

Report / Decision on a Non-notified Resource Consent Application

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

Application Number:	RMA92025053
Applicant:	Fulton Hogan Land Development Ltd
Site address:	34 Whincops Road
Legal Description:	Lot 909 DP462319
City Plan Zoning:	Living G (Halswell West) Zone
Activity Status:	Restricted discretionary activity
Description of Application:	Increase site coverage within Density B and C Lots within Stages 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.

This application to increase site coverage was originally intended to apply to all density B and C Lots in the Living G (Halswell West) Zone (i.e. a global consent) that have been or would be developed by the applicant. The proposal would allow dwellings with a maximum height of 5.5m to have site coverage of 40% on Density C lots and 45% for Density B lots. A number of specific landscape and building design conditions were also proposed for Density B lots.

A number of issues were raised in relation to how this would relate to existing lots which are no longer owned by the applicant and subject to similar consents and future lots not yet created. As a consequence the applicant has since advised that this application shall only apply to Density Band C Lots in Stage 3C Knights Stream Park (approved under RMA92019932). After discussing this matter with the applicant's representative (personal communication with Ms Julie Comfort 2 May 2014) it was not considered necessary to include specific landscape and building design conditions with the affected Density B Lots due to their width.

I note that a similar application has been lodged for Density B and C Lots in Stage 7 Knights Stream Park yet to be approved under subdivision consent application RMA92024868.

A more detailed description of the proposal, site and surrounds is contained within the resource consent application subject to the above modifications.

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 as follows:

- Density C sites: 35% where a garage is provided, minus 18m² where a garage is not provided.
- Density B sites: 40% where a garage is provided, minus 18m² where a garage is not provided.

The proposal would allow a maximum site coverage of 40% and 45% for Density C and B 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.

In this regard some key points raised in the application report are:

- the application is consistent with similar proposals approved by Council for this zone.
- due to an oversight at the rezoning stages, the site coverage rules were not updated to allow for a higher level of site coverage when lower building heights are proposed in line with other Living 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 most of the above matters in themselves do not mitigate adverse effects, I am satisfied that the increase in site coverage would maintain suitable levels of amenity and character for future residents. My reasoning is that:

- In many instances a permitted two storey dwelling could be constructed (or a single storey dwelling over 5.5m in height) on a Density B or C lot, and with maximum site coverage of 40% or 45% (as appropriate) which would have a greater or similar visual impact on neighbouring property owners and occupiers than the subject proposal.
- This approach to site coverage 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 and overshadowing of other residential properties would be limited.
- The proposed site coverage would still allow for the provision of a complying outdoor living space with good sunlight access.
- The width of the lots in Stage 3C are relatively wide (at least 15m) meaning that lower amenity spaces occupied by car parking, garage and paving are not likely to dominant over higher amenity spaces such as planted landscaping and habitable rooms.

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 RMA92025053.
 - 2. This consent only applies to those Density B and C Lots within Stage 3C of Knights Stream Park as per resource consent RMA92019932.2 Approved Plan 1.
 - 3. The maximum site coverage for a Density B site where all buildings are less than 5.5 metres high shall be 45%.

4. The maximum site coverage for a Density C site where all buildings are less than 5.5m high shall be 40%.

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.

Reported and recommended by: Paul Lowe, Planner

Date: 05/05/2014

Decision

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

Resource Management Officer Sub-Committee:



O'Connell, Nathan
07/05/2014 1:01 PM
Planning Team Leader



Douglas, Dion
07/05/2014 4:36 PM
Planning Team Leader