

## Report / Decision on a Non-notified Resource Consent Application

(Sections 95A / 95B and 104 /104C)

<b>Application Number:</b>	RMA92021576
<b>Applicant:</b>	Fulton Hogan Land Development Ltd
<b>Site address:</b>	301 & 385 Halswell Junction Road; 1, 34 & 60 Whincops Road; and 190 Quaifes Road
<b>Legal Description:</b>	Lot 2 and 4 DP446418, Lot 293 DP453318, Lot 2 DP360125, Lot 1 DP19863, Part Lot 2 DP3256, Lot 1 DP82392 and Lot 6 DP306652.
<b>City Plan Zoning:</b>	Living G (Halswell West) Zone
<b>Activity Status:</b>	Restricted discretionary activity
<b>Description of Application:</b>	Increase site coverage within selected Density B Lots within Stages 4 and 5 Longhurst and Stages 3a and 3c Knights Stream Park.

### Introduction

The application site is located in the Living G (Halswell West) Zone (LGZ). The LGZ covers approximately 136ha of land and is located on the south western edge of the Christchurch urban area. The LGZ is generally bounded by Quaifes Road, Murphys Road and Halswell Junction Road and Knights Stream to the west. The applicant is the main landowner in the LGZ having control over approximately 117 hectares of this land being the Knights Stream Park and Longhurst development estates

The proposal is to increase the site coverage of the dwellings within selected Density B lots within Stages 4 and 5 Longhurst and Stages 3a and 3c Knights Stream Park. This proposal was originally included within application RMA92021196 which also sought to increase the permitted site coverage over selected Density C sites. The Density B component was removed from the application after concerns were raised by Council Officers in relation to the proposal that would have caused a delay in the decision making process. The proposal has been amended to address these concerns and would provide for the following:

- The application would only apply to the following Density B sites:
  - All Density B lots in Stages 4 and 5 Longhurst except for Lots 153, 165, 215, 216, 226, 257, 265; and
  - All Density B lots in Stages 3a and 3b except for Lots 152, 156, 163, 170, 217 and 218.
- The maximum site coverage would be 45% provided that the maximum height of buildings did not exceed 5.5m.
- With the exception of clause (a) development standard 11.2.2 Open space all other rules and standards in the City Plan must be complied with<sup>1</sup>.
- The side boundary closest to the garage shall be landscaped from the road boundary for a maximum depth and width of 4.5m and 0.6m respectively.
- The front yard to each site shall maintain a 6.5m width (measured parallel to the road or right of way as the case may be) for its entire depth that does not contain any of the following: driveway, garage, car port, vehicle parking and manoeuvring areas.
 

Interpretation: The front yard is that part of the site between the road or right of way where there is no road and the front walls to the dwelling that face the road or right-of-way.

Certificate of titles have not yet been created for the lots affected by this proposal and the lots are vacant.

A more detailed description of the proposal, the location of affected lots, background and assessment of effects is contained within the resource consent application and further information submitted with the application.

### Planning Framework

<sup>1</sup> This means that if a proposal breaches any other applicable rule, such as separation from neighbours, recession plane angles, continuous building length etc, the site coverage shall be 40%, unless a separate resource consent is obtained.

The Christchurch City Plan became operative in part on the 21<sup>st</sup> of November 2005. All rules applicable to this application are operative and therefore assessment is only required under the City Plan.

The site is zoned LGZ under the City Plan and the proposal is to be assessed as a restricted discretionary activity. The LGZ provides the ability and opportunity to plan and develop a mixed density and mixed use community comprehensively.

This proposal fails to comply with clause (a) of **Development Standard 11.2.2 Open Space**. This standard restricts site coverage on Density B sites to 40% where a garage is provided or 40% minus 18m<sup>2</sup> where a garage is not provided. The proposal would allow a maximum site coverage of 45% on the abovementioned lots where all buildings on the site are less than 5.5m high.

**Has the applicant requested that the application be publicly notified? [Section 95A(2)(b)]**

No.

**Pursuant to Sections 95A and 104(1), what are the adverse effects of the activity on the environment, and will they be minor? Pursuant to section 95B, who is adversely affected?**

The proposed activity is a restricted discretionary activity with the exercise of Council's discretion restricted to those matters relating to the non-compliance with the site coverage rule. The relevant assessment matters and reasons for the rule are contained at sections 2.13.2.1 and 2.14.1.1 of the City Plan respectively. The reason for this rule outlines that site coverage is a major determinant of the character of the living areas of the City. The size of residential sections and the amount of each section that is retained as open space or available for tree and garden plantings are key factors in determining the visual amenity, spaciousness, levels of privacy, access to sunlight and daylight, and pleasantness of each living environment.

The application first lodged under application RMA92021576 differed from the existing proposal. It provided for 50% site coverage (not 45%) and required specific landscaping in the front yard (including hedging plants). The application report raised a number of key issues that are summarised below:

- due to an oversight at the rezoning stages, the site coverage rules were not updated to allow for a higher level of site coverage that would be more consistent with site coverage rules for similar sized lots in other Living G zones;
- it is easier to address a widespread increase in site coverage through a resource consent application rather than a plan change;
- the proposed increase in site coverage would encourage more single storey dwellings as they are cheaper to construct and thus would improve housing affordability; and
- sufficient land area would be available for complying outdoor living spaces.

While there is some merit to the above points, after assessing the application, the Principle Designer, Urban Design for Council and I raised a number of concerns with the proposal including:

- the examples provided with the application demonstrate that there would be limited space available for meaningful landscaping (large trees and shrubs) particularly at the rear/side of sites;
- it was not clear where street trees are located and how they would affect the amenity of the area;
- buildings and parking and access could dominant the character/amenity of the site rather than landscaping; and
- proposed landscaping conditions would be difficult to administer and would not encourage diversity in landscaping.

Consequently the said Council Officers and applicant agreed on a number of amendments, including to:

- Reduce site coverage by 5% to 45%. This would allow more opportunities to grow large shrubs and trees. On a 250m<sup>2</sup> lot this would equate to an additional building free area of 12.5m<sup>2</sup> which could be made available for trees, large shrubs or other landscaping.
- Retain a proposed landscape strip along the side boundary closest to the garage except with no requirement for specific plant species – this would soften the visual appearance of building and driveway areas when viewed from the street.
- Remove proposed hedges on the front boundary. This would allow for a greater diversity of planted landscape outcomes. A minimum landscape strip would still be required along the frontage of each site under **development standard 11.2.6**.
- Retain the proposal to retain a portion of the front yard so that it would not be occupied by driveway, garage, car port, vehicle parking and manoeuvring areas - in comparison the existing rules would allow

extensive parking and driveway areas to be established in the front yard which could lower streetscape amenity.

The applicant accepted these recommendations and incorporated them into the proposal.

Based on the above, I am of the view that the above changes would ensure that sufficient landscape areas would be available to maintain suitable levels of amenity and character for future residents. In many instances it would result in better outcome when viewing the subject sites from the street. In addition:

- I consider that a permitted two storey dwelling, 8m high and with site coverage of 40% would have a greater amenity impact on neighbouring property owners and occupiers than the subject proposal.
- This view is codified in other Living Zones such as the Living 1 and 2 where the site coverage rule actually allows for a higher building coverage (5% higher) where the maximum building height is single storey and under 5.5m.
- The reasons for the open space rule outlines that this encourages reduced height, bulk and dominance of buildings without affecting the overall character of the zone.
- The fact that only single storey buildings are expected by this application means that opportunities for overlooking to other properties would be limited.

Site coverage of 45% would still allow for the provision of a complying outdoor living space with good sunlight access.

Based on the above I therefore consider that:

- in terms of section 95B of the Act, there are no adversely affected parties including any parties who may have entered into a sale and purchase agreement to buy adjoining land;
- in terms of section 95A and 104(1) of the Act, the effects on the environment are less than minor.

**Despite the above, do any special circumstances exist in relation to this application which would lead you to conclude that the application should be publicly notified? If the answer is yes, why? [Section 95A(4)]**

No.

**Who is considered to be adversely affected by the granting of this application? [Section 95E(1)]**

Not applicable. In my assessment of effects above, I conclude that there are no adversely affected parties.

**Has written approval been obtained from every person who is considered to be adversely affected by the activity? [Section 95E(3)]**

Not applicable.

**If the answer to the above question is no, is it unreasonable in the circumstances to seek the persons written approval? [Section 95E(3)(b)]**

Not applicable.

**How do any relevant objectives, policies, rules or other provisions of the City/District Plan relate to the proposal? [Section 104(1)(b)]**

I consider the proposal is consistent with the relevant objectives and policies as it will not compromise residential amenity values.

**Is the application consistent with Part II of the Act, and are there any other matters which are relevant and reasonably necessary to determine the application? [Section 104(1)(c)]**

*Part II*

I consider the proposal to be consistent with Part II matters in that the proposal will maintain the amenity of the surrounding environment, in accordance with Section 7(c) and 7(f) of the Resource Management Act 1991.

*Recovery Strategy*

The Recovery Strategy for Greater Christchurch prepared by CERA under the Canterbury Earthquake Recovery Act became operative on 1 June 2012. It is a statutory document that must be "read together with, and forms part of" other relevant legislation within the greater Christchurch area. The City and District Plans must not be interpreted or applied in a way that is inconsistent with the Recovery Strategy.

Granting consent to this application is not considered to be inconsistent with the Recovery Strategy as it does not conflict with any of the identified goals or priorities for recovery.

**Are there any matters that have arisen in the assessment of this application that would indicate the application should have been publicly notified [Section 104(3)(d)]**

No.

**Recommendation:**

- A. That the application be processed on a **non-notified** basis in accordance with Sections 95A - 95F of the Resource Management Act 1991.
- B. That for the above reasons the application **be granted** pursuant to Sections 104, 104C, and 108 of the Resource Management Act 1991, subject to the following condition:
1. The development shall proceed in accordance with the information and plans submitted with the application. The Consent Documentation has been entered into Council records as RMA92021576 and includes the stamped approved plans RMA92021576, pages 1 to 2.
  2. The maximum site coverage for a site where all buildings are less than 5.5 metres high shall be 45%.
  3. This resource consent only applies to the following Density B sites:  
All Density B lots in Stages 4 and 5 Longhurst except for Lots 153, 165, 215, 216, 226, 257, 265;  
and  
All Density B lots in Stages 3a and 3b except for Lots 152,156, 163, 170, 217 and 218.
  4. With the exception of clause (a) of *Development Standard 11.2.2 Open space*, all other rules and standards in the City Plan must be complied with otherwise this consent would cease to apply.
  5. The side boundary closest to the garage shall be landscaped from the road boundary for a maximum depth and width of 4.5m and 0.6m respectively.
  6. The front yard to each site shall maintain a 6.5m width (measured parallel to the road or right of way where there is no road as the case may be) for its entire depth that does not contain any of the following: driveway, garage, carport, vehicle parking and manoeuvring areas.

**Advice Notes:**

- This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will also need to comply with the requirements of the Building Act 2004. Please contact a Building Consent Officer (ph 941-8999) for advice on the building consent process.
- On sites where any building is greater than 5.5 metres in height the permitted site coverage shall be 40%.
- For the purpose of condition 6 above, the front yard is that part of the site between the legal road boundary or right of way and the front wall(s) to the dwelling that face the road or right-of-way.

**Reported and recommended by:** Paul Lowe, Planner

**Date:** 8/02/2013

**Decision**

That the above recommendation be adopted for the reasons outlined in the report.

**Resource Management Officer Sub-Committee:**



O'Connell, Nathan  
08/02/2013 4:10 PM  
Planning Team Leader



Burgess, Jesse  
08/02/2013 5:43 PM  
Planning Team Leader

