

## 9. PLAN CHANGE 10 TO CITY PLAN - URBAN EXTENSION, HUSSEY ROAD



<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8549
<b>Officer responsible:</b>	Environmental Policy and Approvals Manager
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### PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council accept and notify Plan Change 10 to the City Plan. Plan Change 10 is a privately requested plan change seeking to rezone land at 140 and 150 Hussey Road Harewood from rural (Rural 3) to residential (Living 1). The proposed plan change site represents a relatively minor urban extension of the Northwood residential area.

### EXECUTIVE SUMMARY

2. An application for Plan Change 10 was formally lodged with the Council on 28 September 2006. The Council must accept a requested plan change and notify it unless it considers that it should be rejected and it falls within one of the limited circumstances specified in the Act. Accepting and notifying the change does not indicate that the Council supports the change, only that it may have some merit. An assessment of the proposal was undertaken and the following concerns were raised:
  - Site access
  - Removal of an existing shelter belt
  - Potential noise problems from a neighbouring boarding kennel
  - Adequate planting buffers to improve the ecological value of the Styx River and Styx Mill Reserve.
  - Protection of wildlife along the Styx River with the introduction of a predator fence.
3. In view of the issues raised above the applicant provided the Council with further information to assist the Council with its assessment of the proposal. These aspects have now been satisfactorily resolved. It is noted that the change includes a rule requiring a predator fence in accordance with the Living 1 zone proposed for the site. However, there is an unresolved minor issue relating to the exact positioning of the fence along the Styx River.
4. It is recommended that the Council accept the plan change and proceed to notify it accordingly.

### Introduction

5. The Resource Management Act permits anyone to request a change to the City Plan. The Council must accept the change and publicly notify it for submissions, unless it considers that it should be rejected and it falls within one of the limited circumstances listed in Clause 25 of the First Schedule outlined in paragraph 9. The notification of such a requested change has no effect on the Plan unless the Council makes the change operative following consideration of any submissions made on the proposed change.

### Proposal

6. The application for a private plan change was lodged with the Council on 28 September 2006 and requests that the adjoining properties of No.140 and No.150 Hussey Road, Harewood be rezoned from Rural 3 to Living 1. The zone change is illustrated in the revised planning map 17A attached.
7. The site (combination of two lots) is approximately 4 ha in size. The site is bounded by Northwood residential area to the east, the Styx River to the south, the Styx Mill Reserve to the west and Hussey Road and Rural 3 land to the north.
8. In short, this proposal requests a relatively minor urban extension to the Northwood Residential Area.

## Assessment of Effects

9. A comprehensive section 32 assessment was submitted as part of the plan change application lodged with the Council. The complete section 32 assessment is attached.
10. An assessment has been made of the proposal and the Council has also previously had the opportunity to comment on the proposal which was originally submitted as a draft application in July 2006.
11. In terms of traffic effects these are considered to be minor by Asset and Network Planning (Transport), provided that legal road access to both lots be provided from Glen Oaks Drive. This will require the purchase of a link strip for the purposes of recovering road construction costs. The applicant has agreed to this and the change has been amended so that there is to be no road access to the site from Hussey Road, except those residential lots that will be fronting Hussey Road.
12. There is an existing shelter belt on the boundary between the site and Northwood which is to be removed. The shelter belt originally defined the boundary between urban and rural land however it is now no longer required and if left will create unnecessary shading of residential properties. The Styx Reserve, west of the site, is considered to be sufficiently large enough to define the new urban/rural boundary, hence a new shelter belt in this location will not be necessary. The Styx Mill Reserve is illustrated in the revised planning map attached.
13. The applicant has agreed in writing with the advice of Asset and Network Planning (Transport) and also submitted a revised Development Plan indicating access from Glen Oaks Road and other minor details. I am satisfied that sufficient information has been provided by the applicant on these matters. A revised Development Plan (Styx) is attached.
14. Asset and Network Planning (City Water and Waste) has advised that the site can be adequately serviced with reticulated water and sewer. This will require an extension of services from Northwood. The applicant is aware of the requirement for connection to reticulated water and sewer for Living 1 residential areas.
15. Asset and Network Planning (Green Space) has advised that stormwater is to be detained and treated on-site. The details of this are to be determined at subdivision.
16. Asset and Network Planning (Green Space) has advised that, in accordance with the Living 1 zone rules of the City Plan, the southern portion of the site abutting the Styx River will require a 20m set back for an esplanade reserve, 5m vegetative buffers and a predator fence, and a minimum building setback of 25m from the edge of the terrace. In addition as part of developer contributions, land will be required for a recreation reserve, the details of which will be determined at subdivision. The applicant is aware of these requirements.
17. The change proposes similar rules to Northwood, including a requirement for a predator fence beside the Styx River. Rules applying to Northwood require the fence to be located at the bottom of the terrace, however, in this case the Greenspace Unit requests that the fence be located on top of the terrace, because they wish to take the slope of the terrace as reserve. The resolution of this issue may require the Council to make a submission to have the location of the fence changed to the top of the terrace.
18. The site will be well serviced by community service infrastructure in Northwood. The nearest commercial centre is approximately 500m away and there is considered to be sufficient capacity within nearby schools to accommodate the additional residents on site. Other community and social services in Northwood will also be available to new residents, who are expected to increase patronage of local business and strengthen economic growth and viability of the area in general.
19. All other matters associated with potential effects of the plan change have been considered by the relevant Council departments and these effects are considered to be minor. I am satisfied that at this stage of the rezoning sufficient information has been provided by the applicant to indicate that there are unlikely to be significant effects from this change.

## **City Plan Objectives and Policies**

20. The section 32 assessment included an assessment of the merits of the proposal against the objectives and policies of the City Plan. In this respect the most important element of the proposed plan change is whether it is consistent with the City Plan principles for urban growth within Christchurch.
21. I am satisfied that the section 32 assessment submitted as part of the plan change is adequate and that the plan change is an efficient and effective means of achieving the objectives and policies of the City Plan. The following is a brief summary of the section 32 assessment.
22. The plan change proposes a residential extension of Northwood so the primary consideration is whether the site is best suited to residential purposes rather than other activities, particularly those permitted by the existing Rural Zone. This must take into account the site's versatile soils and be weighed against the value of retaining these soils for rural purposes against the use of the site for urban purposes. It is considered that the value of urban development of the site is at least as beneficial as the use of the site for rural activities. A Living zone will provide additional benefits by enabling objectives and policies relating to the enhancement of ecological and recreational values to be achieved through the provision of esplanade reserves and other reserves. The Styx Mill Reserve bordering the west and south of the site will also achieve a stronger urban/rural boundary and reduce the likelihood for potential reverse sensitivity effects.
23. If the site is suitable for urban development it needs to be undertaken in such away that is consistent with the intended purpose of the proposed zone (living 1 residential development) and the City as a whole (promote a Garden City image). These factors consider the character and amenity of an area, which in the case of the proposed plan change, will be similar to that of the adjoining Northwood.
24. The plan promotes urban consolidation where possible and also allows for some growth on the periphery, as is the case here with development proposed at the rural/urban boundary. Consolidation is achieved in two ways. Firstly the plan change represents a relatively minor urban extension of Northwood in contrast to an adhoc or detached pocket of residential development which is generally not favoured within the City. Secondly, the proposed new urban/rural boundary, is predominantly surrounded by the Styx Mill Reserve, particularly to the South and West of the site. The reserve is considered to be sufficiently large enough to define a new urban/rural boundary which will assist in deterring further outward residential development.
25. Urban growth on the periphery of the City is advantageous in this case, as it is suitably located to utilise the existing infrastructure in Northwood. Future residents of the proposed site have the opportunity to take advantage of existing infrastructure in Northwood including parks, shops, schools and public transport, to name a few. In addition, the extension of water, sewer, stormwater and roading infrastructure from Northwood is a cost effective means of achieving urban growth.
26. Maori values have been considered as part of this plan change and currently there are no known Treaty of Waitangi or Tangata Whenua issues associated with the site.

## **Other Statutory Considerations**

27. As part of the section 32 assessment the proposed plan change must take into account other relevant statutory considerations. In this case, these are:
  - Regional Policy Statement (RPS)
  - Regional Land Transport Strategy (RLTS)
  - Natural Resources Regional Plan (NRRP)
28. I am satisfied that these statutory considerations have been sufficiently addressed. Further details are included in the attached section 32 assessment. These considerations are discussed further in the following consultation section of this report.

## **Consultation**

29. The applicant has provided relevant parties, including the Regional Council, with information regarding the intent of the plan change in July 2006 and has invited them to comment on the proposal.
30. Asset and Network Planning (Transport) have considered the Regional Council's transport policies in its assessment and raised concerns regarding the proposed site's ability to be serviced by public transport. Currently, the nearest bus service is available from the Northwood Boulevard/Annaby Drive intersection, approximately 500m to 600m from the site. It is preferable that new development be located within 500m of a bus service. However, given the relatively close proximity of infrastructure in adjoining Northwood the provision of public transport to the site in future will be a cost effective option. The applicant has provided the relevant information regarding the Plan Change to the Regional Council.
31. I am satisfied that the information provided in the application has considered all other relevant Regional Council policies. However, it is noted that there has been no response to the applicant from the Regional Council regarding the plan change, other than in terms of public transport.
32. The applicant has provided the following parties with the relevant information regarding the plan change and no other issues have been brought to Council's attention:
  - The Minister for the Environment
  - Te Runanga o Ngai Tahu
  - Te Ngai Tuahuriri Runanga
33. It should be noted that in relation to the above parties there has been no response to the plan change.
34. A potential concern arose in respect of an animal boarding kennel situated directly opposite the site on Hussey Road, which may be a source of excessive noise and result in complaints from new residents. The rule in the City Plan requires that animal boarding kennels are not be located within 200m residential buildings, which in relation to the site will be a breach of the rule. Consequently, the applicants consulted the kennel owners who are proposing to move their business to a new location and sell the property on Hussey Road. The kennel business attached to the Hussey Road property is not expected be sold as a going concern however given the proposed rezoning contravenes the rule in the plan, this will be taken into consideration by the hearing panel after consideration of all submissions.
35. The two lots in the change are owned by different landowners. The applicant who is the potential purchaser of one of the lots has consulted the landowners of the second lot. A letter has been received by the Council advising that the landowners of the second lot generally support the zone change but reserve the right to make a submission as part of the formal notification process.
36. The applicant provided the Council with a draft proposal of the plan change in July 2006 so that they could seek initial comments. Advice from the relevant Council Departments was provided to the applicant which was incorporated in a formal application lodged in September 2006.

## **FINANCIAL AND LEGAL CONSIDERATIONS**

### **Financial Considerations**

37. All services are to be provided by the developer. The Council will be required to maintain the services including reserves.

### **Legal Considerations**

38. Applications for changes to the Christchurch City Plan may be made in the manner set out in Part 2 of the First Schedule to the Resource Management Act.
39. The Council will consider any applications in the manner set out in the First Schedule.

40. The Council will recover its costs relating to such applications, as set out in Section 36 of the Resource Management Act 1991.
41. The Council may, in its consideration of the request pursuant to Schedule 1 Part 2 clause 25 of the RMA either:
  - Adopt the request, or part of the request, as if it were a proposed policy statement or plan made by the local authority itself and, if it does so, notify the request within four months of the local authority adopting the request; or
  - Accept the request, in whole or in part, and proceed to notify the request, or part of the request.
  - The local authority may reject the request in whole or in part, but only on the grounds that:
    - (i) The request or part of the request is frivolous or vexatious; or
    - (ii) The substance of the request or part of the request has been considered and given effect to or rejected by the local authority or Environment Court within the last two years; or
    - (iii) The request or part of the request is not in accordance with sound resource management practice; or
    - (iv) The request or part of the request would make the policy statement or plan inconsistent.
    - (v) In the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than two years.
  - The local authority shall notify the person who made the request, within 10 working days, of its decision under this clause, and the reasons for that decision.

#### **Policy On Applications For Changes To The Christchurch City Plan**

42. In 2005 when the City Plan was made operative in part, the Council made a policy on accepting applications for private plan changes. The policy is set out in italics below. Points one and two of the policy simply cover some of the statutory requirements that have already been discussed above, and point three details cost recovery under the Act, which the applicant is already aware of. Consequently these will not be discussed further here.
  - "1. Applications for changes to the Christchurch City Plan may be made in the manner set out in Part 2 of the First Schedule to the Resource Management Act. A flowchart outlining the City Plan Variation Application Procedure is attached.*
  - 2. The Council will consider any applications in the manner set out in the First Schedule.*
  - 3. The Council will recover its costs relating to such applications, as set out in Section 36 of the Resource Management Act 1991.*
  - 4. Pursuant to Clause 25(4)(e) of the First Schedule the Council may reject applications for plan changes within two years of the City Plan becoming operative. In considering whether to do this the Council will have regard to whether any of the following matters apply:*
    - (a) The subject matter of the application affects an important strategic or policy issue the Council is currently investigating and may preclude options being considered.*
    - (b) The proposal is for rezoning of a significant amount of land for urban growth and would pre-empt options for urban growth, being considered under the Metropolitan Christchurch Urban Development Strategy.*

(c) *The proposal is for rezoning of land for urban growth and the site is within a Priority 1 Area Plan currently under investigation by the Council. As at August 2005 Priority 1 Area Plans include Belfast, Memorial-Russley-Hawthornden, Southwest and Upper Styx-Harewood.*

5. *This policy will cease to have effect in regard to any provision of the City Plan which has been operative for two years or more. “*

43. In relation to point 4a and 4b, I note that the area to be considered as part of the plan change does not affect any important or strategic policy decisions the Council is currently investigating, that would preclude options being considered. Nor is the rezoning considered to involve a significant portion of land that would have implications for matters being considered under the Urban Development Strategy. This is because the proposed plan change covers a 4ha area which would only allow for creation of approximately 34 lots, adjoining the existing Northwood subdivision. The plan change would need to cover a much larger area before it was considered significant.

44. The proposed plan change does however, fall within the priority one Belfast Area Plan that is covered by point 4c of the policy. I have discussed this with Matt Bonis a consultant Planner working on behalf of the Policy and Planning Team on the Belfast Area Plan and he has advised that this proposal does not significantly affect the objectives of the Area Plan.

#### **STAFF RECOMMENDATIONS**

It is recommended that the Council accept the request and proceed to notify the proposed plan change.

**ASSESSMENT OF OPTIONS**

**Preferred Option**

45. Accept and notify the plan change.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Provides for urban growth in an appropriate location. Reinforces existing Northwood community	Loss of land for rural activity
<b>Cultural</b>		
<b>Environmental</b>	Protection and enhancement of ecological values of the Styx River	
<b>Economic</b>	Provide additional patronage to local business	Maintenance of esplanade and recreational reserve and other services
<p><b>Extent to which community outcomes are achieved:</b> Complements and reinforces existing Northwood community.</p> <p><b>Impact on Council's capacity and responsibilities:</b> Cost effective extension of Council infrastructure from established residential area. Capacity of infrastructure is not expected to be exceeded.</p> <p><b>Effects on Maori:</b> There has been no response from the potential affected tangata whenua. No effects have been identified.</p> <p><b>Consistency with existing Council policies:</b> Facilitate additional growth as part of an established residential area, whilst ensuring urban consolidation is achieved.</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b> No general consultation has been undertaken.</p> <p><b>Other relevant matters:</b></p>		

**Maintain the Status Quo**

46. Reject the Plan Change.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Retain the land for rural activities	No opportunity for additional recreational activity and connectivity to the Styx Mill Reserve
<b>Cultural</b>		
<b>Environmental</b>		No opportunity for improving river and wildlife values
<b>Economic</b>	reduced need for maintenance of esplanade and recreational reserve, and other services	
<p><b>Extent to which community outcomes are achieved:</b> Fulfils outcomes within context of existing zoning.</p> <p><b>Impact on Council’s capacity and responsibilities:</b> Will not impact on existing infrastructure.</p> <p><b>Effects on Maori:</b> Effects on Maori will be unchanged.</p> <p><b>Consistency with existing Council policies:</b> Consistent with Council’s existing policies within context of existing zoning.</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b> No general consultation has been undertaken.</p> <p><b>Other relevant matters:</b></p>		