the existing village not a comparison with anywhere else.

35. Overall I am satisfied that this plan change proposal would continue to achieve this policy even although a small number of allotments could be smaller than in the alternative Living 1 existing zoning. Overall the village will continue to have a low density.
36. Policy B4.3.93 simply requires connection to the reticulated sewer system when it becomes available, and this is equally applicable to either alternative.
37. I therefore found not much guidance in these West Melton-specific policies to assist me in a decision as to which form of zoning best achieves the purposes of the district plan, other than a slight leaning in the direction of the proposal from Policy B4.3.90.
38. Next I turned to the section of the plan titled “Anticipated Environmental Results for Residential Density”. These are
- *A range of living environments is provided for in townships.*
 - *The spacious character of townships in Selwyn District is maintained.*
 - *Residential density in Living 1 Zones is more spacious than in residential areas in Christchurch, but there are some sections with flats, townhouses or large houses on small sites.*
 - *Living 2 Zones are low density residential areas.*
 - *Section sizes in some Living 2 Zones may decrease.*
 - *Higher density living areas may develop in the Business 1 Zones of larger towns such as Lincoln and Rolleston.*
 - *Comprehensive residential development achieving high quality urban design that will not adversely impact on surrounding living environments of low density character and amenity.*
 - *Low density living environments are only created in appropriate locations in and around townships to achieve a compact township shape and maintain the surrounding rural character of the locality.*
39. Yet again I found that these provisions could apply almost equally to either the existing zoning or the Proposed Living WM zoning. The only thing that seems to point in one direction is that it is expected that section sizes in some Living 2 zones may decrease, although not to the point where they could no longer be called low density. This is exactly what this proposal would bring about.

Overall conclusion on the first question – which zoning to prefer

40. I came to the conclusion that there was very little in the district plan which definitively leads to a choice of one or the other forms of zoning. There were a few minor leanings in the direction of the proposal. This conclusion is not surprising, because if one stands back and looks at it as a whole, really the differences between the two are not great. This may be one of those rare cases where it is necessary to turn to the overall purpose of the Resource Management Act. Ordinarily this would be assumed to be achieved by the operative district plan, but where that plan offers so little assistance, then the Act itself

comes into play. At the risk of over-simplification the relevant purpose of the Act, as set out in section 5, as it applies to this Plan Change, is to enable people and communities to provide for their social and economic well-being provided that they can do this without creating unsatisfactory adverse effects, compromising the needs of future generations or adversely affecting life-supporting capacity of air water soil and ecosystems. Of these provisos, adverse effects are probably the most relevant to this case. There do not seem to be issues with life-supporting capacity or future generations.

41. Therefore, unless specific and unacceptable adverse effects would occur, it is within the purpose of the RMA for this developer to seek to improve its economic well-being in the manner proposed. New Zealand is a capitalist society and the profit motive is legitimate. Therefore, provided there are no adverse effects that cannot be dealt with under the second question, my finding on the first question is that in general terms the proposed zoning better meets the purposes of the Act and the objectives and policies of the district plan than the existing zoning of the site.

The second Question – Would there be any unacceptable adverse effects?

Roading Issues

42. There are a number of issues relating to State Highway 73. These include

- (a) **The location and effects of the proposed intersection.** The submissions by the Nesbitts and the Bakers, who reside on the other side of SH73 near the proposed intersection were concerned with the flexibility that the requester has reserved on the ODP to determine exactly where the intersection should be located. They want this determined now to ascertain what the effects on them would be. In particular they were concerned that their homes, which are slightly west of the likely location of the access road onto State Highway 73, would be swept by headlight glare from vehicles turning right onto the State Highway. Mr Penney for the requester pointed out that this would not be a common movement, especially at night. On my site visit I noted that the houses are set back approximately 100 metres from the road and are partly, although not totally screened by trees. I consider that some light would be apparent, not particularly strong because of the distance and screening and the fact that headlights would usually be dipped when exiting from a residential subdivision. I do not consider this anything that could not be dealt with very simply by heavier curtain linings or similar. Several other submitters were concerned about the proximity of the Community Hall, Reserve and Preschool on the other side of SH73 and the potential for conflicting movements. Mr Penney, a very experienced traffic engineer gave evidence for the requester that a safe and effective intersections design could be achieved and nobody with similar expertise contradicted this. I am confident that this would be carefully controlled by the Council and NZTA at the time of subdivision, using their statutory powers and do not consider I should interfere now. In fact it would be inappropriate for me to try to pin down the location, when NZTA could come to a different conclusion using its Limited Access Road powers. All I could do would be to say there should be no access to State Highway 73 at all. The requester would not be unhappy with that and proposed an alternative ODP which deleted this intersection altogether, I think this would be an undesirable and unnecessary result. It would place additional traffic onto Haketts Rd and Weedons Ross Rd, lengthen the journey to the community facilities on the south side of State Highway 73 and discourage people from walking or cycling there. Submitters on Haketts Rd in

particular wanted to see this intersection installed. If the plan change is approved I think there should be a requirement that the alternative ODP only apply if the developer is unable to gain the consent of the NZTA for the intersection.

- (b) **Pedestrian and cycle access across SH73.** There are a number of community facilities on the other side of SH73, as well as a tavern, and so it can be expected that pedestrians and cyclists out of the site would have occasion to cross the road at this point. SH73 is a moderately busy road with a speed limit of 80 kph at present. Mr Mazey for the Council strongly argued for an underpass to be provided, similar to one to be provided by the Gainsborough developers a little to the east. The requester was opposed to this. Mr Penney considered it unnecessary. He was adamant that a safe surface crossing could be provided considering the moderate levels of traffic on SH1, and the fact that people already cross the Highway regularly in West Melton without any record of accidents. He also considered people are usually reluctant to use underpasses because of amenity and security issues, and will often go to great lengths to avoid using them. I accept the evidence of Mr Penney in this regard and for myself do not consider it necessary to provide an underpass at this location. However Ms Whyte considered the whole matter of safety could be revisited at the time of subdivision, using the plan provisions. This is correct. Under Rule 12.1.4.1 safety of access onto State Highways is one of the matters for which the Council has restricted its discretion. This is therefore a matter which can be revisited at subdivision time once design matters have been assessed more thoroughly. It does not need to be decided now.
- (c) **Direct frontage to State Highway 73.** NZTA requested that no individual allotment have direct access to SH73. Unlike the Halketts and Weedons Ross Roads, nobody seemed to be advocating for properties to have direct frontage to SH73 for urban design reasons.
- (d) **Access to other land.** There is a narrow strip of land east of the application site with frontage to SH73. NZTA would prefer this block did not have separate access to SH73 and request that access be provided through the subject block. The applicant was content to do this and submitted an amendment to the ODP.

Adverse effects on surrounding rural environment

- 43. Three submissions, Edmund Le Grelle, C.L. and D.J. Kerr and R.D. Hughes Ltd oppose the plan change request because of adverse effects on surrounding rural activities. They cite such matters as noise, traffic and lighting, and also the reverse sensitivity effects that could be created if rural residents are unable to carry out traditional activities such as burning of tree trimmings and stock droving. The difficulty with these submissions is that the land is already zoned for residential development and I doubt if the difference between what is proposed and what could take place under the zoning is great enough to make these effects noticeably worse, if they occur at all. In any case I consider the rural environment along the north side of Halketts Rd will retain a very good level of amenity.

Character and amenity

- 44. A number of the submissions say the effects of the higher density proposed would adversely affect the character and amenity of West Melton. Issues included, is it appropriate to have allotments as small as 500m², and should there be a “minimum

average allotment size"? I discussed above that in my view a small number of small allotments is unlikely to affect the overall amenity of the village and it would be desirable to provide a range, as different people have different needs. In any case 500m² is not truly a higher density. It allows for substantial homes with private lawns and gardens. Ms Whyte demonstrated in her planning report for the Council that it would not be possible to achieve a large number of small sections and compensate for this with a small number of large ones. The smaller lots are to be in the Medium Density area, where lots cannot be smaller than 500m² or larger than 3000m². In the Low Density area lots must be between 3000 and 5000m². The upper limit means that it would not be possible to compensate for a large number of small allotments with a small number of much larger allotments. The way the rules are drafted means that there has to be a balance of smaller and larger allotments. The requirement to achieve 290 allotments reinforces this.

45. It was suggested that I could impose an additional overall average lot size that must be achieved, as is done with other zones at West Melton. I considered this but I do not think it necessary because the rules as they are will achieve a satisfactory balance Ms Whyte suggested a possible average lot size could be 1000m² as in the Living 1 zone, but clearly this would not work. That would result in only 29 ha of residential development, when the site is 85 ha. A more realistic figure would be about 2000m², but that is not exact and could lead to later complexities, and a set of rules that may work against each other. Having both a precise number of allotments and an average lot size would require a very precise calculation of that average, which is impossible without knowing the exact size of the reserves and utility areas.
46. I noted above that the only relevant policy requirement is in Policy B4.3.92, to maintain the lower density of the existing Village. That is Living 1 for the older areas and Living 1B for Gainsford, with average lot sizes of 1000 and 2800m² respectively. What is being proposed here is a density very similar to those two zones, with some smaller and some larger allotments but most likely to be within the range of those 2 zones and an average that is close to the average of the two zones. The urban design concept provided through the Outline Development Plan will provide a high standard of amenity for the new residents, and although there was a lot of talk about the adverse effects of density on the existing village, nobody provided any real evidence about how or why that would occur. Nor can I visualise how it would occur. Obviously West Melton is going to get much bigger than it is now over time but that is anticipated by the district plan already and is not a result of this proposal. The important matter is to manage that growth well.
47. Mr Thorne was critical of low density adjacent to existing development on the eastern boundary, saying it does not provide for a consolidated urban form and detracts from the establishment of a village centre. I could require a rearrangement of the density areas or retain the existing Living 1 zoning in this part of the site, which would have the same effect. The draft subdivision plan I was shown indicates ten 3000m² lots along this boundary. If this was changed to medium density in this location then this could have become 20-30 allotments. Given that they would not have any different road access to the village centre I do not see that it would make much difference to the development of a village centre. Only the immediate neighbours would be aware of the increased density there, and might not be grateful for it. For this to be an effective change, road access would have to be opened up to Laird Place, something for which it is not suitable and which the application has deliberately set out to avoid, because Policy B4.3.91 precludes

it. I was not persuaded that making this change would achieve any benefits greater than the adverse effects that would follow for the residents of Laird Place and Westfield Crescent.

Archaeological Assessment

48. The New Zealand Historic Places Trust asked that processing of the application be deferred pending the carrying out of an archaeological assessment by a qualified person. The Trust says out that there are a large number of recorded archaeological sites in close proximity to this site and there is a possibility that unrecorded archaeological sites may be discovered on the land. The requester also proposed there be a rule requiring an Accidental Discovery Protocol (ADP) process and otherwise to let the provisions of the Historic Places Act take their course. It is an offense under that Act to destroy an archaeological site without the consent of the Trust. The problem with the ADP approach is that sites may be damaged or destroyed accidentally before they are noticed. Ms Whyte suggested that a survey could be undertaken at the time of subdivision but I was not convinced that this could be anything other than voluntary on the part of the applicant. There are heritage provisions in the district plan but they only apply to sites that are already listed in the plan. Subdivision would be a restricted discretionary activity, and archaeology is not one of the matters the Council has reserved discretion over.
49. This is potentially a significant issue. The Council could have requested further information about it prior to notification of the plan change but did not do so. Either the requester, in the preparation of this plan change request, or the Council when it originally zoned this land could have undertaken this research. I am reluctant to adjourn the hearing at this stage and call for a further assessment. There is nothing in the Resource Management Act which would enable the Historic Places Trust to reconsider and perhaps re-enter the process following a survey, in the way it suggests. If the plan change is allowed, a combination of the applicant's and Ms Whyte's suggestions could be followed. The Accidental Discovery Protocol rule suggested by the applicant could be adopted. A further rule could be inserted that requires the preparation of an archaeological assessment as part of any future subdivision application. If this reveals the presence of any archaeological material, then the subdivider, the Council and the Trust will know of the need to gain the consent of the Trust before proceeding with subdivision works. The iwi authorities should also be consulted in this process.

Conclusion on the Second Question – Are there any unacceptable individual adverse effects?

50. There were no other significant adverse effects raised. The result is that my conclusion on the second question is that there are no individual adverse effects sufficiently serious to upset my finding on the first question, that the proposed zoning is in general preferable to the existing zoning in the district plan.

The Third Question - Issues suggesting modifications to the provisions.

51. A number of issues with the proposed provisions arose that could be dealt with through modifications. Some have already been dealt with, such as the entrance onto SH73, the access to the adjoining land, pedestrian access across SH73, archaeology and the various issues about numbers of allotments and density. I turn now to the remaining issues that were drawn to my attention or which became apparent to me.

Direct Access to Weedons Ross Rd and Haketts Rd

52. Should direct property to these roads be required? This was a matter suggested by Mr Mazey for the Council, but no other party. A number of submitters were very opposed to direct access to Haketts Rd. Mr Mazey was concerned with the possibility of subdivisions “turning their backs” on existing urban areas and streets, and perhaps erecting high fences to reinforce that separation. It is a reasonable point. Examples abound in and around Christchurch of that occurring. It is not an attractive look from the street and is not particularly safe during hours of darkness. The requester was opposed to the suggestion, pointing out that there were practical problems with it. There is to a wide stormwater swale along the Weedons Ross frontage, backed by a strip of reserve land. There would be practical problems ensuring suitable vehicle crossings from individual properties to the street, without segmenting the reserve, affecting the workings of the swale and being visually intrusive. On Haketts Rd, it was considered that too many individual accesses would impede the free flow of traffic and might discourage the residents from walking or cycling around the neighbourhood if their access was to the high speed Haketts Rd rather than to an internal road. The requester proposed instead a requirement on the Outline Development Plan that fencing along these frontages be of an open rural style. There are two sides to this argument. On balance I consider the requester’s proposal to be acceptable and would provide a satisfactory standard of both access and amenity.

53. This would be consistent with Policy B4.1.12 of the district plan, which is

Discourage high and continuous fences or screening of sites in Living zones that have frontage but no access on to Strategic Roads or Arterial Roads.

Other Haketts Rd Issues

- a) **Adequacy of Haketts Rd width.** Some submitters considered that Haketts Rd would have insufficient width for the traffic which will result. Although there would be a significant increase, neither Mr Penney nor Mr Mazey considered any upgrade to be required and no other expert evidence was provided to the contrary.
- b) **Should there be a single point of access onto Haketts Rd?** Some of the submitters considered that there should be no more than one access onto Haketts Rd, to preserve the safety and efficiency of the traffic flow. Neither Mr Penney nor Mr Mazey supported this. I was not convinced that there was any reason to make this change. The second access provides for a more flexible and attractive subdivision layout. Provided the intersections are safely designed, I do not see why existing Haketts Rd users should not have to exercise a little caution as they pass by West Melton, or even slow down a little. At most it would take a few seconds off a trip to Christchurch.

On-Street Cycling Facilities

54. Mr Mazey for the Council suggested that the on-street cycleway proposed on the ODP be extended through to Haketts Rd. The applicant agreed to this and included it on a revised ODP. I consider this suggestion appropriate.

Water supply

55. A number of submitters were concerned that the new water supply wells would adversely affect their own wells. There was no evidence led about why this would be so, but in any case this is not a matter I can do anything about. The water take is the responsibility of the Canterbury Regional Council, which has already granted it.

Connections to reticulation

56. Some rural submitters feared that they would be required to connect their properties to the new sewer and water reticulation, and asked that this be at the expense of the developer or the Council. I do not see why it should be the developers' responsibility, as it is not something that it would be causing. The Council has some powers under the Local Government Act to require connections to infrastructure once it is installed but I have no idea if it intends to do so and I have no authority under the Resource Management Act to intervene.

Street Lighting and the West Melton Observatory

57. A number of the submissions including the applicant drew attention to the importance of controlling light spill so that there would not be an adverse effect upon the West Melton Astronomical Observatory. Apparently this is a matter which can be dealt with satisfactorily through correct design of the lighting systems. The applicant proposed a new assessment matter be included in the Subdivision Rules to ensure this is implemented at the time of subdivision approval. I agree that this is an appropriate way to resolve that issue.

Should the Outline Development Plan be final and not subject to any change?

58. Some submitters considered that the ODP should be final at the time of the plan change. On the other hand the plan change requester wishes to see some flexibility retained for some aspects, being the exact location of the SH73 intersection and the location of the local internal roads in the subdivision other the main roads shown on the ODP. The key features of the development are largely fixed on the ODP and the rules require compliance with it. It would be unnecessarily harsh to expect a non-complying activity consent to be obtained at that stage for matters of detail. I am confident that the Council and the NZTA in the case of the SH73 connection have the ability to ensure these details are satisfactorily implemented.

Land for West Melton School.

59. One submitter considered that the developer should be required to make land available for the extension of West Melton School. It is possible that the school may need enlarging as a result of this development but that is a matter for the Ministry of Education to address, including the purchase of land if that is what it wishes to do. However that may not be realistic, as the school does not adjoin the plan change site. I did not hear from the Ministry, and do not need to intervene on its behalf at this stage.

Proposed Policy Amendments

60. The application proposes to change B4.1.4 (which enables choice of density in the Living X zones provided that is no greater than the density of Living 1 zones) to extend this choice to the proposed Living WM zone. This is clearly self-serving, as it would justify the

slightly higher overall density proposed compared to the existing zone, but there is nothing in the policy which tells us what the density should be in this part of West Melton. Nor is it an accurate description of what the new zone actually does. The policy amendment would allow for a fairly open choice for the developer. Density could not be greater than the Living 1 zone but it could be as low as the developer chose under this policy. However the proposed rules do not provide that amount of flexibility. In fact they prescribe density quite tightly, including where the areas of low and medium density are to be and the total number of allotments.

61. I have already concluded that the proposed change complied with the relevant objectives and policies without this change. In particular I concluded that it complies with Policies B4.1.3 and B4.3.92. Therefore I do not consider this amendment required and it could be counter-productive, if for example at a later date an owner sought to change the density yet again.

Certainty within the rules package

62. Some of the proposed rules provide that future development under the new zoning should be generally in accord with the Outline Development Plan, or default to non-complying. Some but not all of the instances of the word “generally” or “general” were deleted in the amended version of the rules attached to the planning evidence for the requester. I was not satisfied that where this word is used in this way, it is certain enough and it could lead to later disputes between Council and applicants as to whether or not a non-complying activity consent was required. Apparently the wording is consistent with other provisions in the district plan. Mr Prebble and Ms Whyte considered that this wording is workable and less of a problem when all subdivisions are in any case at least a restricted discretionary activity in this plan. However I am concerned about it. Given the potential serious consequences of a non-complying activity I can foresee future arguments about this. Rules should be capable of precise interpretation, not left for a future judgement call about whether or not to apply them. It should be clear from the rule whether or not it applies. Judgements should be confined to the situation where the rule itself provides discretion. In the end Mr Prebble conceded in his final reply that the word ‘generally’ is not required and could be deleted. The Council itself may wish to consider whether to move away from this wording in some future plan change for the rest of the plan.

Discretionary or Non-Complying Activities

63. In the right of reply Mr Prebble introduced a discussion of whether or not an activity should default to non-complying or discretionary in the event of non-compliance with the ODP. He discussed a recent High Court case *Matukituki Trust v Queenstown Lakes District Council*¹. This apparently stated that non-complying activities are by their nature not provided for in the rules, and that they have a more restricted consideration. Therefore Mr Prebble suggested that the assessment criteria would not apply, so it would be better if activities defaulted to discretionary.
64. I was surprised by this. Firstly I do not recall this issue arising to any extent, except perhaps in passing. It was not mentioned in any of the submissions. Nor was it part of the requester’s original case, which simply followed the existing format of the district

¹ CIV-2006-412-733

plan. Secondly, and more importantly, many district plans do provide specifically for non-complying activities in their rules, including the Selwyn District Plan. Without reading the actual *Matukituki* decision, I do not know if it was discussing just the Queenstown-Lakes District Plan, or all plans. In any case the point may have been overtaken by the Resource Management (Simplifying and Streamlining) Amendment Act 2009. Section 77A as amended by that Act specifically provides that rules may provide for non-complying activities, and section 104(1)(b) provides that when considering a resource consent the consent authority must have regard to any relevant provisions of the district plan. There are particular provisions for the consideration of non-complying activities in section 104D but I take these to be additional considerations, not in replacement of the basic section 104 considerations.

65. Therefore I think it would be unwise to take this any further.

Miscellaneous matters

Consistency with Plan Change 7 to the District Plan (

66. Ms Whyte drew my attention to proposed Change 7 to the Selwyn District Plan. This plan change alters the district plan in ways that would implement PC1, particularly in respect of major greenfields growth areas. These are mostly at Lincoln and Rolleston. Although PC1 anticipates growth at West Melton, it does not define this as a Greenfields Growth Area with the resulting requirements for comprehensive development, Outline Development Plans etc. Therefore Change 7 seems to have little in it that is specifically relevant to this application. PC 1 does not require the ODP approach at West Melton. However the District Plan in some ways already takes a similar approach and does have an expectation that there will be an Outline Development Plan process followed at West Melton, and the requester has complied with that. I did note some numbering changes to the rules brought about Plan Change 7, but the rules concerned are still identifiable. The Council can sort out the numbering at the end of both processes.

Private plan change

67. Some submitters found significance in this being a privately requested plan change and seemed to think this provided additional grounds for it to be declined. The Resource Management Act does not work that way. It allows for such applications to be made and sets up a process for them to be determined. It certainly does not set up a priority between Council-led or privately-requested plan changes.

Complete Gainsborough first.

68. Some submitters suggested that the Gainsborough subdivision should be completed before this one commences. In fact, because of their relative timing, Gainsborough probably will be largely complete before any sections come on the market from this site. Typically it can take several years from time of zoning before sections can be ready to sell. However I do not see any resource management reason why there should be such a requirement. It would not address any adverse effect that I can foresee. In a competitive sense, it would give the Gainsborough developers a monopoly and enable them to control the time when the plan change site can be developed, which would not be desirable.

Trade competition

69. In his right of reply for the requester Mr Prebble submitted that the submission by RD Hughes Ltd was motivated by trade competition, and therefore should be disregarded, citing clause 6(3) of the 1st Schedule to the RMA. He said that the submitter had produced no evidence of being directly affected by any adverse environmental effects. The submitter clearly is a trade competitor, as the developer of the major Gainsborough residential subdivision directly opposite in Weedons Ross Rd. In his written evidence for the submitter, Daniel Thorne, a qualified planner, commented only very briefly on adverse effects, so Mr Prebble is right to that extent. However, on checking the written submission I note that it suggests adverse effects on character and amenity from the smaller lot sizes, increased noise and lighting and increased traffic levels. I questioned Mr Thorne quite closely about this and he gave his opinion that there would be the adverse effects on character and amenity described in the submission. He referred to the greater number of allotments, smaller lot sizes and increased traffic generation. He said the proposal would not achieve the low density environment anticipated by the plan, and that there would be additional traffic movements, increased noise and lighting. He did not enlarge on why or to what extent those adverse effects would occur but was adamant that they would. These are all potential adverse environmental effects not related to trade competition. Therefore I concluded that the submission is valid, does not fall foul of the trade competition ban and these effects needed to be considered, which I have done.

Servicing

70. Although there was a submission from RD Hughes that local infrastructure was inadequate for the proposal, no expert evidence was led, though the planner, Mr Thorne mentioned it. The evidence from the requester and the Council demonstrated there would be no concerns with sewer, water supply or stormwater disposal. In the absence of any expert evidence from the submitter I accept the evidence from the requester and the Council.

Section 32 evaluation

71. Earlier I referred to section 32 and said that the evaluation I am required to make is whether the existing policies and rules including the existing zones achieve the objectives of the district plan better than the amended policies and new rules in the proposed change. The first question I posed for myself reflects this approach. I found it quite difficult to find a clear direction from the objectives either way, and turned to the policies and anticipated environmental results as well, which showed in my opinion a slight preference for the proposed change, but it was not great. See paragraphs 26-42. In fact I thought the differences between the two are less than some submitters have suggested them to be. I therefore turned to the purpose of the Act itself and found that the proposed change is entirely consistent with that. There are a number of changes to the proposed provisions which I consider desirable and which are set out in Appendix 1 to this decision.

The Decision

My decision is that;

- (a) Pursuant to Clauses 10 and 29(4) of the first Schedule to the Resource Management Act 1991, Proposed Change 3 to the Selwyn District Plan is approved, subject to the modifications set out in Appendix 1.
- (b) The submissions and further submissions are accepted and rejected accordingly, as set out in Appendix 3 to this decision. The numbers in the final column of Appendix 3 refer to the numbered paragraphs below.

Reasons for the decision

The reasons for the decision are as set out in the preceding discussion, but are summarised below.

1. The proposed Plan Change, subject to some amendments, better meets the purposes of the Resource Management Act and the objectives and policies of the District Plan than the existing provisions. In addition, the Change is consistent with the Residential Density Objectives and Policies, and the Urban Growth Policies for West Melton.
2. The proposed Plan Change gives effect to the operative Regional Policy Statement and is consistent with Proposed Change 1 to the Regional Policy Statement.
3. The proposed Plan Change would maintain and enhance the medium/low density character and amenity of West Melton, especially given that the land is already zoned for Residential development in a manner not greatly different from the Proposed Change. The presence of a small number of relatively small allotments would not compromise the overall spacious, medium-low density nature of the development that would result under the plan change and would not have adverse effects on the character and amenity of the existing village. The Outline Development Plan preserves the amenity and outlook of adjoining residential and rural properties.
4. The 66 additional allotments possible under the Proposed Plan Change compared to the existing zoning would not adversely affect the character and amenity of West Melton.
5. It would be possible to provide a safe and efficient intersection with State Highway 73 without creating unacceptable adverse effects. The exact location and design of the intersection should be left to be resolved by the Council and the New Zealand Transport Agency when the land is developed. Speed limits are a matter to be resolved by the Council by a different process. Traffic levels on the internal road network are not likely to be high enough to cause a noise problem. If a "boy racer" problem develops then it can be dealt with by other means. Access to the adjoining Living 2 deferred zone in this vicinity would be appropriate to avoid the need for further vehicle accesses onto SH73.

6. Grade-separated pedestrian and cycle access across State Highway 73 would be difficult to achieve, may not be used and is not necessary. A safe at grade crossing can be designed.
7. There is a need for a more careful archaeological assessment but this can be ensured by a rule requiring an assessment prior to subdivision consent, with back up protection provided by an Accidental Discovery Rule.
8. Halketts Rd and Weedons Ross Rd have adequate width to cater for the traffic levels which will result after this development. The accesses from the subject land to these roads are limited to two, which can be designed and constructed to operate safely. Individual property access to these roads is not necessary provided high impervious fencing is avoided.
9. There is sufficient sewerage capacity in West Melton for the proposed development and water supply and stormwater management can be carried out on site. There is no jurisdiction in a Plan Change process to make decisions about any connection of neighbouring properties to this reticulation, or about any effects on neighbour's water supplies.
10. It is not necessary to amend policy B4.1.1 in the manner proposed as the proposed change already complies with other objectives and policies of the plan. Parts of the proposed amendment to the explanations and reasons (the reference to the previous zonings) would be redundant as soon as it becomes operative.
11. It is not relevant that this is a privately-initiated plan change as opposed to a Council-led proposal and the Resource Management Act gives no preference to either. The Plan Change request must be dealt with objectively in the manner provided for in the Act.
12. It is not necessary or even desirable to require that the Gainsborough subdivision be completed prior to the development of the subject land. This would not achieve any resource management purpose.
13. The West Melton Observatory can be protected from the effects of light spill by consideration of the design of street lighting
14. If West Melton School requires to be upgraded then this will be the responsibility of the Ministry of Education not the developers.
15. The land is already zoned for residential development. The Proposed Change will not affect amenities of nearby rural residents any more than the existing zoning would.
16. The Proposed Outline Development Plan, as modified by this decision will control all the key environmental issues identified by the parties while allowing enough flexibility to enable detailed designs to be carried out and considered at subdivision stage without cumbersome processes.

D.L. Mountfort

Accredited Hearings Commissioner

20 August 2010

APPENDIX 1

Amendments to Proposed Change 3 arising out of Commissioner's Decision

1. **Delete** Amendments 1.1-1.21 set out in the publicly notified version of Plan Change 3.
2. **Substitute** Amendments 1.1- 1.21 from Appendix 1 to the evidence of Mr Bob Batty tabled at the Hearing, with the following further amendments.
 - a) Delete Amendment 1.3 to Policy B4.1.4.
 - b) Delete Amendment 1.4.
 - c) In Amendment 1.9, new rule 4.6.2A, delete the word “generally”.
 - d) In Amendment 1.17, add a further clause to Rule 12.1.3.40 as follows;

“(d) An archaeological assessment has been undertaken by a suitably qualified expert and the results reported to the Council, the Regional Archaeologist at the New Zealand Historic Places Trust, and the iwi organisations Te Ngai Tuahuriri and Te Taumutu Runanga. In carrying out the assessment, the expert is to consult with the iwi organisations.”
 - e) In Amendment 1.19, in the new Assessment matter 12.1.4.5A, in the second line, change “within” to “with”.
 - f) In Amendment 1.20, in the New Appendix 20 A, on the first version of the Outline Development Plan and the first version of the Movement Network (Layer Plan), amend the last notes as follows;

“The SH73 intersection location is indicative only and subject to detailed design and the approval of the New Zealand Transport Agency.”
 - g) In Amendment 1.20, in the New Appendix 20 A, include the Green Blue Network (Layer Plan) from the publicly notified version of Plan Change 1.
 - h) In Amendment 1.20, in the New Appendix 20 A, on the second version of the Outline Development Plan and the second version of the Movement Network (Layer Plan), add an additional Note as follows;

“This plan is an alternative to the preceding Outline Development Plan and Movement Network Layer Plan and shall apply only if the New Zealand Transport Agency refuses its consent to the construction of an intersection with State Highway 73. In all other circumstances the preceding versions shall apply.”

Note 1 The rule numbering used in this Appendix follows that in the amended plan change attached to the evidence of Mr Bob Batty given at the hearing, which is the same as in the operative District Plan (On-line Version) but differs in some cases from the publicly notified version of the plan change, and is different again from the rule numbering arising out of Proposed Change 7 to the District Plan. The Council will settle the actual numbering at the conclusion of these processes.

Note 2 The amended plan change attached to the evidence of Mr Bob Batty omits Amendment 1.21 included in the publicly notified version. That Amendment is wrongly titled as “...Reasons for Rules” but the text which follows refers to an actual rule not to any reasons. The numbering of this rule also differs, being 12.1.34 in the publicly notified version of the plan change, but 12.1.37 in the On-line version of the operative District Plan. The rule which it refers to is also

the subject of amendment 1.15 which is to the same effect but not in the same form. Mr Batty's version omits this amendment. There is nothing in the actual Reasons for the Subdivision Rules which necessitates amendment arising from this Plan Change, as the reasons there are quite general. The original Amendment 1.21 appears to be an error. Therefore this decision also omits the original Amendment 1.21 included in the publicly notified version.

APPENDIX 2

Amendments to Proposed Outline Development Plan arising out of Commissioner's Decision

APPENDIX 3 DECISIONS ON SUBMISSIONS

Further submissions are in Italics

Submitter	Sub no	Dec. No	Request	Summary of Decisions Sought	Group	Decision	Reasons (see decision)
Darci Lynn Westergard	S1	D1	Oppose	Deny the Plan Change request. Have the current Preston Downs subdivision wait until Gainsborough subdivision is completed and completely sold.	1	Reject	1 & 12
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		<i>1</i>	<i>Reject</i>	<i>1 & 12</i>
Andrew James Trist	S2	D1	Oppose	Deny the Plan Change request. Have the current Preston Downs subdivision wait until Gainsborough subdivision is completed and completely sold.	1	Reject	1 & 12
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		<i>1</i>	<i>Reject</i>	<i>1 & 12</i>
Greg Blair	S3	D1	Support in Part	Support subject to following amendments	2	Accept in part	1-3
		D2	Amend	Support connection to State Highway 73	3A	Accept	5

Submitter	Sub no	Dec. No	Request	Summary of Decisions Sought	Group	Decision	Reasons (see decision)
				as long as it does not interfere with community hall access			
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		3A	<i>Accept</i>	5
<i>Selwyn Central Community Board</i>			<i>Support the submission</i>	<i>Support</i>	3A	<i>Accept</i>	5
Greg Blair	S3	D3	Amend	Provide safe crossing of SH73	3A	Accept in Part	5
<i>Adam and Caroline Henderson</i>			<i>Support</i>		3A	Accept in Part	5
Greg Blair	S3	D4	Amend	Design slows traffic through West Melton	3A	Reject	5
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		3A	<i>Reject</i>	5
Greg Blair	S3	D5	Amend	Support mixed density but keep large allotments to external sides of the development so as not to change the outlook of existing properties in	4A	Accept	3

Submitter	Sub no	Dec. No	Request	Summary of Decisions Sought	Group	Decision	Reasons (see decision)
				Westfield Crescent.			
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		4A	<i>Accept</i>	3
<i>Selwyn Central Community Board</i>			<i>Support the submission</i>		4A	<i>Accept</i>	3
Greg Blair	S3	D6	Amend	Keep smaller lots to the centre of the development	4A	Accept	3
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		4A	<i>Accept</i>	3
<i>Selwyn Central Community Board</i>			<i>Support the submission</i>		4A	<i>Accept</i>	3
Greg Blair	S3	D7	Amend	Use non standard lighting to minimize light pollution affecting the West Melton observatory.	4B	Accept	13
<i>Adam and Caroline</i>			<i>Support the submission</i>		4B	<i>Accept</i>	13

Submitter	Sub no	Dec. No	Request	Summary of Decisions Sought	Group	Decision	Reasons (see decision)
<i>Henderson</i>							
<i>Selwyn Central Community Board</i>			<i>Support the submission</i>		<i>4B</i>	<i>Accept</i>	<i>13</i>
Greg Blair	S3	D8	Amend	Provide no more than 2 intersections to Halketts Rd and no individual property access there	3B	Accept	8
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		<i>3B</i>	<i>Accept</i>	<i>8</i>
<i>Selwyn Central Community Board</i>			<i>Support the submission</i>		<i>3B</i>	<i>Accept</i>	<i>8</i>
New Zealand Historic Places Trust	S4	D1	Oppose	Adjourn while an archaeological report is obtained	7	Accept in Part	7
Adam and Caroline Henderson	S5	D1	Oppose	If the Council considers it necessary that neighbouring properties connect to sewer and water reticulation then the developers or Council should fund this requirement.	5A	Reject	9

Submitter	Sub no	Dec. No	Request	Summary of Decisions Sought	Group	Decision	Reasons (see decision)
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		5A	<i>Reject</i>	9
Adam and Caroline Henderson	S5	D2		Change minimum lot size to 800m2	4A	Reject	3
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		4A	<i>Reject</i>	3
Adam and Caroline Henderson	S5	D3	Oppose	Limit the number of 500 and 3000m2 allotments in the Medium Density Area allotments in the zone	4A	Reject	3
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		4A	<i>Reject</i>	3
Adam and Caroline Henderson	S5	D4	Oppose	Developers or Council must fund any upgrading of neighbour's water supplies due this subdivision.	5A	Reject	9
<i>Adam and Caroline</i>			<i>Support the submission</i>		5A	<i>Reject</i>	9

Submitter	Sub no	Dec. No	Request	Summary of Decisions Sought	Group	Decision	Reasons (see decision)
<i>Henderson</i>							
Adam and Caroline Henderson	S5	D5	Oppose	Developers to provide a land package to West Melton School and provide a tunnel under SH73	6B/3A	Reject	14/5
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		<i>6B/3A</i>	<i>Reject</i>	<i>14/5</i>
Adam and Caroline Henderson	S5	D6		Halkett Rd to be widened to 7m and entries to the subdivision need to provide ample room and visibility for safety.	3B	Reject	8
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		<i>3B</i>	<i>Reject</i>	<i>8</i>
Andrew and Diane Henderson	S6	D1	Support	Support connection to SH73	3A	Accept	5
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		<i>3A</i>	<i>Accept</i>	<i>5</i>

Submitter	Sub no	Dec. No	Request	Summary of Decisions Sought	Group	Decision	Reasons (see decision)
<i>Selwyn Central Community Board</i>			<i>Support the submission</i>		3A	<i>Accept</i>	5
Andrew and Diane Henderson	S6	D2	<i>Oppose</i>	Subdivision will provide a boy racer track	4C	Reject	5
		D3	<i>Oppose</i>	Village would be sandwiched between two busy roads creating an increase in traffic noise	4C	Reject	5
RD Hughes Developments Ltd	S7	D1	<i>Oppose</i>	Decline Plan change or modify to conform with existing densities in District Plan as anticipated by the Urban Development Strategy and Proposed Change 1 to the RPS and make appropriate provision for any necessary upgrades to network infrastructure servicing West Melton.	4A/5A	Reject	1-4, 9
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		4A/5A	<i>Reject</i>	1-4, 9
<i>Richard Reeves</i>			<i>Support the</i>		4A/5A	<i>Reject</i>	1-4, 9

Submitter	Sub no	Dec. No	Request	Summary of Decisions Sought	Group	Decision	Reasons (see decision)
<i>Nesbitt</i>			<i>submission</i>				
<i>Selwyn Central Community Board</i>			<i>Oppose the submission</i>		<i>4A/5A</i>	<i>Reject</i>	<i>1-4, 9</i>
Selwyn Central Community Board	S8	D1	Support	Support subject to following amendments	2	Accept	1-14
		D2	Amend	No direct vehicle access from allotments to Halketts Rd	3B	Accept	8
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		<i>3B</i>	<i>Accept</i>	<i>8</i>
Selwyn Central Community Board	S8	D3	Amend	The new intersection on SH73 should be located an appropriate distance to the west of the West Melton Community Centre to allow safe vehicular access to and from the car parks	3A	Accept	5
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		<i>3A</i>	<i>Accept</i>	<i>5</i>

Submitter	Sub no	Dec. No	Request	Summary of Decisions Sought	Group	Decision	Reasons (see decision)
Grant Earl Baker	S9	D1	Oppose in Part	No road connection to SH73	3A	Reject	5
<i>Richard Reeves Nesbitt</i>			<i>Support the submission</i>		3A	<i>Reject</i>	5
<i>Selwyn Central Community Board</i>			<i>Oppose the submission</i>		3A	<i>Allow</i>	5
Edmund Grelle	S10	D1	<i>Oppose</i>	Existing rural residents in Halketts Rd will have their quality of life affected. Visual outlook and water supplies would be adversely affected	1	Reject	15
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		1	<i>Reject</i>	15
NZ Transport Agency	S11	D1	Amend	Support the proposal subject to following amendments	2	Accept in part	1,5
		D2	Amend	Amend the Outline Development Plan to include a reference that any connection to State Highway 73 will require the formal approval of the NZTA	3A	Accept	5

Submitter	Sub no	Dec. No	Request	Summary of Decisions Sought	Group	Decision	Reasons (see decision)
<i>Selwyn Central Community Board</i>			<i>Support the submission</i>		3A	<i>Accept</i>	5
NZ Transport Agency	S11	D3	Amend	The Outline Development Plan should show a connection to the adjoining Living 2 Deferred zone	3C	Accept	5
		D4	Amend	The Outline Development Plan should indicate that there is no direct property access to SH73	3A	Accept	5
Margaret Longdale-Hunt & Bruce Russell	S12	D1	Support	Progress forward the Preston Downs subdivision in a timely manner	2	Accept	1-3
<i>Adam and Caroline Henderson</i>			<i>Oppose the submission</i>		2	<i>Reject</i>	1-3
<i>Selwyn Central Community Board</i>			<i>Support the submission</i>		2	<i>Accept</i>	1-3
Gillman	S13	D1	Support	Subject to the following amendments	2	Accept in Part	1-14

Submitter	Sub no	Dec. No	Request	Summary of Decisions Sought	Group	Decision	Reasons (see decision)
Wheelans Ltd							
		D2	Amend	That a new assessment matter be added to the Subdivision rules relating to street lighting not affecting the West Melton Observatory	4B	Accept	13
<i>Selwyn Central Community Board</i>			<i>Support the submission</i>		<i>4B</i>	<i>Accept</i>	<i>13</i>
CL & DJ Kerr	S14	D1	Oppose	Oppose Urban Development of West Melton	1	Reject	1-3, 8
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		<i>1</i>	<i>Reject</i>	<i>1-3, 8</i>
Richard Reeves Nesbitt	S15	D1	Amend	Delete Roding connection to SH73	3A	Reject	5
<i>Adam and Caroline Henderson</i>			<i>Oppose the submission</i>		3A	<i>Accept</i>	5
<i>Richard Reeves Nesbitt</i>			<i>Support the Submission</i>		3A	<i>Reject</i>	5

Submitter	Sub no	Dec. No	Request	Summary of Decisions Sought	Group	Decision	Reasons (see decision)
<i>Central Selwyn Community Board</i>			<i>Oppose the Submission</i>		3A	<i>Accept</i>	5
Natalie Jayne Lombe	S16	D1	Support	Generally support the plan change	2	Accept	1-16
<i>Adam and Caroline Henderson</i>			<i>Oppose the submission</i>		2	<i>Reject</i>	1-16
Natalie Jayne Lombe	S16	D2	Support	Support Linkage to SH73 with sufficient separation between intersection and West Melton Community Centre	3A	Accept	5
<i>Selwyn Central Community Board</i>			<i>Support the submission</i>		3A	<i>Accept</i>	5
Natalie Jayne Lombe	S16	D3	Support	Support 500m2 minimum lot sizes as this allows a range of lots and choice for residents	4A	Accept	3
<i>Selwyn Central Community Board</i>			<i>Support the submission</i>		4A	<i>Accept</i>	3

Submitter	Sub no	Dec. No	Request	Summary of Decisions Sought	Group	Decision	Reasons (see decision)
<i>Adam and Caroline Henderson</i>			<i>Oppose the submission</i>		4A	<i>Reject</i>	3
Natalie Jayne Lombe	S16	D4	Support	Support lighting plan to ensure West Melton's night sky and the observatory are protected	4B	Accept	13
<i>Selwyn Central Community Board</i>			<i>Support the submission</i>		4B	<i>Accept</i>	3
Natalie Jayne Lombe	S16	D5	Oppose	Oppose multiple access onto Halketts Rd - limit to 2 or less	3B	Accept	8
<i>Selwyn Central Community Board</i>			<i>Support the submission</i>		3B	<i>Accept</i>	3
Murray Rollison Greig	S17	D1	Oppose	To arrive at a development design that may not even need a plan change that fits with current zoning densities while allowing for a proper interface with rural surroundings	4A	Reject	1-4
<i>Adam and Caroline</i>			<i>Support the</i>		4A	<i>Reject</i>	1-4

Submitter	Sub no	Dec. No	Request	Summary of Decisions Sought	Group	Decision	Reasons (see decision)
<i>Henderson</i>			<i>submission</i>				
Murray Rollison Greig	S17		Oppose	A Council controlled outcome with the biggest possible lot sizes. Town sizes lot sizes have no place in rural surroundings	4A	Reject	1-4
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		4A	<i>Reject</i>	<i>1-4</i>
Murray Rollison Greig	S17		Oppose	An ODP should be specific and final	5B	Reject	16
<i>Adam and Caroline Henderson</i>			<i>Support the submission</i>		5B	<i>Reject</i>	<i>16</i>
Rolleston Square Ltd	S18		Support	Adopt Plan Change 3.	2	Accept	1-16
<i>Adam and Caroline Henderson</i>			<i>Oppose the submission</i>		2	<i>Reject</i>	<i>1-16</i>