

11. PRIVATE (PROPOSED) PLAN CHANGE 21 –TO EXTEND THE COMMUNITY FOOTPRINT OVER 11 EVERARD STREET, SPREYDON

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8177
<b>Officer responsible:</b>	City Plan Team Leader
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**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 21) to the City Plan. The Council may either decline or approve the change with reasons.

**EXECUTIVE SUMMARY**

2. Planning consultants Planit lodged a plan change request to:

- Enable the expansion of the adjoining community footprint to include 11 Everard Street Spreydon; and
- Limit traffic movement accessing 11 Everard Street which could be generated by the expansion of the community footprint.

The adjoining community footprint, located opposite Barrington Mall, currently includes Barrington Health Centre, Cameron and Co Solicitors and associated car parking for both activities.

3. A community footprint allows the establishment of community facilities such as health, spiritual, education and other community type activity within a Living zone close to existing business facilities and along arterial roads. As the community footprints are located within the residential areas they are subject to the Living City Plan Rules (Volume 3) with exceptions that allow them to operate as a community facility.
5. At its meeting on 20 September 2007 the Council resolved to publicly notify this private plan change. A copy of the requested private plan change is attached to this report (Attachment 1).
6. The plan change was publicly notified in the Star and Christchurch Press on 17 October 2007 and neighbours were informed by letter. The submission period ran from 17 October to 15 November 2007. No submissions were received.
7. 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 sites are not within a Priority 1 Area Plan
8. The Plan Change and the applicants Section 32 analysis are attached to this report.
9. A Council planners section 32 analysis is detailed in the body of this report. The analysis concludes that the plan change achieves the relevant objectives and policies in terms of :
  - **Location:** The subject site is in an accessible location and promotes co-location of services. It's located adjoining a community footprint, is close to public transport and a district centre. It is anticipated by the plan that community footprints can be established within the Living Zones adjoining district centres in these locations.
  - **Residential Cohesion:** The adjoining residential dwellings (3 and 5 Everard Street) will have one residential neighbour and therefore the plan change will not isolate residential dwelling.

- **Residential amenity:** Living 2 rules will still apply to any future development. It's anticipated that these rules will ensure that future development will be of consistent with the surrounding residential character. It's anticipated that the Living 2 rules for building height, recession plans, setback and screening will protect the neighbouring residential amenity.
- **Traffic:** A site within a community footprint is permitted to generate 200 traffic movements. This would cause adverse effects for residents in Everard Street and it may also result in a short cut from Milton to Athelstan Street. The applicant aims to mitigate the effect by introducing a change to the traffic generation rule (see attached). This change aims to restrict traffic movements in Everard Street, generated from the site, to a maximum of 32 movements. This may allow for three parking spaces at the front of the property on Everard Street, but no access through the property to the rest of the community footprint. Customer parking would need to access the rear of the property via the health care facilities current entrance off Athelstan Street. This is consistent with the current resource consent which permits only staff car parking on Everard Street with all other parking via the existing carpark off Athelstan Street.
- **Noise:** An environmental health officer has assessed the impact of additional traffic on site. The officer concluded that the increase in potential noise would be unsubstantial given that Athelstan Street would still generate the majority of background noise.

#### **FINANCIAL IMPLICATIONS**

10. As the proposed plan change is private, the property owner is funding the preparation of the plan change. This includes the public notification, reviewing of the plan change and Council reports. Therefore there should be little cost to the Council.
11. 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?**

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

#### **LEGAL CONSIDERATIONS**

13. After considering the plan change, the Council may decline or approve the plan change and provide reasons for its decision.
14. Under the Resource Management Act 1991 (RMA) schedule 1, clause 29(6), the requester may appeal the decision to the Environment Court.
15. If the Council approves the private plan change this will result in the plan change coming into effect.

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

16. 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**

17. 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?**

18. Yes.

### **ALIGNMENT WITH STRATEGIES**

19. Yes - A key approach of the Urban Development Strategy (UDS) is to encourage and promote accessibility for all including people with disabilities, youth, older people and families with young children. (page 48)

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

20. Yes.

### **CONSULTATION FULFILMENT**

21. The plan change was publicly notified in the Star and Christchurch Press on 17 October 2007 and neighbours were informed by letter. The submission period ran from 17 October to 15 November 2007. No submissions were received.
22. It should be noted that the applicant had carried out previous consultation with the residents as part of their application in May 2007. The residents were concerned with the increase in traffic movement. To address this concern the applicant introduced a plan change which restricts vehicular movements accessing Everard Street from 200 to 32 movements a day. This is the same level which is currently permitted for the subject site.

### **STAFF RECOMMENDATION**

It is recommended that Council:

- (a) Decide, pursuant to 29(4) of the First Schedule to the Resource Management Act 1991, to approve the Private Plan change 21 for the reasons set out in the "Purpose and Reasons for the Plan Change" (shown at 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 AND DISCUSSION

### The Application

23. This application seeks to extend the community footprint to include 11 Everard Street, and to limit the traffic accessing the site from Everard Street to 32 vehicle movements. The subject site is 658m<sup>2</sup> and is currently occupied by a single storey residential dwelling. The site is zoned Living 2 (Inner Suburban). It is adjoining an existing community footprint and is located close to Barrington Mall and good public transport. The purpose of a Living 2 areas is to allow for medium building densities close to district centres. The zone anticipates that community services, of a similar scale and character to the surrounding residential area, would be permitted in the Living 2 areas adjoining the district centres. A community footprint will allow for a number of exceptions to the Residential 2 rules. This is discussed further in the Section 32 analysis section of this report. A copy of the application is attached (Attachment 2).

### Resource Management Act Timeframes

24. The application was received in full on 8 June 2007. Further information was requested on 19 June 2007 on traffic matters. The report was amended on 16 July 2007. The Spreydon/Heathcote Community Board was advised but at the time did not provide comment. The Council made a decision to publicly notify the change on 20 September 2007. Public notification was from 17 October until 15 November 2007. No submissions were received.

### Description of Proposal and Site

25. The subject site is located in a residential cul-de-sac adjoining an existing community footprint to the rear and north of the site. The existing community footprint is occupied by Barrington Community Health Centre and Cameron and Co Solicitors and associated car parking for both activities. The entrance and exit to the existing community footprint is on Athelstan Street (see Location Map in attached application). The area, around Barrington Mall, has experienced a high growth of Elderly Persons Housing, since 2002 (over 65) (*IM&CT Elderly Persons Housing in Christchurch City – Building Consent year of issue 22-06-2006*) (see Attachment 3). This indicates that the changing demographics of this area may lead to an increased pressure on health services in this location.
26. The subject site was granted a resource consent in 2005 to allow it to be used as a medical facility. The consent conditions include retaining the existing dwelling and boundary landscaping to neighbouring properties, limiting the number of professionals operating from the site, limiting parking at Everard Street to staff car parking with customer parking accessed via Athelstan Street, and not allowing signage on Everard Street.
27. The private plan change application now seeks to extend the community footprint. This will allow flexibility, in developing the site, provided by the community footprint standards (rules) in order that improvements and possible future expansion of the existing medical centre, adjacent to the site, can be carried out without the need for a resource consent. Currently any changes to the building form would result in further resource consents.
28. Community footprints allow for community facilities, which are consistent with maintaining a high standard of amenity in living areas, to establish in residential areas close to suburban centres. These facilities are recognised, under the City Plan (Volume 2) policies and objectives, as being necessary for the practical, efficient and pleasant functioning of the living area. Examples of such activities include health services, educational and day-care establishments which meet the needs of residents, principally within the surrounding living environment.
29. The proposed plan change also seeks to limit traffic movements into and from Everard Street to 32 movements, this is consistent with the conditions of the approved resource consent, by making an amendment to the Volume 3, Part 2 – Community Standard Rule 2.3.4 – Traffic Generation Other Activities. This aims to prevent through traffic from Athelstan Street and to ensure that traffic movements is consistent with Everard Street's status of a local road. The objective being that the surrounding residential amenity will not be significantly affected by traffic generated by this proposal.

## Description of the Community Footprint Exceptions

30. A building/development within a community footprint will still need to meet the following Living 2 rules:
- Recession planes
  - Open space
  - Building height, setback and length
  - Street scene
  - Screening from neighbours
31. The following exceptions to the Living 2 rules are permitted within community footprints.
- At least one person engaged in the activity does not have to reside permanently on the site.
  - More than one full-time equivalent person who permanently resides elsewhere than on the site, may be employed.
  - The maximum net area for any site may be larger than 1100msq
  - A single building can exceed the maximum Gross Floor Area (GFA) of 550msq
  - Where buildings are located on the same site and both have a GFA of 100msq, the usual setback between buildings on the same site of 3.6m shall not apply.
  - Allow for a total sign area from 0.5sqm (non-residential) to 1msq
  - Generation of up to 200 traffic movements per site
32. The reasons that the exceptions are permitted is that it is considered that:
- Community footprints should have a greater capacity, due to their location alongside business centres, to accommodate community facilities whilst remaining in character with the scale of other buildings, sites and activities in the vicinity;
  - Allow the community facility to establish and operate effectively.

## Description of Issues

33. The main difference in effects between the current Living 2 zone standards and the community footprint exceptions is the increase and type of activity, signage, building coverage and increased traffic generation. However, a building in a community footprint will still be required to meet the Living 2 standards for building height, recession plans, continuous building length, building setbacks, screening from neighbours and site coverage. Taking this and the site size (650m<sup>2</sup>) into account any new building or additions to existing buildings should be similar in character (height and setback) to other residential development within the Living 2 zone. Any additional car parking or outdoor space will still need to be screened from the street and adjoining neighbours in accordance with the Living 2 rules. A larger area of signage is permitted in a community footprint (1m<sup>2</sup>). However, for sites fronting a local road a single sign can only be 0.2m<sup>2</sup>. This would help to mitigate the effects of a single advertisement viewed from residential properties.
34. The community footprint also allows for higher volumes of traffic which may adversely affect the surrounding residential area. Sites within a community footprint are permitted to generate up to 200 traffic movements per day. It was also considered that through traffic could use Everard Street as an alternative access route from Milton Street to Athelstan Street and Barrington Mall.

## Discussion of Proposed Methods

35. This Plan Change aims to mitigate any adverse effects on the Everard Street residents which may arise as a result of the plan change. The applicant aims to restrict traffic movement to the site from Everard Street to 32 movements. This would result in the main access to the site being from Athelstan Street. It's also considered that the new rule should prevent the through access from Everard Street to Athelstan Street and Barrington Mall.

36. The residential character of the street should be maintained as the Living 2 rules will still apply. These are open space, street scene, screening from neighbours, recession plans, building setbacks, building length and building height.
37. The applicant has noted that whilst the plan change does restrict traffic generation from Everard Street to 32 vehicle movements per day, that any further traffic movements from Athelstan Street would also trigger a resource consent for the High Traffic Generation Rule.

### **Planners Analysis of Private Plan Change Section 32 Assessment**

38. 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 an 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.

39. This plan change does not intend to alter the objectives of the proposed City Plan. This evaluation examines the extent to which the method chosen (extending the community footprint) and the amendment to the rules to mitigate the effects of traffic generation on Everard Street (V3, Part 2 – Community Standard Rule 2.3.4 – Traffic Generation Other Activities) achieves the relevant objectives of the Plan.

### **Assessment of Objectives**

40. The applicant has examined this proposal against a wide range of objectives and policies. These are contained within Volume 2 of the Plan in Section 4 City Identity, Section 7 Transportation, Section 9 Community Facilities, Section 11 Living (please see Section 32 attached). The applicant concluded that the Plan Change is consistent with these objectives.
41. The most relevant of these objectives are found in Section 9 Community Facilities and Section 11 Living. A Council planning officers assessment of these objectives is as follows:

#### **Location and Residential cohesiveness:**

##### **9.1 Objective : Local community facilities**

Provision for accessible community facilities to meet educational, spiritual, health, and other local needs.

##### *9.1.1 Policy : Location*

*To provide for local community facilities to locate within living areas of the City, but particularly in close proximity to suburban centres or on arterial roads.*

##### **11.3 Objective : Non-residential activities**

Non-residential activities located within living areas which meet community needs, and are consistent with maintaining a high standard of amenity in living areas.

##### *11.3.1 Policy : Local community facilities and services*

*To provide for local community facilities and services to locate within living areas, subject to compatibility with the existing character of different parts of the living environment, and maintaining residential coherence and amenity.*

The City Plan has a number of objectives (9.1 and 11.3) which aim to meet local residential needs by providing community facilities in convenient and accessible locations. This is achieved through locating the facilities close to suburban centres or on arterial roads within living areas (policy 9.1.1). The location of these services is to promote public convenience, by being close to public transport and other services, whilst minimising the adverse impacts on character cohesiveness and pleasantness of the living environment (policy 9.1.5). These factors are achieved by maintaining a pattern of residential activity whereby households are not isolated from residents by activities on adjoining sites.

The subject site is well located close to public transport, along side a business area and arterial road. Its location promotes public convenience as anticipated by objective 9.1, 11.3 and policy 9.1.1.

The requested plan change should achieve policies 9.1.1, 9.1.5 and 11.3.1 in terms of residential cohesiveness. The properties located to the north and west are predominantly commercial whilst the properties to the east and south are residential. The two residential units to the south will have one residential neighbour to the south and therefore the requested plan change will not isolate these residential dwellings.

#### **Residential amenity:**

##### *9.1.5 Policy : Managing effects*

*To ensure the effects of local community facilities are managed in a way which maintains amenity and in particular residential amenity and coherence.*

Policy 9.1.5 aims to ensure that community facilities are managed as to protect the residential amenity. This is mainly achieved by imposing living rules on community facilities within the community footprint. In terms of future development at 11 Everard Street the rules for Living 2 would still apply. These include height, setback, open space, street scene, screening from neighbours and recession planes. These rules aim to maintain the residential character of 11 Everard Street as viewed from the street.

Under the community footprint provisions Rule 10.3.4.1 Area and Number of signage permitted can increase from 0.5m<sup>2</sup> to 1m<sup>2</sup> within a community footprint. However, any single signage facing a local road can only be 0.2m<sup>2</sup>. It is considered that the small size of a permitted single sign should not impact adversely on the residential street.

The greatest issue for residential amenity that the afore mentioned exceptions permit is an increase in the permitted number of vehicular movements from 32 to 200. Due to the length and that it is a local road, this amount of traffic could impact adversely on the residential amenity. This exception may also lead to Everard Street being used for through traffic from Milton Street to Barrington Mall. The applicant has proposed a measure to mitigate these effects by introducing a new rule. This rule aims to limit traffic movement to 11 Everard Street to 32 vehicular movements that are currently permitted. It is anticipated that this rule will prevent through traffic from Athelstan Street.

#### **Noise:**

##### *11.4.9 Policy : Noise*

*To ensure noise levels associated with non-residential activities are consistent with maintaining a high standard of amenity within living areas.*

To achieve policy 11.4.9 the noise levels of the proposed community footprint extension would need to be at a level that will not be intrusive as to impact on the liveability of neighbouring properties. The neighbouring properties which may be affected by noise generated by this plan change are 3 and 5 Everard Street. The noise levels from a potential community facility and its associated car parking have been assessed by a Senior Environmental Health Officer. It was concluded that these properties are already affected by noise from Athelstan Street and if the main entrance was to remain on Athelstan Street that the noise levels would not significantly increase.

It is anticipated that the rule to limit traffic movement into Everard Street would result in the majority of traffic movement to the site being from the existing entrances off Athelstan Street.

**Cost and Benefit Analysis:**

The applicant's reason for the plan change is to allow for the expansion and improvement of Barrington Health Centre. The applicant has a resource consent for one professional staff and three other staff on the subject site, but any further changes that deviate from this consent would require additional resource consent. The plan change would permit a greater level of flexibility and certainty and allow for the applicant to develop the site up to the permitted baseline without the need for a resource consent. This provides more certainty for the applicant but less certainty for Council.

The applicant's cost and benefit analysis examines three scenarios. These are:

- Option 1. Extend the community footprint
- Option 2. Not extend the community footprint (and enact on the current resource consent)

**Option 1: Plan Change to Extend the Community Footprint**

Benefit	Cost
<ul style="list-style-type: none"> <li>• It allows for the health centre flexibility/certainty to expand in response to the changing needs of the community.</li> <li>• The site is well located in terms of convenience to public transport and other attractors (such as Barrington Mall)</li> <li>• That the form of development should be within the character of the adjoining residential area, due to development being subject to Living 2 rules.</li> <li>• That the expansion of the community footprint should still maintain residential coherence for Everard Street residents.</li> </ul>	<ul style="list-style-type: none"> <li>• Potential loss of original dwelling which currently is protected under the resource consent, however, any future building would need to apply with Living 2 controls.</li> <li>• Potential loss of tighter controls of location of signage, colour of dwelling, landscaping, parking spaces, imposed as a conditions of the resource consent.</li> </ul>

**Option 2: Not extend community footprint (and enact Resource Consent) (status quo)**

Benefit	Cost
<ul style="list-style-type: none"> <li>• Tighter controls over appearance and operation of site. This provides more certainty for the residents and council as to the appearance and function of the site.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced flexibility as site is limited to granted resource consent. Any future changes to site would require resource consent. This reduces certainty for property owners and may impact on the efficiency of the community facilities to respond to the communities changing needs.</li> </ul>

**Processing of Private Plan Changes**

42. The processing of private plan changes is set out in clauses 21-29 of the 1st Schedule to the RMA. In summary this provides:

- Clause 21: Any person may make an application for a change to an operative district plan. The City Plan is operative.
- Clause 22: Request to be in writing, with reasons, Assessment of Environmental Effects and assessment under section 32 of the RMA
- Clause 23: Further information may be required. Council has done this in this case
- Clause 24: Council may modify the proposal but only with the consent of the applicant.



- Clause 25: Council must 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.
- Clause 26: Where Council accepts the change it must publicly notify it within 4 months
- Clause 27: The applicant may appeal the decision under clause 26.
- Clause 28: Applications may be withdrawn
- Clause 29: Unless rejected, the application is put through the standard process of public notification, submission, hearing, decision, and appeal (if any).
- Clause 29(4): Council decides whether to decline, approve, or approve with modifications (if Council has made an earlier submission during public consultation), the plan or change, and shall give reasons for its decision.

#### **THE OPTIONS**

43. The Council's options for this plan change is to:

- a) Decline
- b) Approve

#### **THE PREFERRED OPTION**

44. The preferred option is Option b, to approve the plan change. There is no status quo, ie do nothing option. The application must be considered and either declined or approved.

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

- The main effect, that the plan change would allow for a permitted increase in traffic generation in Everard Street, was resolved through an amendment to City Plan rules (v3). The amendment (see attached) restricted vehicle movement to the same level as permitted under the existing resource consent. The aim of the amendment was to also ensure that the site could not be used for through traffic travelling through the site from Athelstan Street to Milton Street.
- The location, residential cohesiveness and amenity is consistent with the objectives and policies
- Living 2 rules will still apply to the development of the future building and/or screening of car parking.
- No submissions were received against the proposal.