

### 3. PROPOSED PRIVATE PLAN CHANGE 34 – REZONING 8 MANNING PLACE, WOOLSTON, FROM LIVING 2 TO BUSINESS 1

<b>General Manager responsible:</b>	General Manager, Strategy and Planning, DDI 941-8177
<b>Officer responsible:</b>	Team Leader, City Plan
<b>Author:</b>	Anita Hansbury, Planning Officer, City Plan & Consultant Planners, Boffa Miskell Ltd

#### PURPOSE OF REPORT

1. The purpose of this report is to provide advice to the Council in order for it to give its decision on Private Plan Change (Plan Change 34) request to the City Plan.

The Council may either decline or approve the change with reasons.

#### EXECUTIVE SUMMARY

2. Planning consultants Planit and Associates have lodged a private plan change request to rezone 8 Manning Place in Woolston from Living 2 to Business 1. No changes are proposed to any of the Business 1 zone standards.
3. At its meeting on 27 March 2008 the Council resolved to publicly notify this private plan change at the cost of the applicant. The Plan Change and the applicant's Section 32 Assessment, including the Transportation Assessment, are appended to this report as Attachments 1, 2 and 3 respectively.
4. The plan change was publicly notified in the Christchurch Star on 11 April 2008 and The Press on 12 April 2008 giving the public an opportunity to lodge submissions on the proposal. The neighbours and affected parties were informed by letter. The submission period ran from 12 April to 12 May 2008. No submissions were received.
5. The request conforms with the Council's policy on applications for plan changes in that:
  - the costs incurred by the Council in processing the application will be recovered from the applicant
  - the application does not involve an important strategic or policy issue
  - the proposed plan change does not affect a significant area of land that would pre-empt options for urban growth
  - the site is not within a Priority 1 Area Plan.
6. The analysis of the Section 32 assessment, carried out by Boffa Miskell, consultants on the Council's behalf, is detailed in the body of this report. The analysis concludes that the plan change achieves the relevant objectives and policies in terms of:

**Urban growth:** The proposed rezoning affects only a single property of 629m<sup>2</sup> and therefore has a negligible impact on urban growth policies when considered as part of a wider City scenario. At a local level the rezoning from Living 2 to Business 1 can be considered to support policies which seek to achieve urban development which is characterised by cost effective servicing and accessibility to a residential neighbourhood and a main transport route. In this case, the site is already efficiently serviced and is adjacent to a residential neighbourhood and Ferry Road.

**Transportation:** The proposal conforms with the City Plan objectives and policies for a safe and efficient transport network. Although the site could potentially be part of a larger redevelopment with adjoining Business 1 zoned sites and involve access from Ferry Road (already characterised by heavy traffic volumes), the City Plan has in place a rule for a maximum of 250 vehicles per day for a site access. Traffic volumes over this threshold would trigger a resource consent application in relation to traffic effects. Any potential adverse effects created by additional vehicle movements would therefore be addressed as part of this process.

The site does lie within easy walking distance of public transport on Ferry Road, and is accessible to the community along Manning Place and Hart Street. There is also potential to provide on-site car parking.

**Residential amenity:** The amenity of the residential area will be maintained through existing rules in the City Plan controlling setbacks and access to sunlight. In addition, the subject site currently supports a sub-standard dwelling the removal of which and subsequent redevelopment of the site may improve its overall appearance. The scale of the proposed rezoning is small and involves a regularisation of the zone boundary making it consistent with the alignment of the adjoining living/business zone boundary to the west. Accordingly, the proposed rezoning is unlikely to conflict with the City Plan objectives and policies in relation to residential amenity.

**Residential cohesion:** The rezoning affects only a single site which is already adjoined on two sides by business zoned land. The size and location of the land proposed to be rezoned does not result in any adverse impacts on residential cohesion and no dwellings will be left isolated from the adjoining residential area.

**Business:** The proposed rezoning provides for greater efficiency in land use and potential for redevelopment of the site. This would include redevelopment as part of the adjoining Business 1 Zone. The proposal is consistent with the business objectives and policies of the City Plan for accessible and convenient commercial activity and if undertaken in accordance with the City Plan rules should maintain the existing amenity values of the locality.

#### **FINANCIAL IMPLICATIONS**

7. As the proposed plan change is a private request, the property owner is funding the preparation and the processing of the Plan Change. This includes the public notification, reviewing of the plan change, Council reports and staff time. Therefore there should be no direct costs to the Council as these will be recovered.
8. There may be costs incurred to the Council if the applicant chooses to challenge the Council's decision in the Environment Court.

#### **Do the Recommendations of this Report Align with 2006-16 LTCCP Budgets?**

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

#### **LEGAL CONSIDERATIONS**

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

10. There is a legal process set out in the RMA which must be followed. It includes initial consideration of how the plan change is to be processed, followed by notification, submissions, reporting, hearings, decisions and possible appeals. It is a process which is very familiar to the Council and should create no particular risks or liabilities if followed correctly.
11. If the Council approves the private plan change it will result in the plan change coming into effect and the City Plan being amended accordingly.
12. Under the provisions of the Resource Management Act 1991, schedule 1, clause 29 (6), a Council decision to decline this plan change, can be challenged by the applicant in the Environment Court.

#### **ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

13. City Development - ongoing programme of improvements (page 145 of the LTCCP) to enhance the planning documents of the City, to ensure an attractive built environment and minimise adverse effects on the environment.

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

14. Yes

## **ALIGNMENT WITH STRATEGIES**

15. Yes

### **Do the recommendations align with the Council's strategies?**

16. Yes

## **CONSULTATION FULFILMENT**

17. The plan change was publicly notified in the Christchurch Star on 11 April 2008 and The Press on 12 April 2008 giving the public an opportunity to lodge submissions on the proposal. The neighbours and affected parties were informed by letter. The submission period ran from 12 April to 12 May 2008. No submissions were received.
18. The applicant had also carried out previous consultation with the residents in February 2008. The applicant directly contacted the owners of adjoining properties by way of a letter. Immediately adjoining neighbours to the south (the residential property at 10 Manning Place), and the north (a business property at 6 Manning Place) both expressed verbal support for the proposal.

## **STAFF RECOMMENDATION**

It is recommended that the Planning & Regulatory Committee **recommends to the Council** to:

- (a) Decide, pursuant to Clause 29(4) of the First Schedule to the Resource Management Act 1991, to approve the Private Plan Change 34 for the reasons set out in the "Explanation" of the private Plan Change 34 document (Attachment 1 to this report).
- (b) Delegate to the General Manager Strategy and Planning the authority to determine the date on which the provision becomes operative.

## **BACKGROUND & DISCUSSION**

### **The Application**

19. The application seeks to rezone a property at 8 Manning Place in Woolston from Living 2 to Business 1. The subject site is 629m<sup>2</sup> and is currently occupied by a single storey dwelling, approximately 50 to 60 years old and in a relatively poor condition of repair. The application states that this dwelling is occupied on a rental basis.
20. The Living 2 Zone encompasses the inner suburban living environments of the City and principally provides for low to medium density residential accommodation. It is anticipated that there is potential for infill and redevelopment within this zone at a higher density than the Living 1 Zone.
21. The Business 1 Zone is intended to provide for local shops and service activities. Many Business 1 Zoned sites are dominated by small scale retail shops, often in a "strip" immediately adjoining the road frontage. The zone provides for local employment and convenient access to goods and services.
22. A copy of the application is attached (Attachments 1-3).

### **RMA Timeframes**

23. The application was formally received on 2 November 2007 and consultant planners from Boffa Miskell Ltd were engaged to review and process the application on behalf of the Council. Further information was requested on 27 November 2007 on traffic related matters. That further information was received on the 20 December 2007. The Hagley-Ferrymead Community Board considered the matter on 20 February 2008 and accepted the staff recommendation to 'accept to notify'. The Council made a decision to publicly notify the plan change on 27 March 2008. Public notification took place on 11/12 April 2008 and the submission period closed on 12 May 2008. No submissions were received therefore no hearing is required.

### **Description of Proposal and Site**

24. The subject site is located in Manning Place, which is a local road running between Ferry Road and Wildberry Street to the south. The Manning Place/Ferry Road intersection is approximately 120m east of the major intersection of Ferry, Ensors and Aldwins Roads.
25. This section of Ferry Road is classified as a Minor Arterial Road in the City Plan, however surveys undertaken in 2006 indicate that the road volumes are more characteristic of an Arterial Road with approximately 21,115 vehicles counted. A survey in 2003 indicated that Manning Place had a daily vehicle trip count of 609.
26. The subject site is located 2 properties depth back from the Ferry Road/Manning Place intersection. It is adjoined on two sides (the north and west) by Business 1 zoned land and to the south it is adjoined by the Living 2 Zone.
27. The adjoining Business 1 zoned sites are part of a row of properties which all front Ferry Road for the entire length of the block from Hart Street to Manning Place. This shopping strip is used for a number of take-away food premises as well as a variety of retail activities e.g., Super Cheap Auto, a pharmacy and a hairdresser. The adjoining Living 2 Zone to the south is occupied by a dwelling.
28. Across Manning Place the site faces Living 2 zoned sites occupied by houses of mixed age and condition. There is a small commercial premise on the opposite (eastern) corner of Manning Place and Ferry Road (also Living 2) selling Polynesian food and products.
29. The private plan change application seeks to rezone the property from Living 2 to Business 1. The application notes that the subject site is unusual in that it is adjoined on two sides by the Business 1 Zone. The Planning Map shows that the Business 1 Zone boundary is not straight or regularised, and dog-legs around 8 Manning Place. The applicant has raised concerns about the continued efficient use of the site and reduced amenity for living purposes as a consequence of the length of shared boundary with the Business 1 Zone.

## **Description of Issues**

30. The Section 32 assessment accompanying the application has identified a number of potential development scenarios for permitted commercial activities on the site. These include the possibility that 8 Manning Place could be redeveloped in conjunction with other sites in the Business 1 Zone to the north.
31. The traffic implications of these scenarios have been assessed. Although the traffic volumes associated with a business activity are likely to be greater than from a residential activity on the site, the overall impact on Ferry Road volumes, safety and efficiency have been assessed as minor. It is acknowledged that the City Plan already has in place a standard limiting vehicle movements to 250 per day. Any increase in traffic as a result of rezoning that exceeds this standard would trigger a resource consent, ensuring that the traffic impacts of a specific development proposal would be subject to a detailed assessment. The proposal for rezoning to a Business 1 Zone does not therefore result in any loss in the ability to address any new access arrangements or the effects of any increase in traffic volume.
32. The Section 32 assessment also identified the main differences in effects between the current Living 2 Zone standards and the Business 1 Zone. In summary, the comparison indicates that the maximum density of development likely under a Business zoning is not significantly greater than in the Living 2 Zone, taking into account the rules for setbacks, recession planes, car parking and landscape treatment. The maximum building height is 8m for both the Living 2 and Business 1 Zone, while a greater building setback from neighbours and landscape treatment are required for a building used for Business 1 activities than residential activities. A Business 1 Zone would, however, enable a wider range of activities to be established. The Business 1 Zone rules have however been developed to specifically manage effects at the Business 1 – Living zone interface, reflecting the suburban setting of the Business 1 Zone.
33. The proposal for rezoning would shorten the Living/Business interface in this locality and generate more options for efficient use of 8 Manning Place.

## **Discussion of proposed methods**

34. The application does not seek to amend or add to any of the existing Business 1 Zone rules to accommodate any unusual features of the site. Accordingly, the existing provisions and controls of the Business 1 Zone would be applied to any future redevelopment or activities on the site. It is noted that the Business 1 Zone Statement acknowledges that the standards of the zone already control the effects of activities to a level that does not unduly impact on the amenities of adjoining living zones. The application therefore considers that no adverse development scenarios are created by the rezoning.

## **Planner's analysis of Private Plan Change Section 32 Assessment**

35. Under Section 32 of Resource Management Act 1991 a local authority before making a decision under clause 29(4) of the Schedule 1 must undertake a Section 32 evaluation.

This evaluation must examine:

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the 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.

The evaluation must also take into account:

- (a) the benefits and costs of policies, rules, or other methods; and
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

## **Assessment of Objectives**

36. The applicant has examined this proposal against a wide range of objectives and policies including Section 6 Urban Growth; Section 7 Transportation; Section 11 Living and Section 12 Business. The applicant concluded that the Plan Change is consistent with these objectives.

A Council assessment of these objectives and policies is as follows. It is agreed that the applicant's assessment considers the appropriate objectives and policies of the City Plan:

### **Urban growth:**

37. The Urban Growth objectives and policies seek to consolidate urban growth by retaining a compact urban form, increasing density through redevelopment of vacant land and buildings. Objective 6.2 is concerned with business activity and urban growth and seeks to promote close proximity and good accessibility between living and business areas. In particular, the location and accessibility of suburban shopping centres are seen to promote pedestrian and vehicle efficiency and expansion is only encouraged where it would reinforce community density, have minimal effects on amenity and be served by public transport.
38. The proposed rezoning from Living 2 to Business 1 is a small land area that does not create conflicts or inconsistencies with urban growth objectives and policies. There is no significant change to existing patterns of land use or adverse effects on accessibility or efficiency. The site is already fully serviced and lies on a main transport route (Ferry Road). There is a bus stop within a few metres of Manning Place and the site lies at the Business 1/residential interface ensuring pedestrian accessibility. In adopting the existing standards of the Business 1 Zone the proposed rezoning will not generate any new or significant adverse effects on amenity and will involve redevelopment of a dwelling in a state of disrepair.

### **Transportation:**

39. The transportation objectives and policies of the City Plan promote a sustainable and efficient transport system. Emphasis is placed on reducing volumes of traffic, reliance on private transport and minimising environmental effects through the integration of transport and land use planning. Policies seek that land uses should not conflict with the road network in terms of parking; access and pedestrian activity. The proposed rezoning does not introduce any conflicts with these objectives and policies to the extent that the site lies within easy walking distance of public transport on Ferry Road, and adjoins the residential community along Manning Place and Hart Street. Any redevelopment of the site would also be required to provide on-site car parking.
40. At the time that further information was requested, concern had been expressed by transportation engineers that the proposal could contribute to congestion and reduced efficiency on Ferry Road. The City Plan does however have in place a rule specifying a maximum threshold of 250 vehicles per day from an individual site access. Any redevelopment of the site, either on its own, or as part of a comprehensive redevelopment with surrounding sites would therefore require resource consent if this threshold was exceeded. A mechanism is therefore already in place in the City Plan to address any potential adverse effects created by additional vehicle movements.

### **Living:**

41. The Living objectives and policies seek to maintain and create diverse living environments with differing characteristics such as age; size of housing; density; section sizes and streetscape. With regard to non-residential activities in living zones, the policies acknowledge that these can be important in meeting community needs. However, these types of activities should achieve a standard of amenity consistent with the living zone and adverse effects on neighbouring residential sites in relation to noise; traffic; hours of operation; visual detracting; scale and loss of residential amenity should be avoided, remedied or mitigated. Residential coherence should also not be compromised and the scale of buildings should reflect those in the living environment.

42. The proposed rezoning is unlikely to fundamentally alter the character or residential coherence of the surrounding residential zoned land. The Business 1 is already recognised as a zone that interfaces with Living areas and the existing rules in the City Plan have been written to ensure amenity values are retained which are consistent with the living environment in respect of access to sunlight, noise privacy and outlook: Number 10 Manning Place, the adjoining property to the south, has an existing 3 metre fire wall at the boundary with the applicant's site. The effect of this wall is that redevelopment of number 8 Manning Place has no impact on the outlook or privacy of the immediately adjoining property to the south.
43. With respect to building bulk, the performance standards for the Business 1 Zone do not result in a significantly greater building bulk than the Living 2 Zone. The height limit is the same, however, there is a greater setback requirement and landscaping standards in the Business 1 Zone but less requirement for building articulation in terms of continuous building length, ridgelines and exterior walls. The range of activities is wider in the Business 1 but these would be required to comply with the City Plan noise standards, which have the effect of limiting hours of operation.
44. Any adverse effects arising from a traffic access onto Manning Place would be assessed at the City Plan threshold of 250 vehicles. It is also agreed with the applicant that as number 10 Manning Place is adjacent to the existing Business 1 zone and only two properties away from Ferry Road, it is most likely that business related traffic will be concentrated to the length of road between Ferry Road and the property access, with the residential end of Manning Place experiencing a lesser increase in traffic volumes.
45. Overall, as the proposal does not create any new zone or provisions, the application does not create a land use scenario which is not already anticipated and provided for in the City Plan. It is therefore consistent with the objectives and policies that relate to the Living environment.

**Business:**

46. The objectives and policies provide for a range of business environments that meet the social and economic needs of the wider community, whilst avoiding, remedying and mitigating adverse effects, particularly on adjoining living environments. The City Plan requires that businesses be efficiently serviced both with regards to infrastructure and services; be accessible and maintain the amenity and integrity of residential areas where applicable. Policy 12.1.4 is specifically concerned with cumulative effects arising from commercial activities on the road network and local living environments.
47. The proposed rezoning will conform with the objectives and policies of the City Plan with respect to efficient servicing and proximity to a local arterial road, access to public transport and walking distance of residential properties. It must be recognised however, that the size of the property is such that it does not make any significant difference to the existing levels of service and accessibility already available to the community.
48. As discussed above, under Living, the provisions of the City Plan already anticipate and provide for activities at the Living/Business zone interface and therefore the proposal does not introduce any unusual or new land use scenarios. Accordingly, the City Plan rules should be effective with respect to maintaining the amenity of the surrounding living environment. The proposed rezoning does provide an efficiency by enabling the boundary between the Living 2 and the Business 1 Zone to be regularised in this locality. The benefits of this regularisation or realignment of the zone interface are however limited to the property concerned by providing for a wider range of land use and development options to the applicant.
49. Overall, due to the small size and its location immediately adjacent to an existing Business 1 Zone, the proposal does not present any inconsistencies with the objectives and policies of the City Plan. The size of the site is also such that any significant adverse cumulative effects on other commercial centres or the road network are considered unlikely.

**Cost and Benefit Analysis:**

50. The applicant has advised that the purpose or reason for the proposed plan change is to address the potential limitation of providing for residential activities on a property adjoined on two sides by a Business 1 zoning and to realise the greater efficiency of a Business 1 zoning in this particular location. Residential activity is not precluded under a Business 1 Zone, however a Business 1 Zone provides for a wider range of land use options and thereby increases efficient use of the land.
51. The costs and benefits of these two scenarios are summarised as follows. It is noted however that both options are efficient and effective in achieving the objectives and policies of the City Plan. The differences are more related to the environmental effects of the development outcomes.

<b>Living 2 (Status Quo)</b>	
<b>Costs</b>	<b>Benefits</b>
Fewer land use options, therefore less efficient	Retention of residential neighbour
Due to shared boundary on two sides with Business 1 zone, attractiveness for residential activity diminished and therefore use of site (and fulfilment of City Plan living objectives and policies) less efficient.	Resource consent process for alternative land uses enables Council to impose conditions on a specific redevelopment proposal or land use activity.
Time and cost of resource consent applications for alternative land uses.	Effective (but not as efficient as other sites) in fulfilling City Plan objectives for housing choice.

<b>Business 1</b>	
<b>Costs</b>	<b>Benefits</b>
Scale of built development may be greater, though not anticipated to be significantly greater than a Living 2 scenario. Potential for buildings to be built up to street boundary but must be setback further from Living boundary.	City Plan rules already anticipate and set standards for Living/Business 1 interface.
Loss of residential neighbour in Manning Place.	Will provide for convenient and accessible provision of goods and services.
Potential for increase in traffic in Manning Place.	Loss of derelict house
As a one-off this application has negligible impacts on the City Plan objectives and policies, but potential for cumulative effects if more sites adjacent to Business 1 Zone along Ferry Road were to be rezoned.	Provides greater range of potential economic uses for landowner.
	Can be added to landbank for potential comprehensive redevelopment of Business 1 Zone on Ferry Road between Hart Street and Manning Place.
	Effective and efficient at providing for local commercial needs in accordance with the City Plan objectives and policies.
	Avoids ad hoc resource consents – time and cost
	Consistent living/business boundary alignment between Hart Street and Manning Place
	Area already characterised by a mix of development.



52. In summary, the proposal for rezoning does represent an effective and efficient use of the subject site. The rezoning will give effect to the objectives and policies and overall intent of the City Plan for sound resource management of the City environment. The City Plan rules are an important component of the overall management package to ensure that traffic, building and land use related impacts at the living/business interface are appropriately managed.

### **Processing of Private Plan Changes**

53. The processing of private plan changes is set out in Clauses 21 -29 of the 1st Schedule to the RMA. In summary these provide the following:
- Clause 21 allows any person to make an application for a change to an operative district plan. The City Plan is operative.
  - Clause 22 requires the request for a plan change to be made in writing with reasons and to be accompanied by an assessment of environmental effects and an assessment under Section 32 of the RMA.
  - Clause 23 enables the Council to seek further information upon receiving the application (further information was requested for this application).
  - Clause 24 allows the Council to modify a proposal, but only with the consent of the applicant.
  - Clause 25 requires the Council to consider the request and make a decision to either
    - “accept” it and proceed to public notification, or
    - “adopt” it as if it were its own proposal, and publicly notify it, or
    - treat it as if it were a resource consent, or
    - “reject” it if it falls within one of the limited grounds specified.
  - Clause 26 requires the Council to publicly notify the proposed Plan Change within 4 months.
  - Clause 27 sets out the circumstances where an applicant can appeal a Council’s decision to adopt, accept in part only or reject a Plan Change request.
  - Clause 28 provides for the withdrawal of a request.
  - Clause 29 sets out the procedures for processing of the request including the following steps: public notification, submission, further submission, hearing, decision, and appeal (if any).

### **OPTIONS**

54. The Council’s options are:

- a) Decline
- b) Approve

There is no status quo, i.e. do nothing option. The application must be considered and either declined or approved.

### **PREFERRED OPTION**

55. The preferred option is Option b) – approve the proposed plan change.

There is a number of reasons for choosing option b) as the preferred option. These are as follows:

- The proposed rezoning is consistent with the relevant objectives and policies of the City Plan.
- Rezoning to Business 1 provides for a wider range of activities to be established which are consistent with the mixed use character of the locality, while the rules of the City Plan will ensure that traffic and amenity impacts are addressed if thresholds are exceeded.
- The scale of the proposed rezoning is small and the regularisation of the Living 2/Business 1 Zone boundary is beneficial as it provides for efficient landuse by reducing the extent of interface between two zones.
- No submissions were received on the proposal.