

10. **PLAN CHANGE 31 – DRAFT COUNCIL SUBMISSION – APPLICATION FOR CHANGE TO CITY PLAN TO AMEND L3 PROVISIONS, AND INTRODUCE A B1 ZONED AREA AND OUTLINE DEVELOPMENT PLAN FOR THE CITY BLOCK BOUNDED BY PACKE STREET, PURCHAS STREET, MADRAS STREET AND CANON STREET**

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PURPOSE OF REPORT

1. The purpose of this report is to seek a resolution on the lodgement of a **Council Submission** on a private plan change application relating to residential and commercial zoning at the former Orion site at Packe St, St Albans.
2. This follows the resolution of the Planning & Regulatory Committee (dated 5 June, 2008), and subsequent Council resolution (dated 26 June, 2008):
 - (a) *“That the staff recommendation [for public notification of Plan Change 31] be adopted;*
 - (b) *A Council submission be prepared on the private plan change and it be referred to the Committee in sufficient time for it to be lodged within the statutory timeframe for the receipt of such submissions.” (Closing date of Submissions will be 15 September 2008.)*

EXECUTIVE SUMMARY

3. As provided in the report to the Planning & Regulatory Committee on 5 June, Plan Change 31 seeks to amend a number of provisions within the City Plan as these relate to the Orion Block, to: provide for higher density residential development; introduce a Business 1 zoned area on the south western quadrant of the block; and provide linkages throughout the site through the application of an Outline Development Plan ('ODP'). The documentation attached to the Plan Change request refers to this as introducing a 'Traditional Neighbourhood Development'.
4. The purpose of this report is to:
 - (a) Put forward a Council submission with respect to the above.
5. It is noted that there are issues of concern with the merits of this application. A number of such issues have been resolved by agreement but the applicant is unwilling to make further changes at this stage. The Council can, as recommended, make a submission pursuant to Clause 6 of the First Schedule of the Resource Management Act (**'the Act'**) on the plan change.
6. In terms of process, it is noted that the Council is not obliged to lodge a submission, however in not doing so, this may constrain the ability for the Decision maker to make modifications to the final extent of the Plan Change as recommended through decision. Council would have to rely on submissions received to be able to AMEND the Plan Change. If issues of concern for Council are not addressed by these submissions the Council can either reject the Plan Change in its entirety, or accept it WITHOUT amendments.

FINANCIAL IMPLICATIONS

7. The financial considerations in terms of lodging a submission comprise the costs of staff and consultants preparing the submission and then reporting on it to a Hearings Panel and the Environment Court if necessary.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

8. The recommendation to Council will have no additional cost to Council and therefore will not impose on the LTCCP budget.

LEGAL CONSIDERATIONS

9. There is a legal process set out in the RMA which must be followed. The Council resolution dated 26 June 2008, incorporates the initial consideration of what process to follow as well as notification.
10. This recommendation is solely with regard to this submission. Subsequent process steps will include reporting, the hearing, a decision and possible appeals.

Have you considered the legal implications of the issue under consideration?

11. The process mentioned above is very familiar to Council and should create no particular risks or liabilities if followed correctly.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. Regulatory Services ongoing programme of improvements (pages 145 and 146 of the LTCCP) to enhance the City Plan includes plan changes, as part of planning and providing for the sustainable management, development and protection of natural and physical resources of the City, as required by section 5 of the Resource Management Act 1991. Also Economic Development (p117 and 118 of the LTCCP) seeks to promote and manage regional economic development.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

13. Yes

ALIGNMENT WITH STRATEGIES

14. The Plan Change is generally aligned with the Greater Christchurch Urban Development Strategy ('UDS') that seeks to manage metropolitan urban growth through consolidation and intensification. The submission, as currently drafted, seeks a finer grain of management to assure that the amenity and business aspects of the proposed Change are more consistent with the UDS.

Do the recommendations align with the Council's strategies?

15. Yes

CONSULTATION FULFILMENT

16. Under the RMA, there is no mandatory requirement for the Council as a submitter to consult with any parties affected by a private plan change.

STAFF RECOMMENDATION

It is recommended that Council agree to accept a Council submission (as attached), pursuant to Clause 6 of the 1st Schedule to the Resource Management Act 1991, and lodge it accordingly.

BACKGROUND & DISCUSSION

The Application

18. A copy of the Plan Change was attached to the previous Committee Papers (dated 5 June). The purpose of the Plan Change is to provide for residential development of greater height than permitted and an associated Business area for that block bounded by Packe Street, Madras Street, Purchase Street and Canon Street. The imposition of an Outline Development Plan, and the mixed zoning proposed, is suggested by the applicant's consultants to represent a Traditional Neighbourhood Development '(TND)', which it is suggested, forms a more sustainable and integrated land use for the area than its current Living 3 zoning.
19. The Committee resolved that:
- A Council submission be prepared on the private plan change and it be referred to the Committee in sufficient time for it to be lodged within the statutory timeframe, for the receipt of such submissions."*
20. The Committee discussed a number of issues with respect to the merits of the proposal. These, in conjunction with issues identified by Council Officers can be grouped as follows, and form the basis of the attached submission (Attachment '1'):
21. Effects
- (a) Urban Design
 - (i) Issues of continuous façade and design, height and dominance breaches and effects on both adjoining and external property occupiers, and the need for some Council discretion with regard to matters of design and appearance;
 - (ii) Issues related to ensuring the ODP and permeability throughout the site provides certainty in relation to future development;
 - (iii) Ensuring that the outcomes for the proposed Area C (Recreation) can both be relied on, and can occur within the underlying L3 zone rules.
 - (b) Recreation
 - (i) The wider St Albans area is seen as being deficient in relation to the provision of accessible and usable community open space. There is the issue as to whether the Plan Change and ODP can be amended to incorporate an area zoned as Open Space 1 (Neighbourhood Recreation) to integrate into the wider reserve network.
 - (c) Retail Distribution
 - (i) Issues of retail distributional effects from having a 'full service supermarket' on the site in terms of impacts on adjacent commercial areas such as at Shirley, Richmond and Edgeware.
 - (d) Traffic and Transport
 - (i) Issues of ensuring permeability throughout the site to enable a high level of walking and cycling;
 - (ii) Issues in relation to ensuring the amended visitor parking provisions will not result in overflow car-parking onto the surrounding local network;
 - (iii) Issues in relation to whether the wider transport network can adequately accommodate the growth in traffic generation, and access to the site, in an efficient and safe manner.
22. Benefits of the Proposal
- (a) The prospect of a comprehensive redevelopment through the ODP process, given the extent to which disjointed Living 3 development could occur currently on the site as of right;
 - (b) That higher levels of residential development, subject to issues related to design and appearance, would be appropriate within an urban block of this size;
 - (c) The provision of wider public open space, tennis courts and swimming facilities. Provided that these outcomes can be relied on, and that their ongoing management and maintenance would not fall back on the Council should these areas in future be available for wider public use.

- (d) That a limited B1/ community footprint would be appropriate, although issues of scale and activities have the potential to give rise to distributional effects on adjoining centres.
- (e) The facilitation of the redevelopment of a large 'brownfield' site for medium density housing and small scale mixed-use, in line with strategic goals of managing urban growth through consolidation.

Resource Management Act Timeframes

- 23. Pursuant to Clause 7(1)(c) of the First Schedule, the Council has 20 working days to lodge a submission after the date of notification.
- 24. Pursuant to Clause 8 of that Schedule, Any party, including the Council, can then make a further submission) within a further 20 working days in support or opposition) in relation to any initial submission lodged on the Plan Change.

THE OPTIONS

- 25. The Options with regard to this Plan Change are:
 - (a) To not lodge a submission
 - (b) To lodge a submission, based on the wording provided in Attachment 1.

THE PREFERRED OPTION

- 26. The recommended option is Option (b); there appear to be valid reasons for the Council to ensure that there is sufficient grounds by which a Commissioner could amend the plan change based on material presented at the Hearing.