


10. NOTIFICATION OF PLAN CHANGE BUSINESS 4 AND BUSINESS RETAIL PARK HEIGHT LIMITS BUSINESS 4 SETBACKS



General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Senior Planner, City Plan Team
Author:	Scott Blair, Senior Planner, City Plan Team

PURPOSE OF REPORT

1. The purpose of this report is to seek a Council resolution on whether or not to proceed with public notification of proposed Plan Change relating to introducing building height limits for the Business 4 zones and the Business Retail Park Zones.

EXECUTIVE SUMMARY

2. In May 2005 the Christchurch City Council commenced a review of the adequacy and effectiveness of the bulk and location standards of the Business 4 (Suburban Industrial) Zone.
3. The study was initiated as a result of community concern relating to the approval of a resource consent for a 14-storey office building within the Business 4 Zone at Ferrymead. The proposed building complied with the bulk and location standards of the Business 4 Zone and only required resource consent for a car parking non-compliance. Local residents raised concerns with respect to the height, bulk and form of the building, and its associated visual and amenity effects. The primary focus of this concern was the height of the building and the absence of a height standard in the Business 4 Zone.
4. The Business 4 Zone currently only limits height by way of a 'Height to Boundary' (recession plane) control while the density of development or building size is limited by a 'Plot Ratio'. The lack of a maximum height control in the Business 4 Zone was consequently criticised as enabling the proposed development. It is noted that the proposed building was later reduced in scale by a subsequent approval for a 7 storey building.
5. In response to this sequence of events the Christchurch City Council decided to review the effectiveness and adequacy of all of the bulk and location rules in relation to the amenity in surrounding zones. This review was applied to all of the Business 4 Zone (not just Ferrymead). The effectiveness and adequacy of the objectives, policies and environmental outcomes of the City Plan were also considered as they apply to the Business 4 Zone.
6. The overall objectives of the study were to:
 - identify the potential adverse environmental effects on zones surrounding the Business 4 zones (except the Business 5 zones) associated with built form within the Business 4;
 - identify where, if at all, the current objectives and policies, environmental outcomes anticipated and the bulk and location controls associated with the Proposed City Plan fail to address potential adverse effects associated with built form in the Business 4 zones; and
 - if needed, identify options for amendments to, or introduction of, new objectives and policies, environmental outcomes anticipated and bulk and location controls to address potential adverse effects associated with built form in the Business 4 zones.
7. The Study reviewed built form in six case study areas within the Business 4 Zone. These were located at Ferrymead, Wainoni, Wairakei Road, Papanui, Riccarton and adjacent to Hagley Park. The Study identified the regulatory and policy framework within which built development occurs and then developed a number of bulk and massing scenarios .
8. The Study concluded the following points:
 - The current Business 4 Zone rules and controls do not adequately deal with the issue of 'edge effects' or the impact of the bulk and massing of development on surrounding areas, especially where the Zone adjoins Living or Open Space zoned land. In particular, additional setback distance was recommended from the zone boundary and a height control applying to all Business 4 sites.

- The geographic and environmental diversity of areas zoned Business 4 is not reflected in the City Plan provisions. The Business 4 Zone has a standardised set of rules which apply equally to all the Business 4 sites spread across the city and to a wide range of activities which are permitted within the zone regardless of the characteristics of a particular locality.
 - The great strength and weakness of the zone is its 'one size fits all' approach to both the wide range of activities and the wide range of areas and urban environments covered by the Zone. While this does allow diversity and change it also produces, in some cases, unanticipated negative effects as evidenced by the Ferrymead example.
 - The omission of a maximum building height is significant in terms of potential adverse impacts on adjoining Living and Open Space zones.
9. The report went on to make specific recommendations for:
- text changes to the objectives and policies; and
 - a new rule for height in the Business 4 Zone; and
 - an increase in the setback from 3m to 10m for Business 4 Zones which share a boundary with Living, Open Space and Conservation Zones.
10. The height standard recommended was for a Development Standard of 15m and a Critical Standard of 22m.
11. That Study was completed in September 2005 and a Council seminar was held in October 2005. At that seminar Councillors discussed the benefits of reducing the height of buildings. The discussion focused on the effects of buildings with a higher site coverage, which left no open space on a site or opportunities for views around or between buildings. It was not clear if this was preferable to buildings which may be taller but slimmer with more open space around and between buildings offering light and views.
12. As a consequence further analysis was undertaken. This analysis specifically considered the difference and relative "pros" and "cons" between tall, thinner buildings compared with lower but wider buildings.
13. A supplementary report was then produced which considered three case study areas - Papanui, Ferrymead and the edge of Hagley Park. In each of these areas, four typical building forms for permitted activities were modelled. These were industrial warehouses, low rise offices, medium rise offices and high rise offices.
14. The supplementary report recommended:
1. *That the Council commit to investigating – through an appropriate consultation programme with the wider community and Ferrymead business landowners and occupiers – the desirability of rezoning Ferrymead to a Mixed Use Zone. At the same time, introduce a new height control to the Business 4 – Development standard of 15m and Critical Standard of 22m.*
 2. *If the Council is not willing or able to progress the Mixed Use option then introduce a new height control – Development Standard of 11m and Critical Standard of 15m to essentially maintain a similar level of built form to that which currently exists.*
15. The conclusions leading to the recommendation supported the original recommendations ie, a new performance standard for the Business 4 Zone, limiting the height of buildings with a Development Standard of 15m and a Critical Standard of 22m – providing for low rise office and warehouse type activities. Lower Development and Critical standards of 11m and 15m were recommended for Ferrymead. The report considered that "finer grained" buildings would be more appropriate in the Ferrymead context however this would require a change to a Mixed Use Zoning where the range of permitted activities would require less building bulk. This was beyond the brief of the study, so the report concluded that a lesser standard would be appropriate, either as a "holding position" until such time as rezoning was considered, or in the longer term, to ensure that the height of buildings was maintained at a level consistent with the existing built development. The Council has committed to investigating the desirability of rezoning Ferrymead to a Mixed Use Zone. The study was initiated in late 2006.

16. Consultation with the community was undertaken during the study, including:

Letters were sent to the following parties:

- All persons shown on the Council's databases as owners and occupiers of land zoned Business 4 and Business Retail Park across Christchurch City.
- All persons shown on the Council's databases as owning and occupying land adjoining the Business 4 and Retail Park Zones which is zoned for living, cultural, open space and conservation purposes.
- Known interest groups such as the Avon/Heathcote Estuary Trust, the Canterbury Chamber of Commerce, the New Zealand Property Council, residents associations.
- Statutory organisations including Ministry for the Environment, Environment Canterbury and local runanga.

Approximately 4,500 letters were sent. The letter to all these groups contained two attachments – an Information Sheet and a Response Sheet.

17. The information evenings were held on Thursday 9 and Tuesday 14 November 2006 from 4pm to 8pm. Present at the information evening were two consultant planners and the Council's senior policy planner overseeing the project.
18. Based on the findings of the various technical reports and feedback from the community, a package of broad plan change recommendations and an interim S.32 report was presented to a Council seminar on 8 May 2007. Following the seminar and associated feedback from Councillors, further analysis was carried out on the plan change package and the specific proposed text changes to the Plan were drafted. This further analysis, updated S.32 report, and proposed Plan Change. Since the seminar the S.32 report and Plan Change text has been finalised (attached to this report).
19. The proposed package of changes to the City Plan include:

Height

Introduce a new height standard in the Business 4 and Retail Park Zones (excluding Ferrymead) as follows:

- Development Standard 15m
- Critical Standard 20m

For Ferrymead:

- Development Standard 11m
- Critical Standard 15m

Setback

- Increase the existing development standard from 3m to 5m.

20. Section 32 of the Resource Management Act requires the Council to be satisfied that any proposed plan change is a more efficient and effective means of achieving the Plan's objectives and policies than the current provisions. The attached S.32 report concludes that this is the case for the proposed amendments to the City Plan. Should the Council resolve to publicly notify the proposed plan change then those changes will be available for the community to make submissions on, with submitters then able to present their submission at a public hearing, with the hearings panel then obliged to make a recommendation to the Council on whether or not the plan change should be accepted, amended, or rejected.

FINANCIAL IMPLICATIONS

21. There are no direct financial considerations beyond staff time covered by existing unit budgets.

Do the recommendations of this report align with 2006-16 LTCCP budgets?

22. The costs of public notification are able to be covered by existing unit budgets.

LEGAL CONSIDERATIONS

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

23. S.32 of the Resource Management Act requires the Council to undertake an analysis of the costs and benefits of any potential plan change so that the Council can be satisfied that the proposed plan change is a more efficient and effective method for achieving the Plan's objectives and policies than the current provisions. The RMA requires all proposed Plan Changes to be publicly notified so that interested parties can make submissions on the proposed changes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

24. Supports the LTCCP City Plan measure that 10 variations or plan changes be prepared and notified annually.

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

25. As above.

ALIGNMENT WITH STRATEGIES

26. The attached S.32 report demonstrates that the proposed plan change more effectively and efficiently meets the objectives and policies of the City Plan than the current provisions.
27. The proposed plan change does not conflict with the recently adopted Urban Development Strategy.

Do the recommendations align with the Council's strategies?

28. As above.

CONSULTATION FULFILMENT

29. Consultation has been undertaken in accordance with the requirements of the Resource Management Act. It is noted that public notification of the proposed Plan Change will enable the community to have their say via submissions and a public hearing.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Adopt the attached assessment under Section 32 of the Resource Management Act.
- (b) Publicly notify Plan Change 29 to the City Plan.