

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

General Manager responsible:	General Manager, Strategy and Planning, DDI 941-8177
Officer responsible:	Team Leader, City Plan
Author:	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 applicant's cost. 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 629m² 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 public notification, review 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. However, there may be costs incurred by 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. Therefore it 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 Resource Management Act 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 and directly contacted the owners of adjoining properties by way of a letter. Immediate 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 Council:

- (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.

COMMITTEE RECOMMENDATION

That the staff recommendation be adopted.