



LEGEND

DENSITY A

DENSITY B

DENSITY C

LOTS ADJOINING H.J.R

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

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

|                                    |  |
|------------------------------------|--|
| <b>Application Number:</b>         | <b>RMA92024127</b>   |
| <b>Applicant:</b>                  | Fulton Hogan Land Development Ltd  |
| <b>Site address:</b>               | Longhurst and Knights Stream Park, Halswell Junction Road  |
| <b>Legal Description:</b>          | Lots 1 and 18 to 22 DP453318, Lots 188, 189 and 194 to 196 DP468679, Lots 197 to 213 and 942 RMA92019930.1 and Lots 187, 188 and 910 RMA92019932.2 |
| <b>City Plan Zoning:</b>           | Living G (Halswell West)   |
| <b>Activity Status:</b>            | Non-Complying  |
| <b>Description of Application:</b> | Global consent to reduce the building setback to a minimum of 3m for Density C sites and 2m for Density B sites.                                   |

### Introduction

The applicant has been granted consent to subdivide land for residential development located south of Halswell Junction Road. This application relates to those allotments which immediately adjoin Halswell Junction Road. The application outlines the proposal in detail, stating that “... as part of the Plan Change rezoning the land to Living G (Halswell West), a rule was included in the City Plan that required a 9.5m setback for buildings on properties that adjoin Halswell Junction Road, This setback was needed to provide for the widening of Halswell Junction Road and then once that occurred the resulting building setback would comply with the standard of 3m for a Density C site and 2m for a Density B site.”

The City Plan rules failed to acknowledge the reason for the setback, or provide for a reduced setback once the road widening has occurred. Consequently a global consent is sought to allow for buildings to be constructed within the 9.5m setback provided the standard street scene setback for each density type is complied with.

### Planning Framework

The sites are zoned Living G (Halswell West) and the proposal is to be assessed as a non-complying activity. The Plan anticipates this zone will be developed for mixed density residential accommodation.

This proposal fails to comply with the following Plan provisions:

- **11.4.3 Street Scene**

*The minimum setback from the road boundary with Halswell Junction Road shall be 9.5m.*

The applicant proposes to reduce the building setback from the road boundary to be either 3m from the legal boundary of Halswell Junction Road for Density C sites and 2m from the legal boundary of Halswell Junction Road for Density B sites. (These are the standard setback distances for Density B and Density C zoned sites).

### The existing environment

The subject sites sit within the ‘Longhurst’ and ‘Knights Stream Park’ development estates which are owned by the applicant, Fulton Hogan Development Limited. These development estates sit within the eastern half of the Living G (Halswell West) Zone which is an area of 136ha forming part of the southwest Christchurch growth corridor. The applicant is the main landowner in this zone having control over approximately 117 hectares of this land being the Longhurst and the ‘Knights Stream Park’ development estates.

Various stages the Longhurst and Knight Stream Park subdivisions have already been approved by way of resource consent and construction works to implement these consents has already commenced.

All of the subject sites immediately adjoin the south-western side of Halswell Junction Road. Halswell Junction Road is classified as a minor arterial route.

**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?**

As a non-complying activity the Council's assessment of the effects of this proposal is unrestricted and all actual and potential effects of this proposal must be considered. Having regard to this, I consider the potential adverse effects are restricted to those relating to street scene and visual amenity.

The City Plan Critical Standard requires that the minimum (building) setback from Halswell Junction Road shall be 9.5m. The City Plan states that the 9.5m setback, which is 5m greater than what would normally be required is to enable the possible future widening of Halswell Junction road, while still maintaining the amenity of a set back from an arterial road. However, the City Plan does not state what the setback should default back to once road widening has taken place.

For the majority of the land involved, particular that within the Longhurst subdivision, the land for road widening has already been vested in Council. The land adjacent to Halswell Junction Road in the Knights Stream Park has not yet been subdivided.

The applicant states that where the land associated with the road widening already vested in Council as road, a 9.5m setback would render the adjoining allotments as unbuildable once other setbacks are applied.

With regard to the sites within the Longhurst subdivision, the sites do not have primary frontage onto Halswell Junction Road, rather access is gained from an internal road within the development. While these sites have two road boundaries, access is gained from an internal local road within the subdivision and Halswell Junction Road essentially becomes a rear boundary rather than a front road boundary. Given these circumstances and that these sites are specified Density C (minimum net site area of 450m<sup>2</sup>) it is appropriate that the building setbacks are consistent with other such zoned sites where road widening has already been undertaken.

For the Knights Stream Park development, the majority of the land, with the exception of two allotments has yet to be subdivided. As such the land for road widening has yet to be vested in Council. These proposed allotments will front onto Halswell Junction Road. As no alternative access is available to these future sites, it is appropriate that the reduction of building setback accommodate garages that may be located within the 9.5m setback and where garage doors generally face the road. In these circumstances the setback should be a minimum of 5.5m to allow for a vehicle to be parked in front of the garage and be clear of the street. This exception is consistent with City Plan building setback standards in other residential zones.

It is my opinion that the reduced setback is appropriate where road widening has taken place and the 2 or 3m building setback will still allow space for landscape plantings to provide and enhance a good quality street scene.

A positive effect of reducing the building setback is that buildings will be potentially located closer to the street and allow the residential nature of the area to engage and over look the street. Allowing buildings to be closer to the street will also provide for sufficient private outdoor living space behind buildings.

With regard to ongoing provision for future widening of Halswell Junction Road, this consent will continue to provide for the full 9.5m setback where widening is yet to occur, resulting in protecting the roading network and it's future expansion.

It is my conclusion that the adverse effects of the proposal on the environment are less than minor as discussed above.

**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)]**

There are no persons considered to be adversely affected by the proposal.

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

I have reviewed the relevant objectives and policies – including Policy 11.4.11 – Street scene and consider the proposal is consistent with this policy as it will not compromise residential amenity values or the adjoining roading network.

**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, 104D, 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 Approved Consent Documentation has been entered into Council records as RMA92024127 (10 pages) and includes the stamped approved plan RMA92024127.
  - 2. That the construction of buildings on those lots that adjoin Halswell Junction Road, as shown on plan RMA92024127 is permitted within the 9.5m setback required by clause 2-114.3, of the City Plan, provided that:
    - (a) The 5m strip of land adjoining Halswell Junction Road has vested in Council as legal road as part of a preceding subdivision; and
    - (b) The buildings are setback either:
      - (i) 3m from the legal boundary of Halswell Junction Road for Density C sites;
      - or
      - (ii) 2m from the legal boundary of Halswell Junction Road for Density B sites; and
      - (iii) Where a garage has a vehicle door generally facing a road or shared access, the minimum setback of the garage door shall be 5.5m from the road boundary or shared access.

**Reported and recommended by:** Marilyn Regnault, Planner

**Date:** 17 December 2013

## Decision

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

### Resource Management Officer Sub-Committee:



O'Connell, Nathan  
19/12/2013 10:42 AM  
Planning Team Leader



Burgess, Jesse  
19/12/2013 12:14 PM  
Planning Team Leader (Acting)