

COUNCIL 22. 3. 2012

15. PLAN CHANGE 59 ST MARTINS NEW WORLD – FINAL APPROVAL

General Manager responsible:	General Manager Strategy and Planning
Officer responsible:	Programme Manager, District Planning
Author:	David Punselie Assistant Planner

PURPOSE OF REPORT

1. This report seeks the Council's approval to make operative the changes to the City Plan introduced by its decision on Plan Change 59.

EXECUTIVE SUMMARY

2. Private Plan Change 59 (PC 59) was requested by Foodstuffs (South Island) Properties Limited. It seeks to rezone three residential properties adjacent to the St Martins shopping centre from Living 1 to Business 2P (District Centre – Parking). The change would allow Foodstuffs to provide an additional 82 car parking spaces which would meet the City Plan's requirements for car parking associated with the proposed future expansion of the New World supermarket.
3. Public notification of the plan change request on 7 May 2011 attracted 11 submissions. Commissioner Max Barber conducted a hearing in October 2011. His recommendation that the plan change request be approved with modification was adopted by the Council at its meeting on 8 December 2011.
4. No appeals against the decision have been received. As the matter is now beyond challenge the Council can take the necessary steps to make operative the changes introduced by Plan Change 59. The Plan Change as amended by the Council at its meeting on 8 December 2011 is attached as **Attachment 1**.

FINANCIAL IMPLICATIONS

5. There are no direct financial implications.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

6. The recommendation will not impose on the LTCCP budgets.

LEGAL CONSIDERATIONS

7. The recommendation in this report is for the Council to take the procedural step to make operative the changes introduced by the Council's decision on Plan Change 59. The Resource Management Act 1991 requires that, following the closing of the appeal period and the resolution of any appeals, the Council must formally approve the changes to the plan under clause 17 of Schedule 1 before the plan change becomes operative on a date that is nominated in a public notice of the Council's approval. This plan change has reached the stage where it can be made operative.

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

8. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. Aligns with District Plan Activity Management Plan.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

10. Yes. Supports the project of processing plan changes in compliance with statutory processes and time frames.

15 Cont'd

ALIGNMENT WITH STRATEGIES

11. Not applicable.

Do the recommendations align with the Council's strategies?

12. Not applicable.


CONSULTATION FULFILMENT

13. Approval of changes to the District Plan under clause 17 of Schedule 1 to the Resource Management Act 1991 is a procedural step that does not require consultation.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve, pursuant to clause 17(2) of the Resource Management Act 1991, the changes to the District Plan introduced by the decision of the Council on Plan Change 59 St Martins New World.
- (b) Authorise the General Manager, Strategy and Planning to determine the date on which the changes introduced by Plan Change 59 become operative.

	<p style="text-align: center;">Resource Management Act 1991 Christchurch City Council Christchurch City Plan Proposed Private Plan Change as amended by Council Decision</p>	<h1 style="font-size: 48px; margin: 0;">59</h1>						
<p>NOTE: From the date of this notification, under Clause 10 of Schedule 1 of the Resource Management Act, the City Plan is amended in accordance with the Council Decision. The decision is subject to appeal and will not have full legal effect until the close of the appeal period if there are no appeals or, if there are appeals, when all appeals are resolved.</p> <p style="text-align: center;">REZONING OF 21A - 23 BECKFORD ROAD AND 22 WADES AVENUE, ST MARTINS, FROM LIVING 1 TO BUSINESS 2P</p> <p>Explanation</p> <p>The purpose of the plan change is to rezone approximately 2950m² Living 1 zoned land at 22 Wades Avenue, 21A and 23 Beckford Road (the site) adjoining the St Martins Shopping Centre to Business 2P (B2P). The subject site, consisting of three residential properties containing a single dwelling each, is located immediately to the east of the St Martins ‘district centre’ Business 2 zone (B2). The B2P zoning will allow the applicant to establish car parking over the rezoned land, which will then support the future expansion of the existing New World supermarket.</p> <p>The proposed plan change will provide for additional car parking in a manner that maintains the current parking ratio over the site whilst at the same time serving to avoid a potential increase in on-street parking by locating staff and visitor parking on site. The alternative to providing more car parking over the subject site could be to remove the existing group of shops and replace them with parking to support an expanded supermarket. Other alternatives considered have been the establishment of underground or rooftop car parking, however, these are not considered economically or environmentally viable in this location.</p> <p>The existing B2P zone provisions are designed to provide car parking in association with district centres and to address potential amenity effects on adjoining residential areas in its role as a buffer between business and residential activities. The proposed rezoning adopts the existing B2P zone provisions and seeks to introduce additional controls on landscaping and access to address potential effects on the character and amenity of the locality.</p> <p>The Plan Change seeks the following amendments:</p> <ul style="list-style-type: none"> • Amend Volume 3, Part 3, Clauses 1.6, 3.3.1, 6.4, 7.3.2 by adding references to St Martins Business 2P zone and adding site specific rules relating to landscaping and restrictions on site access; • Insert the Outline Development Plan as Appendix 18 in Volume 3, Part 3; • Amend Planning Map 47A to identify the zoning of the subject site as Business 2P. 								
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Date Publicly Notified: 7 May 2011</td> <td style="width: 50%; border: none;">Date Operative:</td> </tr> <tr> <td style="border: none;">Council Decision: 8 December 2011</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">Plan Details: Vol. 3, Part 3; Map 47A</td> <td style="border: none;">File No: PL/CPO/3/59; TRIM: FOLDER10/130</td> </tr> </table>			Date Publicly Notified: 7 May 2011	Date Operative:	Council Decision: 8 December 2011		Plan Details: Vol. 3, Part 3; Map 47A	File No: PL/CPO/3/59; TRIM: FOLDER10/130
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City Plan Amendments

Note: For the purposes of this plan change, any text amended as a result of other decisions is shown as “normal text”. Any text proposed to be added by the plan change is shown as **bold underlined** and text to be deleted as ~~**bold strikethrough**~~. The text added by the Commissioner’s recommendation/Council decision is shown as **bold double underlined** and text to be deleted as ~~**bold double strikethrough**~~.

Amend the City Plan as follows:

Volume 3 , Part 3 – Business Zones

1.6 Business 2P (District Centre - Parking) Zone

Zone description and purpose

This specialist zones applies to suburban centres at Linwood, Merivale, Shirley, New Brighton, Fendalton, Wairakei, ~~and~~ Barrington **and St Martins**, to secure parking provision and to act as a buffer for residential areas.

Environmental results anticipated

- (a) Provision of adequate ground level carparking in association with ~~key~~ **the identified** district centres, where the scale of development and associated carparking is potentially significant to surrounding residential areas.
- (b) The maintenance of a buffer carparking area between the centre and the adjoining residential areas.

In the case of Fendalton, Linwood, and Shirley, limited business activity which protects the residential amenity of nearby living zones and buffers those zones from other business activity in the centre by having smaller scale buildings, buildings with smaller/residential design elements, less conspicuous building colour and outdoor advertising, and reduced impacts in terms of noise, loss of privacy, and other potential nuisance effects. The degree of development permitted in the Business 2P zone at Linwood will be further limited to avoid adverse traffic effects, by the imposition of a maximum total floor area for that zone and the adjoining Business 2 zone combined.

3.3.1 Business 2P Zone

- (a) All Business 2P zones except those at Shirley (Golf Links Road - Planning Map 33A), Linwood (Chelsea Street - Planning Map 40A), ~~and~~ Fendalton (Memorial Avenue - Planning Map 31A), **and St Martins (Beckford Road / Wades Avenue – Planning Map 47A)**.

The rules applicable to activities in the Business 2P Zone (except those at Shirley, Golf Links Road - Planning Map 33A, at Linwood, Chelsea Street - Planning Map 40A, ~~and~~ at Fendalton, Memorial Avenue - Planning Map 31A, **and at St Martins, Beckford Road / Wades Avenue – Planning Map 47A**) shall be those which apply to the Living 2 Zone, except that all or part of the Business 2P Zone may be used for carparking in association with the adjoining district centre, such carparking to be provided at ground level only. The requirements relating to tree planting in Clause 3.4.3(c) below shall apply.

(b) (...)

(c) Business 2P Zone at St Martins (Beckford Road / Wades Avenue – Planning Map 47A).

The rules applicable to activities in the Business 2P Zone at St Martins (Beckford Road / Wades Avenue – Planning Map 47A) shall be those which apply to the Living 2 Zone, except that all or part of the Business 2P Zone may be used for carparking in association with the adjoining district centre, such carparking to be provided at ground level only. Where applicable, the requirements relating to visual amenity and external appearance in Clause 3.4.3 below shall apply. Except that for the purpose of this rule Clause 3.4.3 is deemed to be modified and added to, by the following rules.

Development standards

(i) Development of land within the Business 2P (St Martins) Zone shall be in general accordance with the Outline Development Plan included in Part 3, Appendix 18.

(ii) No access shall be provided from the Business 2P (St Martins) Zone to Beckford Road or Wades Avenue.

(iii) Landscaping shall be established in accordance with Clause 3.4.3(c), except as modified by the following requirements:

(A) Trees shall be planted in accordance with Clause 3.4.3(c), except that a road frontage of at least 7 metres shall be planted with a minimum of one tree, plus one additional tree for every 7 metres of road frontage (e.g. 7 metres frontage - 2 trees, 14 metres frontage - 3 trees, etc), and these trees shall be planted no more than 7 metres apart, or closer than 5 metres apart.

(B) A landscape strip with a minimum depth of 1.5m ~~along all road frontages of the Business 2P (St Martins) Zone~~ shall be established along the Beckford Road frontage of the Business 2P (St Martins) Zone. Shrub and groundcover planting within this landscape strip shall grow to, or be maintained at a maximum height of 1.2 metres.

(C) A landscape strip with a minimum depth of 3.0m shall be established along the Wades Avenue frontage of the Business 2P (St Martins) Zone. Shrub and groundcover planting within this landscape strip shall grow to or be maintained at a maximum height of 1.0 metres, and any tree planted in accordance with 3.3.1(c)(iii)(A) shall be limbed up to a minimum height of 2.2m.

(~~D~~) Where the Business 2P (St Martins) Zone adjoins a Living Zone, a landscape strip along the zone boundary with a minimum depth of ~~1.8~~ 2.0m (except where otherwise specified on the Outline Development Plan) shall be established, in addition to a solid fence or a wall as specified by Clause 3.4.3(b). Shrub planting at the back of the landscape strip must be capable of attaining, or be maintained at, a minimum height equivalent to the height of the adjacent fence while other plants in front are layered at lower heights.

(~~E~~) Within the landscape strip specified by 3.3.1(c)(iii)(~~D~~) trees shall be planted and/or retained in accordance with the Outline Development Plan at a spacing no greater than 7m.

(~~F~~) New trees planted in accordance with 3.3.1(c)(iii)(~~E~~) may be counted towards the total number of trees required under clause 3.4.3(c)(iv).

(~~G~~) All trees required to be planted in the Business 2P (St Martins) Zone shall be not less than 3 metres in height at the time of planting.

(H) An irrigation system shall be installed within the landscape strip.

(I) The new edge of seal at car park bays adjacent to the southern boundary of properties at 2/26 and 28 Wakes Avenue shall be timber batten to minimise excavation and disturbance to tree roots.

6.4 Business 2P Zones – Fendalton, Linwood, ~~and Shirley,~~ and St Martins

- (a) Where any activity does not comply with a rule of the Business 2 or Living 2 zones that applies to that activity, the Council shall have regard to the respective assessment matters that apply to that rule.
- (b) Whether the residential amenities of living zones adjacent to, or across a road from, the Business 2P zone are respected and protected from;
- the visual impact of large buildings, buildings with long unbroken walls and roofs or without sufficient small scale design elements that reflect the scale of design elements common in residential areas, and conspicuous building colour and outdoor advertising;
 - the loss of privacy and the effects of vehicle lights where relatively high levels of activity occur above ground level; and
 - the noise and nuisance effects of outdoor activities, that differs significantly from the effects that would otherwise occur in the living zones.
- (c) Whether landscape design and planting will adequately mitigate the effects arising from activities on living zones that differ significantly from the effects that would otherwise occur in living zones.
- (d) The extent to which any development accords with the Outline Development Plan (St Martins) contained in Volume 3, Part 3, Appendix 18.**
- (e) The effect of any reduction in landscaping and screening on the visibility of car park areas from residential properties adjoining the St Martins Business 2P Zone.**
- (f) Within the Business 2P (St Martins) Zone, the adequacy and location of vehicle access points in relation to other parking, vehicle access points and the road network in the locality, and in relation to the nature and scale of any activities proposed.**

7.3.2 Business 2 and 2P Zones - Zone rules and city rules

The purpose of the Business 2 and 2P Zones is to allow for any activity permitted in the Living 1, 2 or 3 Zones, and additionally for ground level carparking in association with adjoining commercial centres at Linwood, Merivale, Shirley, New Brighton, Barrington, Fendalton, Wairakei **and St Martins**.

The reasons for these rules are twofold. Firstly, it ensures the provision of carparking and open space in association with large centres where the scale of development can have a significant effect on local amenities and on the level of traffic generation on the local street network. Secondly, the parking zone reflects local circumstances in the case of several of these district centres. In Fendalton, Linwood, Barrington, Merivale, **and Wairakei, and St Martins**, the Business 2P Zone is intended to act as a buffer between commercial development and the adjoining residential area. In Merivale, the location of the Business 2P Zone acts as a buffer zone to residential development. In the case of New Brighton, the Business 2P Zone provides for a recognised deficiency of parking in an older district centre.

Additional controls have been placed on the St Martins Business 2P Zone in respect of landscaping requirements and access restrictions so as to provide additional mitigation for the adjoining residential environment.

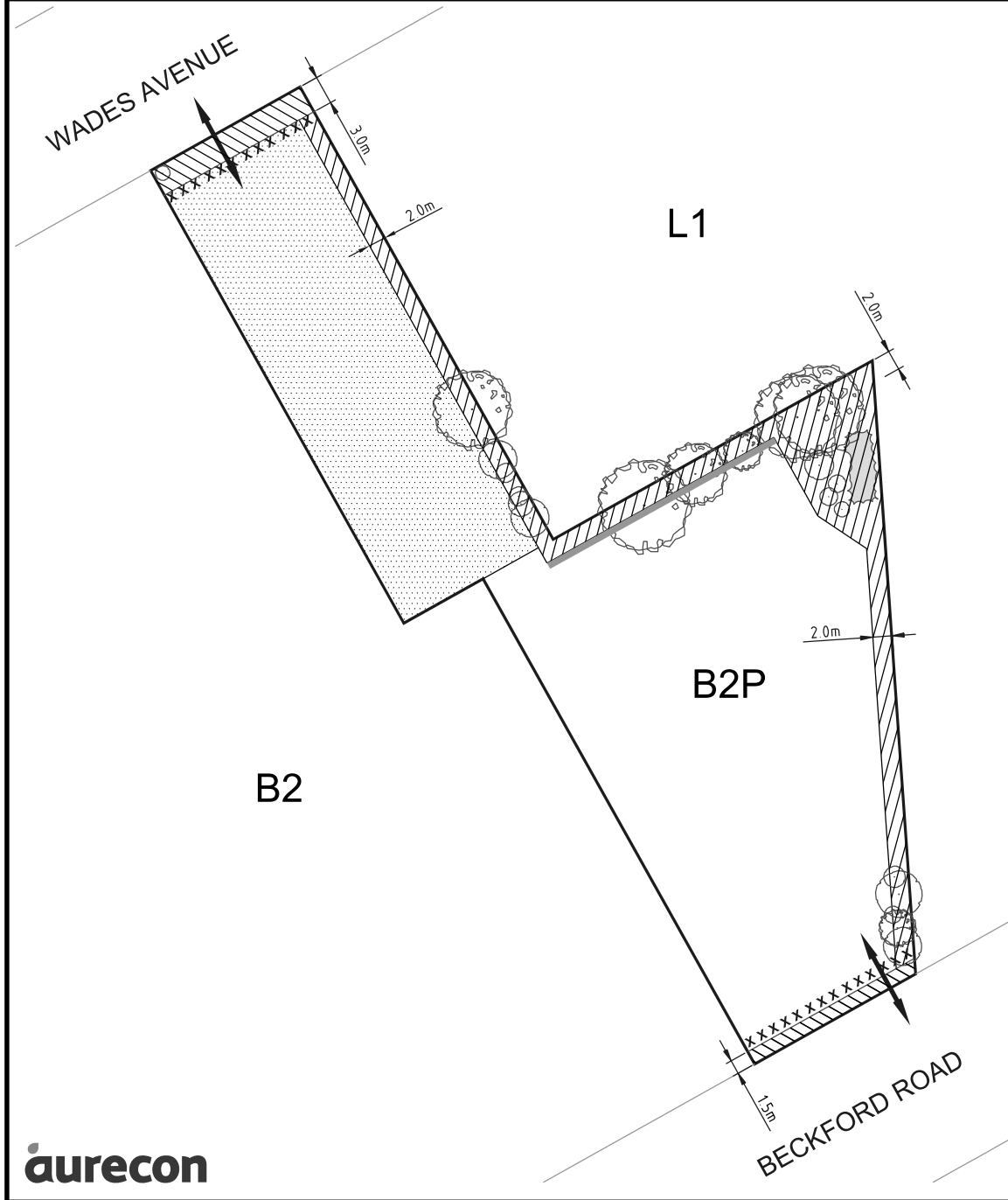
Volume 3, Part 3 – Business Zones, Appendices

Following the existing Appendix 17, insert a new **Appendix 18 - Outline Development Plan (St Martins)** as shown in Attachment 1.

Volume 3 – Planning Maps

Planning Map 47A – amend the map by identifying the zoning of the subject site as Business 2P as shown in Attachment 2.

Appendix 18 - Outline Development Plan - St.Martins Business 2P Zone



KEY:

GENERAL:

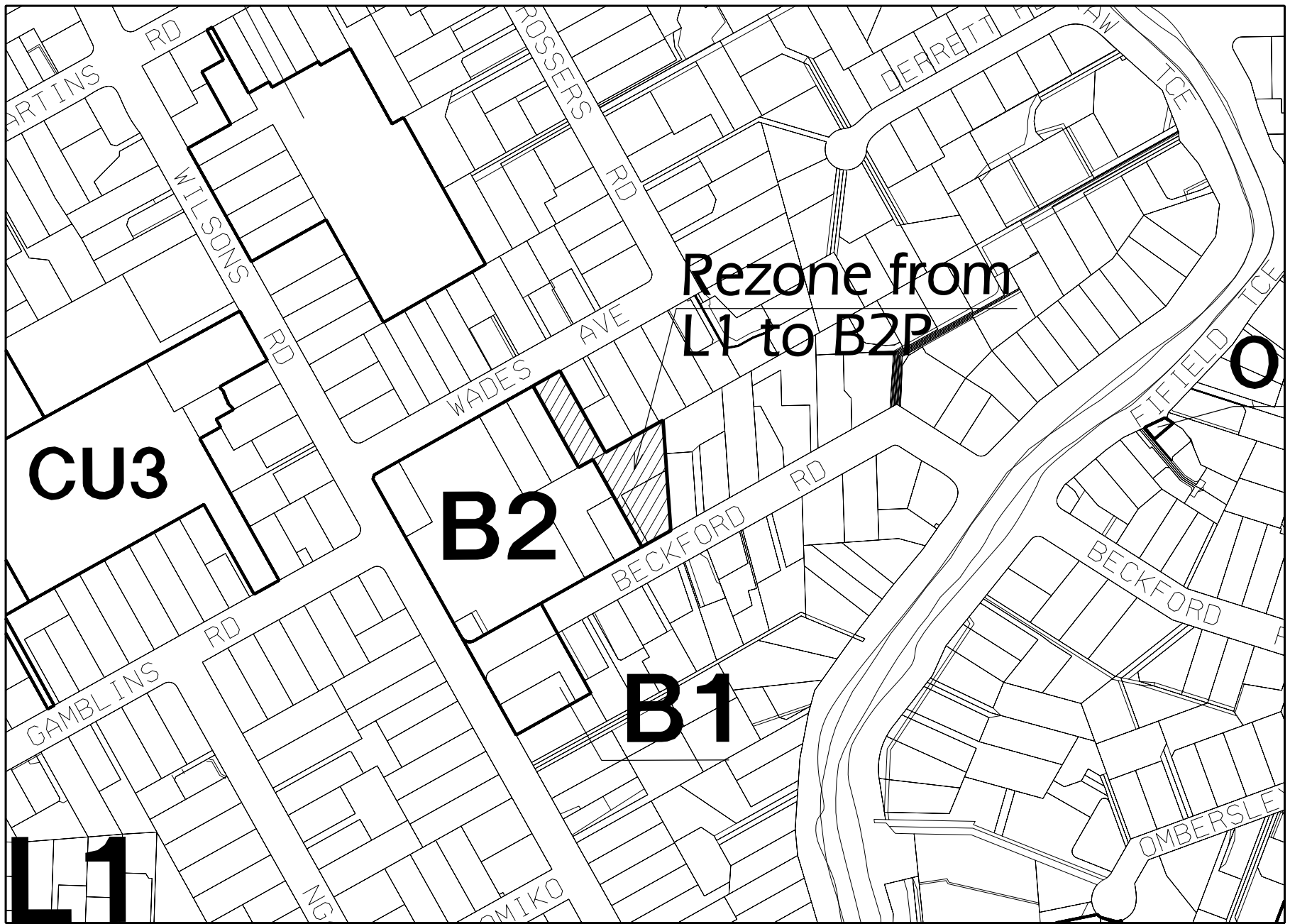
- STAFF CAR PARKING AREA
- X X X X** VEHICLE ACCESS RESTRICTION
- INDICATIVE PEDESTRIAN ACCESS

LANDSCAPING REQUIREMENTS:

- INTERNAL BOUNDARY LANDSCAPING REQUIREMENTS
- ROAD FRONTAGE LANDSCAPING REQUIREMENTS
- EXISTING EXOTIC TREES TO BE RETAINED
- EXISTING NATIVE TREES TO BE RETAINED
- TIMBER BATTEN EDGE OF SEAL
- EXISTING STAND OF TREE FERNS TO BE RETAINED

Refer to Rule 3.3.1 (c) for details





Proposed Private Plan Change 59 : City Plan Planning Map 47A

Commissioner's Recommendation - Proposed Rezoning of 22 Wades Ave and 21A-23 Beckford Rd from L1 to B2P