

Report / Decision on a Non-notified Resource Consent Application

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

Application Number:	RMA92022216
Applicant:	Fulton Hogan Land Development Ltd
Site address:	301 & 385 Halswell Junction Road; 1, 34 & 60 Whincops Road; and 190 Quaifes Road
Legal Description:	4 DP446418, Lot 293 DP453318, Lot 2 DP360125, Lot 1 DP19863, Part Lot 2 DP3256, Lot 1 DP82392 and Lot 6 DP306652.
City Plan Zoning:	Living G (Halswell West) Zone
Activity Status:	Restricted discretionary activity
Description of Application:	Increase site coverage within selected Density B and C Lots within Stages 4 and 5 Longhurst.

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 application site is stage 4 and 5 subdivision area within the Longhurst development estate - refer to subdivision and landuse consent RMA92019930 (amended). The proposal would enable a 40% site coverage over the Density C sites (35% is permitted) and 45% over the Density B sites (40% is permitted) for all buildings no greater than 5.5m in height.

In terms of the Density B sites the following conditions form part of the proposal (additional to the 5.5m height limit):

- a. that the side boundary closest to the garage shall be landscaped from the road boundary for a width of 600mm and a depth of at least 4.5m.
- b. that each front yard shall maintain a 6.5m width for its entire depth that does not contain any of the following: driveway, garage, carport, vehicle parking and manoeuvring areas.

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.

I note RMA92021576 also allowed for a similar level of site coverage for Density B and C sites within Stages 4 and 5 as is proposed in this application. The exceptions are that this proposal includes some larger Density B and C lots that were excluded from RMA92021576 and some additional Density B lots created through an amendment to RMA92019930.

Planning Framework

The Christchurch City Plan became operative in part on the 21st 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% (minus 18m² where a garage is not provided) and on Density C sites to 35% (minus 18m² where a garage is not provided). The proposal would allow a maximum site coverage of 45% and 40% for Density B and C lots respectively 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 report raised a number of matters in support of the proposal including:

- the City Council have already issued resource consents for similar proposals within the LGZ;
- 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.

I agree that much of this assessment has merit although rely on additional assessment to reach my conclusions. Overall I consider that for Density B and C Lots a large area of land would remain available for landscaping, particularly large trees and shrubs which can make a significant contribution to the character and amenity of the neighbourhood. When compared to the existing City plan rules for Density B development, the controls proposed in this application would improve potential visual amenity outcomes by ensuring that a minimum proportion of the front yard is retained for landscaping and ensuring that a large proportion of the dwelling frontage is used for habitable purposes.

In addition, I consider that a permitted two storey dwelling, 8m high and with site coverage of 40% and 45% for the subject Density C and B lots respectively, would have a greater amenity impact on neighbouring property owners and occupiers than the subject proposal. The above 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 outline this approach 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 also means that opportunities for overlooking to other properties would be limited.

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.

I note that for Density B sites the landscape strip that would be located parallel to the drive is intended for hedging. While this is one suitable type of planting, I would not recommend that it be imposed as a condition of consent to encourage a greater diversity of plant types in the overall neighbourhood.

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 RMA92022216 and includes the stamped approved plan RMA92022216, page 1.

2. This resource consent only applies to the following Density B and C sites in stage 4 and 5 Longhurst (as approved in resource consent RMA92019930.1).
3. For Density B lots, the maximum site coverage for a site where all buildings are less than 5.5 metres high shall be 45%.
4. For Density C lots, the maximum site coverage for a site where all buildings are less than 5.5 metres high shall be 40%.
5. 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.
6. For Density B lots:
 - a. 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.
 - b. 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:

- 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.
- 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: 15/04/2013

Decision

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

Resource Management Officer Sub-Committee:



O'Connell, Nathan
15/04/2013 6:05 PM
Planning Team Leader



Douglas, Dion
16/04/2013 4:42 PM
Planning Team Leader