

THE RESOURCE MANAGEMENT ACT 1991

SELWYN DISTRICT COUNCIL

SELWYN DISTRICT PLAN

PROPOSED DISTRICT PLAN CHANGE NUMBER 59

BY G W WILFIELD LTD

**TO REZONE LIVING 2 AND LIVING 2A TO A NEW ZONE LIVING WEST MELTON
SOUTH**

RECOMMENDATION BY COMMISSIONER KEN LAWN

APPEARANCES

Applicant

Andrew Metherell, Traffic
Andrew Hall, Engineering
David Compton–Moen, Urban design
Hamish Wheelans, Applicant
Kim Seaton, Planner

Council

Rachael Carruthers, Strategy and Policy
Planner

Introduction

1. I have been appointed by the Selwyn District Council as a Commissioner to conduct a hearing and make a recommendation to the Selwyn District Council on proposed Plan Change 59 to the Selwyn District Plan.
2. Plan Change 59 is a privately requested plan change by G W Wilford Ltd to rezone the residential area to the south east of the township (known as Wilfield), from Living 2 and Living 2A to a new zone called Living West Melton South. The Plan change seeks to provide for a greater density of development, allowing approximately an additional 72 residential properties in the area currently zoned for residential purposes (Living 2 and 2A).
3. The requested plan change does not seek changes to the objectives and policies of the Selwyn District Plan, other than to change the zone nomenclature, and to amend explanations.

4. Changes sought to the District Plan rules include
 - Rezone the Wilfield area from Living 2 and Living 2A to Living West Melton South, and consequential renaming of the Gainsborough area from Living West Melton to Living West Melton North
 - Introduce a new Outline Development Plan for the Wilfield area.
 - Require fencing on reserve boundaries to be low and open
 - Provide for a range of site coverage requirements that reflect the size of the site
 - Provide for smaller lot areas across much of the site (1100 to 3000m²), while maintaining lot areas of between 3000 and 5000m² in identified low density areas
 - Remove redundant rules for the existing Living 2A zone
 - Remove redundant requirements for a pedestrian/cycle underpass beneath State Highway 73
5. Since lodging the Plan change application, and following discussions between NZTA, the Council, and the developer, an additional rule has been proposed requiring that;

No completion certificate shall be issued under Section 224 of the Act within the Living WM South Zone (other than for a boundary adjustment or creation of an allotment solely for utility purposes), until such time as the State Highway 73/Weedons Ross Road intersection is signalised
6. The current Wilfield area has, through a number of resource consent applications, generally developed at a greater density than permitted by the current zoning, resulting in a number of larger balance-lots awaiting future development. The increased density sought in this plan change for the undeveloped areas is generally similar to the density of development that has already occurred.
7. Plan Change 59 was publicly notified on 5 March 2019. The plan change attracted 20 submissions and 1 further submission. I note that two of the submissions received were late. I will deal with that matter later. I also note that one submission (PC59-S01), and the further submission, both from Peter Stafford have been withdrawn. The plan change has been the subject of further requests for information, and discussions with NZTA about traffic light controls for the State Highway 73 and Weedons Ross Road intersection. With that later matter resolved, the Plan Change was ready for hearing, which took place before me on Tuesday 9 February 2021.

Section 42A Report

8. Pursuant to Section 42A of the Resource Management Act Ms Rachael Carruthers produced a report addressing the proposed plan change, which was pre-circulated to all parties.
9. In that report, Ms Carruthers described the West Melton township, and the significant growth that has occurred over the life of the Selwyn District Plan, and she described the background to the proposed plan change.
10. She described the submissions received. She summarised the matters raised as;
 - The extent of the plan change area (she recommended the inclusion of an additional property in the zone as sought by submitter Laurel Linton)
 - Sense of spaciousness and township character (she concluded that the proposed site sizes are consistent with the outcomes sought for West Melton)

- Transport effects (the agreed NZTA intersection upgrade (SH73 and Weedons Ross Roa) answers most of the concerns, with a volunteered rule that prevents the completion of any further residential subdivision until such time as the intersection is upgraded with traffic signals)
 - Three waters (she relied on advice from Murray England (Selwyn Council's Asset Manager Water) that the plan change area can be appropriately serviced for water, wastewater, and stormwater)
 - Reserves and open space (she concluded that the Outline Development Plan shows the indicative location of reserves within the development area, and the quantum actually provided is guided by Council's Reserve Policy)
 - Reverse sensitivity West Melton Range (she concluded that the plan change area is outside the area where New Zealand Defence Force has provided evidence to the Council of reverse sensitivity effects).
11. Ms Carruthers assessed the proposed plan change against the objectives and policies of the Selwyn District Plan. She concluded that the plan change request is consistent with almost all of the relevant objectives and policies of the Selwyn District Plan. The one issue she identified is that the proposed site sizes are too large to achieve a minimum net density of at least 10 lots or household units per hectare (Policy B4.3.8), but that smaller lot sizes would maintain the lower density residential density of the existing West Melton township (Policy B4.3.101). She considered that the more specific West Melton policy should be given more weight than the more general density policy.
 12. She assessed the proposed plan change in light of the Canterbury Regional Policy Statement. She concluded that the plan change is able to give effect to the Canterbury Regional Policy Statement at a strategic level.
 13. She considered the plan change in the light of Our Space: Greater Christchurch Settlement pattern Update Whakahāngai O Te Hōrapa Nohoanga. She concluded that the proposed plan change does not challenge the intent of Our Space.
 14. She considered the Canterbury Land and Water Regional Plan. She concluded that the proposed plan change can be effectively and efficiently serviced in a manner that maintains water quality and quantity, as is consistent with the outcomes sought by the Land and Water Regional Plan.
 15. She considered that Mahaanui Iwi Management Plan. She concluded that the proposed plan change will not compromise the values set out in the Mahaanui Iwi Management Plan 2013.
 16. She considered the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS). While the NES-CS does not strictly apply to plan changes, she concluded that the appropriateness of residential use for the area has been established to an appropriate level.
 17. She considered the National Policy Statement on Urban Development (NES-UD). While the site sizes proposed are larger than generally anticipated in Selwyn's residential zones, they are consistent with or larger than other West Melton zones, and contribute to a range of site sizes in West Melton, and across the district. She considered the proposed plan change is consistent with the outcomes sought by the NES-UD.
 18. She concluded that the proposed plan change falls within Council's functions (s31RMA), falls within the ambit of the content of a district plan (s74 and s75 RMA), is the best approach (s32 RMA), and achieves the purposes of the Act (Part II RMA).

19. With some minor amendments she concluded that the changes sought to the Selwyn District Plan through this requested plan change should be accepted.

Evidence from the Applicant at the Hearing

The Applicant

20. Mr Andrew Metherell spoke to his pre-circulated traffic evidence. In that evidence he supported the proposal to introduce a new rule (Rule 12.1.3.59) to prevent the completion of further subdivision until SH73/Weedons Ross Road intersection upgrade is completed. He concluded that the additional traffic resulting from the proposed plan change will readily be able to be accommodated on the surrounding arterial road network. He also concluded that the existing Wilfield subdivision roading network and an extension to Ridgeland Way (an internal road within Wilfield) will be able to accommodate the small additional traffic volumes resulting from the plan change.
21. At the hearing, Mr Metherall confirmed the conclusions in his evidence. He advised that the intersection signal upgrade is scheduled for late 2021, including local works on Weedons Ross Road, West Melton Road, and the Kingsdowne Drive roundabout and extension.
22. Mr Andrew Hall spoke to his pre-circulated engineering evidence. In that evidence he concluded that the additional residential sites can be appropriately serviced for sewer, water supply, stormwater, power, telecommunications, street lights and roading. At the hearing he expanded on the solutions available for those services.
23. Mr David Compton-Moen spoke to his pre-circulated landscape and urban design evidence. In that evidence he concluded that the residual adverse effects on landscape character, landscape values, and visual amenity, resulting from the proposal, will be minor at most, with the area retaining a sense of openness albeit with more lots than envisaged in the current zoning. He considered that the plan change area will be viewed as an extension of Wilfield residential development, and not as a stand-alone settlement. At the hearing he repeated those conclusions. He commented that the reserve development will be implemented through the subdivision process, and that there is sufficient space within individual sections to provide some of the functions provided by reserves.
24. Mr Hamish Wheelans, Director and General Manager of the Wilfield development spoke to his pre-circulated evidence. In that evidence he considered that demand for residential land in West Melton is clear by the uptake in sections, with West Melton growing from an original township of 42 houses to a town now in excess of 700 residential properties, and a retail precinct. The Canterbury earthquakes injected a great deal of activity, but demand to live in West Melton has continued. He confirmed that there has been more demand for sections of a smaller size (1100 to 1800 m²) than of a larger size (3000m²). He considered that the proposed plan change affords the opportunity to provide approximately 72 new residential sections to cater for demand from within West Melton, the greater Selwyn District, or from those who wish to move to the District.
25. At the hearing he expanded on the demand for more, and smaller sections. He commended the co-operation between NZTA, Selwyn District Council, and the applicant to bring forward the construction time for the SH73/Weedons Ross Road intersection.
26. Ms Kim Seaton spoke to her pre-circulated planning evidence. In that evidence she provided a summary of the provisions of the proposed plan change. She commented on the issues raised by submitters, and in the Section 42A report. Overall, she concluded that Plan Change 59 will better achieve the District Plan's objectives than the existing provisions of

the Plan, thereby ensuring that the overriding purpose of the sustainable management of the natural and physical resources continues to be achieved.

27. At the hearing, Ms Seaton (and Ms Carruthers) worked through some changes to the detailed rules that have been agreed between the applicant and the Council. I will detail those later in this recommendation.

Submissions

28. This Application attracted 20 submissions and one further submission.
29. Two of those submissions were late (Narelle Souness and Kerry Ring of 44 and 65 Silver Peaks Drive, and New Zealand Defence Force). In line with Selwyn District Policy in respect of submissions to any plan change request, Ms Carruthers recommended to me that those two late submissions be accepted. I agree with that recommendation. I formally **accept the two late submissions** of Narelle Souness and Kerry Ring, and of the New Zealand Defence Force to Plan Change 59.
30. The issues raised in those submissions are summarised in the evidence of Ms Carruthers, and I included a description of those issues earlier in this decision.
31. None of the submitters attended the hearing before me. That does not surprise me. The resolution of the traffic issues at the intersection of SH73 and Weedons Ross Road will have satisfied many of the submitters. With the passage of time concerns about sense of spaciousness and township character will have subsided. The answering of concerns about the provision of services will have also eased concerns. The pre-circulated comprehensive officer's Section 42A Report, and evidence produced by the applicant, will also have eased concerns, or answered issues.
32. However, except for the submission and further submission of Peter Stafford, relating to water supply, none of the other submissions have been withdrawn, and so I will still need to undertake an assessment and reach conclusions on the matters raised in submissions.

Issues raised in Submissions

Extent of Plan Change area

33. Laurel Linton submitted that her property at 690 Weedons Ross Road, Valuation No 2354179100, be included in the area rezoned. Ms Carruthers advised that while the property is outside the plan change request area, it is the only property in the existing Living 2/Living 2A area that is not within the plan change request area. She considered it would be poor planning practice to leave this single property zoned Living 2A. I agree with that, and have concluded that the property at 690 Weedons Ross Road should be included in the Living West Melton South Zone, and that the Outline Development Plan should include this property.

Sense of spaciousness and township character

34. 14 of the submissions referred to a sense of spaciousness and township character. Most raised concerns that the proposed site sizes are too small to retain the existing spacious and semi-rural character of the area. One submission suggested the area of the zone be expanded to allow for more properties, another suggested the 1100m² minimum be a minimum average, and one submission requested that properties that are larger than 3000m² should be protected by a minimum site size of 3000m² adjoining them.

35. Ms Carruthers considered that the site sizes are consistent with the outcomes sought for West Melton, including larger section sizes than in other larger townships, and with larger sites proposed along the rural/urban interface (low density area on the ODP).
36. Mr Compton-Moen, for the applicant considered that with the proposed changes, the area would still retain a sense of openness, and together with proposed fencing controls, will ensure that an open area is maintained.
37. I also note that the proposed section sizes are in the order of the subdivision lot sizes already approved in the Wilfield area through resource consents, leaving large areas as balance undeveloped areas. It is these balance lots that will be able to be developed though this plan change, generally at the same density as the area already developed.
38. I also consider it relevant that none of the submitters attended the hearing. While that cannot be taken as an approval or support for the proposed plan change, it at least represents an acceptance that the development will proceed.
39. I also comment that even the section sizes now proposed have some tension with the Regional Policy Statement (seeking greater density) and the National Policy Statement for Urban Development (intensification of urban areas).
40. My overall conclusion is that the pattern of development, and section sizes will still have a sense of spaciousness, and will be appropriate for the form of development envisaged in the Selwyn District Plan.

Traffic effects

41. 13 of the submissions were concerned about the safe functioning of the State Highway 73/Weedons Ross Road intersection, and many of those submissions sought the upgrading of the intersection with traffic lights. The agreement of NZTA to fund and implement traffic lights at the intersection, and the agreement of the applicant for the plan change to have a condition that there is no further subdivision until the lights are installed, has resolved most of the traffic concerns raised in the submissions.
42. The proposed traffic improvements also include an upgrading of Weedons Ross Road, a roundabout and road extension from Kingsdowne Drive through to West Melton Road, and cul-de-sac closure of the link from West Melton Road to State Highway 73. Those further works are not subject to the proposed rule that no further subdivision takes place until the traffic lights are installed, although I understand that they will also be implemented by NZTA.
43. Three submissions were concerned about additional vehicles on roads within the Wilfield development, raising concerns about additional parking, restricted vision, speeding, and impact on safety for children to play outside. Mr Metherell noted that most properties have two or three car garages, with driveways, and he considered that on street parking would not be widespread. He considered that as the balance of the development took place, the perception of open space and possibly higher speeds will lessen. He considered the additional properties would increase any safety concerns. I agree that the addition properties will not have adverse effects on the traffic use and safety of the Wilfield road network.

Three waters

44. Four submissions, and the one further submission, raised issues related to infrastructure, mainly about water supply and sewer capacity. I heard evidence from Mr Andrew Hall for the applicant, and I had written comments from Mr Murray England for the Council. Both engineers are satisfied that there are viable methods to provide drinking water, to manage stormwater, and to discharge wastewater, for the proposed further development of the Wilfield area. I accept that professional advice.

Reserves and open space

45. Two submissions raised concerns that there will be insufficient greenspace in the Wilfield development. One submission supported the pylon corridor and recreation reserves, and the open style fencing proposed.
46. Ms Carruthers noted that Outline Development Plans show the indicative location of reserves within a development area, but that the quantum actually provided is guided by the Council's Reserve Policy.
47. Mr David Compton-Moen considered the current design is appropriate considering the number and size of residential lots existing and proposed. He noted that each lot is large with residents having access to their own large yard which lessens the need for the provision of public open space.
48. I agree that the provision of reserves and open space is sufficient, and will be determined through the subdivision process.

Reverse sensitivity West Melton Range

49. The New Zealand Defence Force lodged a submission noting the nationally important training facility, which is noise generating. The submission sought District Plan provisions which recognise the rifle range, and provide adequate protection for the Range from the adverse effects of reverse sensitivity.
50. Ms Carruthers advised that the plan change area is outside the area where NZDF has provided any evidence to Council of reverse sensitivity effects that require management through the District Plan. On that basis she considered that the submission was not "on" the plan change, and that it should not be accepted.
51. I accept the advice of Ms Carruthers, and agree that this plan change is not an appropriate vehicle to introduce provisions into the Selwyn District Plan to provide protection against reverse sensitivity effects of the West Melton Range.

Conclusions on Submissions

52. I have set out my recommendations in respect of each of the submissions in Appendix B to this Decision.

Objectives and Policies of the Selwyn District Plan

53. This requested plan change, other than some minor amendments to explanations and nomenclature identified earlier in this decision, does not seek any changes to the objectives and policies of the Selwyn District Plan.

54. Ms Carruthers assessed the proposed plan change against the objectives and policies of the Selwyn District Plan. As I described earlier, she concluded that the plan change request is consistent with almost all of the relevant objectives and policies of the Selwyn District Plan. The one issue she identified is that the proposed site sizes are too large to achieve a minimum net density of at least 10 lots or household units per hectare (Policy B4.3.8), but that smaller lot sizes would not maintain the lower density residential density of the existing West Melton township (Policy B4.3.101). She considered that the more specific West Melton policy should be given more weight than the more general density policy.
55. Ms Seaton in her evidence agreed with those conclusions.
56. I agree that overall the plan change is consistent with the relevant objectives and policies of the Selwyn District Plan.

Other Plans

57. I agree that Plan Change 59 is able to give effect to the Canterbury Regional Policy Statement at a strategic level. There are issues with Policy 6.3.7 which seeks a minimum 10 households per hectare yield, but I agree that the proposed development does provide a consolidation of the existing zoned land at West Melton that also maintains the spacious character and amenity of West Melton.
58. I agree that Plan Change 59 does not challenge the intent of Our Place 2018-2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga. That document recommends changes to the CRPS to accommodate rezoning for additional growth in Rolleston, Rangiora and Kaiapoi to meet shortfalls in housing capacity, but does not recommend any changes relating to West Melton.
59. I agree that the development can be effectively and efficiently serviced in a manner that maintains water quality and quantity and is consistent with the outcomes sought in the Land and Water Regional Plan.
60. I agree that the Plan Change will not compromise the values set out in the Mahaanui Iwi Management Plan 2013.
61. I agree that Plan Change 59 has some tension with the National Policy Statement on Urban Development. The policies of the NPS-UD anticipate, subject to design considerations, that there will be intensification of existing urban areas. Ms Carruthers considered that although the site sizes are larger than generally anticipated in residential zones, they are consistent with the other West Melton zones. No doubt this tension will be considered through Selwyn District Council determining how it implements the NPS-UD, and through the Review of the Selwyn District Plan. I am satisfied that Plan Change 59 can proceed notwithstanding the NPS-UD.

Amendments to the Selwyn District Plan

62. This requested plan change proposes a number of amendments to the rules of the Selwyn District Plan, in order to accommodate the additional allotments sought through this change.
63. I set out a summary of the changes sought in paragraph 4 of this Decision, and I repeat them here;

- Rezone the Wilfield area from Living 2 and Living 2A to Living West Melton South, and consequential renaming of the Gainsborough area from Living West Melton to Living West Melton North
 - Introduce a new Outline Development Plan for the Wilfield area.
 - Require fencing on reserve boundaries to be low and open
 - Provide for a range of site coverage requirements that reflect the size of the site
 - Provide for smaller lot areas across much of the site (1100 to 3000m²), while maintaining lot areas of between 3000 and 5000m² in identified low density areas
 - Remove redundant rules for the existing Living 2A zone
 - Remove redundant requirements for a pedestrian/cycle underpass beneath State Highway 73
64. Since lodging the Plan change application, and following discussions between NZTA, the Council, and the developer, an additional rule has been proposed requiring that;
- 12.1.3.59 No completion certificate shall be issued under Section 224 of the Act within the Living WM South Zone (other than for a boundary adjustment or creation of an allotment solely for utility purposes), until such time as the State Highway 73/Weedons Ross Road intersection is signalised.*
65. At the hearing Ms Seaton sought changes to the wording related to reserve boundaries so as to clarify the details of the fence as “a single fence, of post and wire construction”, rather than an unintended “one post and rail”. Ms Carruthers agreed with that change. The revised rule will be as follows;
- 4.17.2 Any fencing parallel or generally parallel to and within 5m of any Council reserve in the Living WM South zone, shall be limited to a single fence of post and rail fence construction, with a maximum height of 1.2m and at least 50% open.*
66. The full set of recommended amendments to the District Plan, including amendments to the objectives and policies, is set out in Appendix A to this Decision. The Applicant and the Council officers are in agreement with the recommended amendments set out in Appendix A.

Other statutory considerations

67. I agree with the conclusions of Ms Carruthers that in respect of Section 31 of the Resource Management Act, Plan Change 59 incorporates appropriate methods to ensure any future land uses are appropriate and will result in a number of positive social, economic and environmental outcomes.
68. I agree with Ms Carruthers' conclusion, that Plan Change 59 is the best approach when considered against Section 32 of the Resource Management Act.
69. I agree with Ms Carruthers' conclusion that the matters proposed in Plan Change 59 are all matters that fall within the ambit of the content of a district plan, and that the plan change request process has had appropriate regard to all the relevant matters set out in Section 74 and 75 of the Resource Management Act.
70. For the reasons set out by Ms Carruthers, I agree that Plan Change 59 will achieve the purposes set out in Part II of the Resource Management Act.

RECOMMENDATION

71. For the foregoing reasons I **recommend** to the Selwyn District Council as follows

1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 the Council approve Plan Change 59 to the Selwyn District Plan as set out in Appendix A.
2. That for the reasons set out above the Council accordingly either accept, accept in part, or reject the submissions as listed in Appendix B.

A handwritten signature in black ink, appearing to read 'Ken Lawn', written in a cursive style.

Ken Lawn
Independent Commissioner
25 February 2021

Recommended Amendments to the Selwyn District Plan

Provision	Proposed amendment			
Planning maps	Rename the Living WM Zone ‘Living WM <u>North</u> ’			
	Rezone all land at West Melton zoned Living 2 or Living 2A to ‘Living WM <u>South</u> ’			
A4.5 Townships and Zones, Table A4.4 Description of Township Zones	Add a new row to the table:			
	<table> <tr> <th>Zone</th><th>Description</th></tr> <tr> <td><u>Living WM</u></td><td><u>A living zone specific to West Melton township. Provides for a range of residential densities. The Living WM North Zone, located north of State Highway 73, provides for medium and low density residential areas. The Living WM South Zone, located south of State Highway 73, provides for a predominantly lower building density than other parts of West Melton.</u></td></tr> </table>	Zone	Description	<u>Living WM</u>
Zone	Description			
<u>Living WM</u>	<u>A living zone specific to West Melton township. Provides for a range of residential densities. The Living WM North Zone, located north of State Highway 73, provides for medium and low density residential areas. The Living WM South Zone, located south of State Highway 73, provides for a predominantly lower building density than other parts of West Melton.</u>			
B4.1 Growth of Townships, Residential Density	<p>Amend the Anticipated Environmental Results:</p> <p>The following results should occur from implementing Section B4.1:</p> <ul style="list-style-type: none"> • Living 2 and WM <u>South</u> Zones are low density residential areas • Integrated development, in the Living WM <u>North</u> zone, achieving high quality urban design whilst also allowing residential growth to occur to meet target household numbers. 			
Policy B4.3.98	<p>Amend the Explanation and Reasons:</p> <p>West Melton has developed with community facilities on both the northern and southern sides of State Highway 73. Residential development has taken place north of the highway centred on Westview Crescent, <u>and to a lower density south of State Highway 73 east of Weedons Ross Road. The primary focus for future growth of the township is to be provided for north of the State Highway. Limited n</u>ew residential growth will be enabled south of the highway but will be limited in extent and density to minimise effects on the safety and efficiency of the highway. A pedestrian/cycle link <u>has will also be been</u> provided under <u>across</u> the highway to provide an alternative connection between the two areas. This pattern of growth is consistent with maintaining a consolidated form for the future growth of the township, and with Policy B2.1.18 and Town Form Policy B4.3.6.</p>			
Policy B4.3.101	<p>Amend the Policy and the Explanation and Reasons:</p> <p>Promote new residential areas in West Melton that maintain the lower residential density of the existing village, where practical, whilst providing for the efficient and effective development of the Living WM <u>North</u> zone.</p> <p>Explanation and Reasons</p> <p>West Melton village is an area with larger section sizes than those found in most townships in Selwyn District, particularly those close to Christchurch. Policy B4.3.101 recognises the character of the existing village and the support for larger section sizes in the Township survey results for West Melton (November 1998). A wide variety of lot sizes in response to market demand, have been provided for, but recognising the potential for West Melton to provide a lower density alternative living environment near Christchurch. However, the efficient and effective development of the Living WM <u>North</u> zone must be provided for to achieve the anticipated residential growth for this zone.</p>			
Rule 4.6 Buildings and Building Density	Permitted Activities — Buildings and Building Density			
	<p>4.6.2.1 The erection of any dwellings in the Living WM Zone shall comply with the building densities and locations shown on the Outline Development Plan and associated Layer Plans (Appendix <u>20 and 20A</u>) for this zone.</p> <p>Discretionary Activities — Buildings and Building Density</p>			

Provision	Proposed amendment																	
	<p>4.6.5 Except as provided in Rule 4.6.6, the erection on any allotment of any building (other than an accessory building) which does not comply with Rule 4.6.1, 4.6.2.1 or Rule 4.6.3 shall be a discretionary activity in Living 1 zones and the Living WM <u>North</u> Zone.</p> <p>Non-Complying Activities — Buildings and Building Density</p> <p>4.6.6 The erection on an allotment of any building (other than an accessory building) which does not comply with Rule 4.6.1 shall be a non-complying activity in the Living Z, 1A, 1A2, 1A3, 1A4 and Living 1A6 Deferred zones at Prebbleton and all Living Z, 2, 2A, <u>WM South</u> and Living 3 zones.</p>																	
Rule 4.7 Buildings and Site Coverage	<p>Permitted Activities — Buildings and Site Coverage</p> <p>4.7.1 Except as provided in Rule 4.7.2, the erection of any building which complies with the site coverage allowances set out in Table C4.1 below shall be a permitted activity. Site coverage shall be calculated on the net area of any allotment and shall exclude areas used exclusively for access, reserves or to house utility structures or which are subject to a designation.</p> <p>Table C4.1 Site coverage allowances</p> <table><tr><th>Zone</th><th></th><th>Coverage</th></tr><tr><td rowspan="3">Living WM <u>North</u></td><td>Including garage</td><td>40%</td></tr><tr><td>Excluding garage</td><td>40% minus 36m²</td></tr><tr><td>Emergency Services only</td><td>50%</td></tr><tr><td rowspan="3"><u>Living WM South</u></td><td><u>Site size <1200m²</u></td><td><u>30%</u></td></tr><tr><td><u>Site size 1200m² – 1800m²</u></td><td><u>25%</u></td></tr><tr><td><u>Site size >1800m²</u></td><td><u>Lesser of 20% or 500m²</u></td></tr></table>	Zone		Coverage	Living WM <u>North</u>	Including garage	40%	Excluding garage	40% minus 36m ²	Emergency Services only	50%	<u>Living WM South</u>	<u>Site size <1200m²</u>	<u>30%</u>	<u>Site size 1200m² – 1800m²</u>	<u>25%</u>	<u>Site size >1800m²</u>	<u>Lesser of 20% or 500m²</u>
Zone		Coverage																
Living WM <u>North</u>	Including garage	40%																
	Excluding garage	40% minus 36m ²																
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	<u>Site size >1800m²</u>	<u>Lesser of 20% or 500m²</u>																
Rule 4.9 Buildings and Building Position	<p>4.9.20 Any dwelling within the area shown in Appendix 20 (Living 1B and Living 2-<u>WM South</u> zones) or Appendix 20A (Living WM <u>North</u> Zone) shall be set back at least 40 metres from State Highway 73.</p> <p>4.9.21 <u>Removed, Plan Change 59</u></p> <p>4.9.21 Any dwelling in the Living 2A Zone at West Melton shall have:</p> <p>4.9.21.1 A setback from any internal boundary of not less than 6 metres.</p> <p>4.9.21.2 A setback from any road boundary of not less than 10 metres</p>																	
Rule 4.17 Fences Adjoining Reserves	<p>Permitted Activities – Fences Adjoining Reserves</p> <p>4.17.1 All development located within the Living Z zone or the High Street, Southbridge Outline Development Plan area (Appendix 45) that shares a boundary with a reserve or walkway shall be limited to a single fence erected within 5m of any Council reserve that is at least 50% visually transparent where it exceeds 1.2m in height (which shall be applied to the whole fence in its entirety).</p> <p><u>4.17.1A Any fencing erected parallel to or generally parallel to and within 5m of any Council reserve in the Living WM South Zone, shall be limited to a single post and rail fence with a maximum height of 1.2m and be at least 50% open.</u></p> <p>Restricted Discretionary Activities – Fences Adjoining Reserves</p> <p>4.1.7.2 Any activity which does not comply with Rule 4.17.1 <u>or Rule 4.17.1A</u> shall be a restricted discretionary activity. Council shall restrict the exercise of its discretion to the following:</p>																	
Rule 12.1 Subdivision – General	<p>Size and Shape</p> <p>12.1.3.7 Any allotment created, including any balance allotment, complies with the relevant allotment size requirements set out in Table C12.1</p> <p>Table C12.1 – Allotment Sizes</p> <table><tr><th>Township</th><th>Zone</th><th>Average Allotment Size Not Less Than</th></tr></table>	Township	Zone	Average Allotment Size Not Less Than														
Township	Zone	Average Allotment Size Not Less Than																

Provision	Proposed amendment		
	West Melton	Living 1	1,000m ²
		Living 1B	2,800m ²
		Living 2	5,000m²
		Living 2A	Maximum number of allotments is 10, and a minimum allotment size of 1 ha.
		Living WM North Medium Density	Minimum lot area of 500m ² and maximum lot area of 3000m ² (Appendix 20A)
		<u>Living WM South Medium Density</u>	<u>Minimum lot area of 1,100m² and maximum lot area of 3,000m² (Appendix 20)</u>
		Living WM North Low Density <u>Living WM South Low Density</u>	Minimum lot area of 3000m ² and maximum lot area of 5000m ² (<u>Appendix 20</u> , Appendix 20A)
West Melton			
12.1.3.55 Any subdivision of land within the area shown in Appendix 20 (Living 1, Living 1B, Living 2, Living 2A <u>Living WM South</u> or Rural Zones) or Appendix 20A (Living WM <u>North</u> Zone) at West Melton complies with the layout and contents of the Outline Development Plan shown in Appendix 20 and Appendix 20A respectively; and			
West Melton			
12.1.3.56 Any subdivision of land within the area shown in Appendix 20 and 20A shall:			
(a) provide a bund for mitigation of traffic noise along the frontage of State Highway 73 to a height of not less than 2 m and a width of not less than 8.5 m, which shall be landscaped by retention of existing hedges or new planting of sufficient height to visually screen dwellings from the highway;			
(b) Removed, Plan Change 59			
if it is within the area shown in Appendix 20, provide a pedestrian/cycle underpass beneath State Highway 73 between the Living 1 and Living 2 Zones, prior to titles being issued for more than 30 dwellings in the Living 2 Zone.			
(c) if it is within the area shown in Appendix 20A, be subject to an Accidental Discovery Protocol where in the event of any discovery of suspected cultural/archaeological remains (e.g. concentrations of shell, charcoal or charcoal-stained soil, fire-fractured stone, bottles, pieces of glass or ceramics, bones etc) during the undertaking of earthworks and/or the installation of services, the following protocol shall be followed by the consent holder, or his/her representative:			
<ul style="list-style-type: none">• Cease all earthworks immediately; and• Contact the local Rūnanga being Te Taumutu Rūnanga; and• Contact the Regional Archaeologist at the Christchurch office of the New Zealand Historic Places Trust <u>Heritage New Zealand Pouhere Taonga</u> (03 365 2897); and• Do not commence earthworks until approval in writing has been given by the Regional Archaeologist of the New Zealand Historic Places Trust <u>Heritage New Zealand Pouhere Taonga</u>, as required under the Historic Places Act 1993 <u>Heritage New Zealand Pouhere Taonga Act 2014</u>.			

Provision	Proposed amendment
	<p>West Melton</p> <p><u>12.13.57 Removed, Plan Change 59</u></p> <p>12.1.3.57 In the Living 2A Zone at West Melton, the maximum number of allotments is 40.</p>
	<p>West Melton</p> <p>12.1.3.58 No subdivision of land in the Living WM <u>North</u> Zone shall take place until:</p>
	<p><u>12.1.3.58A No completion certificate shall be issued under section 224 of the Act within the Living WM South Zone (other than for a boundary adjustment or creation of an allotment solely for utility purposes), until such time as the State Highway 73/Weedons Ross Road intersection is signalised.</u></p>
	<p>Non-Complying Activities — Subdivision – General</p> <p>12.1.7 Except as provided for in Rules 12.1.5 and Rules 12.1.6, the following activities shall be non-complying activities:</p> <p>12.1.7.1 Any subdivision subject to Rule 12.1.1 which does not comply with Rule 12.1.3.</p> <p><u>12.1.7.10 Any subdivision that does not comply with Rule 12.1.3.59.</u></p>
Appendix 20 ODP West Melton	<p>Delete the existing Outline Development Plan and replace it with:</p> <p>In relation to the Living 1B land to the north of the plan change area, the ODP included in Attachment 2 to the application:</p> <p>https://www.selwyn.govt.nz/_data/assets/pdf_file/0005/290921/PROPOSED-ODP-11.2.19-Application-for-notification-proposed-ODP.pdf</p> <p>In relation to the plan change area, the ODP text and plans included in the 18 December 2018 response to the request for further information:</p> <p>https://www.selwyn.govt.nz/_data/assets/pdf_file/0005/290912/Applicant-response-to-the-further-information-request-18-December-2018.pdf</p>
Appendix 20A ODP West Melton	<p>Amend headings as follows:</p> <p>Outline Development Plan & Layer Plan – Living WM <u>North</u> (West Melton <u>North</u>) Zone</p> <p>Appendix 20A – Living WM <u>North</u> Zone – Outline Development Plan</p> <p>Appendix 20A – Living WM <u>North</u> Zone – Movement Network Plan</p> <p>Appendix 20A – Living WM <u>North</u> Zone – Green Blue Network Plan</p> <p>Appendix 20A – Living WM <u>North</u> Zone – Outline Development Plan</p> <p>Appendix 20A – Living WM <u>North</u> Zone – Movement Network Plan</p> <p>Appendix 20A – Living WM <u>North</u> Zone – Green Blue Network Plan</p>

**Plan Change 59
Recommended Decisions on Submissions**

Submissions to be accepted

Sub No	Submitter	Submission topic(s) to be accepted
PC59-S02	Laurel Linton	Whole submission
PC59-S03	Simon Burge	Safe functioning of the SH 73/Weedons Ross Road intersection
PC59-S04	Andrew Cowan	Safe functioning of the SH 73/Weedons Ross Road intersection
PC59-S05	Gregory and Alse Boaz	Safe functioning of the SH 73/Weedons Ross Road intersection
PC59-S08	Alex Setz	Safe functioning of the SH 73/Weedons Ross Road intersection
PC59-S09	Melanie Cotter	Safe functioning of the SH 73/Weedons Ross Road intersection
PC59-S11	Michael Dillon	Safe functioning of the SH 73/Weedons Ross Road intersection
PC59-S12	Helen Conaghan	Safe functioning of the SH 73/Weedons Ross Road intersection
PC59-S13	Amy and Hamish Osborne	Reserves and open space
PC59-S14	Courtney Hurring	Safe functioning of the SH 73/Weedons Ross Road intersection
PC59-S15	Scott Ashby and Hanna Coysh	Safe functioning of the SH 73/Weedons Ross Road intersection
PC59-S16	David Bennett	Safe functioning of the SH 73/Weedons Ross Road intersection
PC59-S17	Katie Bryce	Safe functioning of the SH 73/Weedons Ross Road intersection
PC59-S18	NZTA	Safe functioning of the SH 73/Weedons Ross Road intersection
PC59-S19	Narelle Souness and Kerry Ring	Safe functioning of the SH 73/Weedons Ross Road intersection

Submissions to be rejected

Sub No	Submitter	Submission topic(s) to be rejected
PC59-S01	Peter Stafford	Withdrawn, including further submission
PC59-S03	Simon Burge	Infrastructure generally
PC59-S04	Andrew Cowan	Sense of spaciousness/township character Transport effects within the Wilfield development
PC59-S06	Michael Harvey	Sense of spaciousness/township character

PC59-S07	Lucy Bell	Transport effects within the Wilfield development
PC59-S08	Alex Setz	Sense of spaciousness/township character
PC59-S09	Melanie Cotter	Sense of spaciousness/township character
PC59-S10	Andrew Dyson	Sense of spaciousness/township character Transport effects within the Wilfield development Reserves and open space
PC59-S11	Michael Dillon	Sense of spaciousness/township character
PC59-S12	Helen Conaghan	Sense of spaciousness/township character
PC59-S13	Amy and Hamish Osborne	Sense of spaciousness/township character
PC59-S14	Courtney Hurring	Reserves and open space
PC59-S15	Scott Ashby and Hanna Coysh	Sense of spaciousness/township character
PC59-S16	David Bennett	Sense of spaciousness/township character
PC59-S17	Katie Bryce	Sense of spaciousness/township character
PC59-S19	Narelle Souness and Kerry Ring	Sense of spaciousness/township character Water and sewer
PC59-S20	New Zealand Defence Force	Whole submission