

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

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

<b>Application Number:</b>	<b>RMA92029102</b>
<b>Applicant:</b>	CDL Land New Zealand Limited
<b>Site address:</b>	432 Prestons Road (Prestons South)
<b>Legal Description:</b>	Lots 1-9 (being a subdivision of CB9K/366)
<b>City Plan Zoning:</b>	Living G
<b>Proposed District Plan Zoning:</b>	N/A
<b>Activity Status:</b>	Non-complying
<b>Description of Application:</b>	Erection of 9 residential units to be used as show homes to assist marketing the new subdivision

### Introduction

The applicant, CDL Land New Zealand Limited, seeks resource consent to establish and operate 9 residential units to be used as show homes for the marketing of the Prestons South Stage 1 Subdivision.

### Site and Surroundings

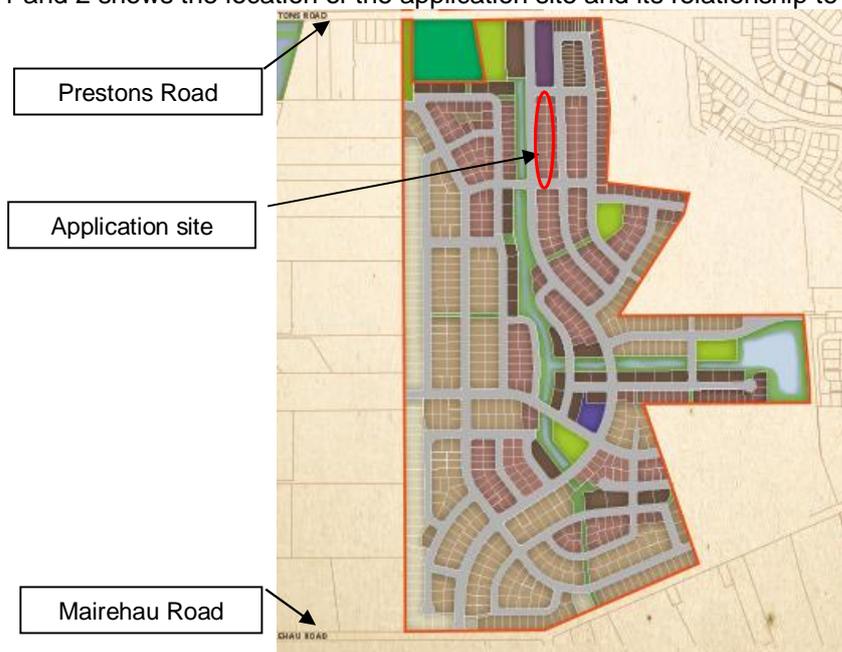
The application site is zoned Living G (Prestons) under the Christchurch City Plan and is located at 432 Prestons Road.

The proposal relates to 9 residential sites that are part of Stage 1 Prestons South subdivision, being allotments 1-9 of subdivision consent RMA92023244.

The underlying title of the site is CB9K/366, which is located to the south of Prestons Road. The parent site has a land area of approximately 4,305m<sup>2</sup>. The sites range in size from 470m<sup>2</sup> to 495m<sup>2</sup> and are identified as Residential Density B.

The allotments are located approximately 120m south of Prestons Road and will be accessed by a new road connection associated with the Stage 1 Prestons subdivision from Prestons Road. The application site will have access onto a 'primary' road - the equivalent of a Collector Road (as yet unnamed).

Figures 1 and 2 shows the location of the application site and its relationship to surrounding land uses.



**Figure 1: Application Site and Surroundings**

*Extract from Master Plan showing Prestons South Subdivision*



**Figure 2: Application Site and Surroundings**

Extract from Master Plan showing location of application site within Stage 1 of the Prestons South Subdivision (Extract from Aurecon Site Layout Plan - Drawing Ref SU-MP-S1-SP-01.2A)

## Proposal

The proposal is outlined in Section 3 of the application (entitled 'Prestons South Stage 1 Show Home Village and Sales Office') prepared by Rhedyn Law of Resource Management Group Limited. The key features of the proposal are as follows:

- Consent is sought to erect 9 residential units that will comply with the bulk and location rules of the Living G (Prestons) section of the City Plan.
- Eight of the units will be used as show homes to market the Prestons South Stage 1 subdivision. One of the units will be used as a sales office for the subdivision.
- The show homes will vary in size across the sites, but will be between 100m<sup>2</sup> to 250m<sup>2</sup> in area.
- Consent is sought for the use of the sites for retail (show home) purposes for a maximum 10 year duration. After that time, the show homes will revert to residential units.
- A sign with a maximum size of 1m<sup>2</sup> will be erected for each show home.
- The show homes will be available to view 9am until 5pm, seven days a week, although each company may choose to open for fewer hours.
- No persons or staff will live in the show homes. A maximum of 2 staff will be employed at each site.

## Planning Background

Subdivision Consent RMA92023244 was granted in July 2012 for the development of a 200 residential lot fee simple subdivision (known as Prestons South) with associated reserves and parks.

The proposed development is similar in scope to the show home development for the Prestons North subdivision (RMA92020278), for which resource consent was granted in July 2012 for 14 residential units to be used as show homes for a 10 year maximum period.

## Planning Framework

The site is zoned Living G under the City Plan. The Plan anticipates that the Living G (Prestons) zone will provide for a mixed density and mixed use suburban centre in north-east Christchurch. The zone allows for and maximises the need for integration of activities, infrastructure, open space and green ways both internally and with the adjoining communities including Burwood, Marshland, Belfast and Parklands.

The proposed activity for the use of the sites as show homes and a sales office is considered a retail activity, in accordance with the City Plan definition: *'the use of land or buildings for displaying or offering goods for sale or hire to the public...'*

This proposal fails to comply with the following provisions of the City Plan:

#### Part G – Living Zone Provisions

- **Community Standard 2-10.3.1 Scale of Activity:** (a) *The maximum gross floor area of buildings plus the area of any outdoor storage, used for activities other than residential activities, shall be 40m; (b) No more than one full-time equivalent person, who permanently resides elsewhere than on the site may be employed in undertaking any activity on the site.*

All of the show homes will range in size from 100m<sup>2</sup> to 250m<sup>2</sup>, which exceeds the maximum gross floor area allowed for non-residential activities. Furthermore, no persons will live on site whilst the buildings are used as show homes (after the maximum 10 year period the show homes will then revert back to residential use).

- **Community Standard 2-10.3.3 Hours of operation - other activities** (a) *The maximum total number of hours the site shall be open to visitors, clients or deliveries for any activity other than a residential activity shall be 50 hours per week.*  
(b) *Hours of operation shall be limited to between the hours:  
0700 - 2000 Monday to Friday, and  
0800 - 2300 Saturday, Sunday and public holidays*

The operational hours for the show homes and sales office will be between 9-5pm, 7 days a week. Whilst the operational hours are in accordance with 2-10.3.3b), the total number of hours that the sites will be open for viewing is 56 hours, which exceeds the City Plan requirement of a maximum of 50 hours per week.

- **Community Standard 2-10.3.4 Traffic Generation:** *Maximum number of vehicle trips per site to a local road shall be 4 heavy vehicle movements per week and 50 other vehicle movements per day.*

The applicant has confirmed that each show home, including the sales office, is expected to generate 5-10 visitors per day. As prospective purchasers are likely to come to the area to view a number of show homes, the number of vehicle movements is likely to be less. It is expected that averaged over the show home area, each show home would generate approximately 20 vehicle movements per day which equates to 180 vehicle movements for all of the show homes.

I note that if each show home was assessed individually then they would comply with the rule.

- **Community Standard 2-10.3.7 Residential Coherence:** *At least one person engaged in the activity shall reside permanently on the site.*

All show home staff will reside off site.

- **Critical Standard 2-10.4.7 Retailing:** *Retail activities shall be limited to the sale of goods grown or produced on the site.*

The show home activity is not for this purpose. It will constitute a retail activity, but any retailing on the site is not of products grown or produced on the site.

#### Part 10 - Signage

- **Development Standard 10-3.4.1 Area and Number:** *a) All living zones: The maximum total area of outdoor advertisements on any site shall be 0.5m<sup>2</sup>.*

Each show home will require signage to advertise the activity. It is proposed that each show home will erect a sign of not more than 1m<sup>2</sup> in area.

#### Part 13 – Transport

- **Development Standard 13-2.2.1 Parking Space Numbers** – *For any activity the owner, occupier or developer shall make provision for vehicle parking, for use by staff and visitors, in accordance with columns 2 and 3 of Table 1.*

For residential activities the parking requirements are 2 spaces per residential unit, including 1 garageable space.

For retail activities the parking requirements are as follows:

Where the Gross Leasable Floor Area is less than 750m<sup>2</sup>: 4 parking spaces are required per 100m<sup>2</sup> of gross floor area for visitors; plus 0.5 spaces per 100m<sup>2</sup> for staff.

The required level of car parking for the retail activity will not be provided. The end use of the show homes is for residential purposes and the sites have been designed to residential standards (2 spaces). No on-site parking will be provided for visitors.

- **Development Standard 13-2.2.4 Staff Car parking** - *All required staff car parking spaces shall be permanently marked and signed for the exclusive use of staff employed on the site.*

Staff are likely to park on the driveway of the show home but these will not be marked for their exclusive use.

- **Development Standard 13-2.2.5 Parking spaces for people with disabilities** - *a) All required parking areas shall include spaces for people with disabilities provided at the rate of 1 for up to 10 spaces provided.*

No disability park will be provided.

#### **STATUS OF ACTIVITY:**

The proposal is to be assessed as a Non-Complying Activity because, pursuant to Clause 2-10.1.2d, the proposed activity does not comply with one or more of the critical standards contained within Clause 2-10.4.

Note: The application indicates that while the design and positioning of the proposed show homes is not known, they will comply with the relevant bulk and location standards for residential activities in the Living G (Prestons) zone. A further resource consent will be required if any of these rules are breached when final plans are drawn. An advice note has been added to this effect.

#### **Proposed Christchurch Replacement District Plan**

Stage 1 of the Proposed Christchurch Replacement District Plan was notified on 27 August 2014. Decisions on the 'Strategic Directions and Strategic Outcomes' and three other priority chapters were notified on 5 March 2015, however none of these chapters contain rules that are relevant to this application (in respect of section 86B of the Resource Management Act).

#### **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)**

The NES controls soil disturbance on land where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or is more likely than not to have been carried out. The application site is located in an area identified by the Listed Land Use Register (LLUR) as being in a location for which there is an ongoing review relating to suspected contamination associated with the former use of the site for agricultural activities.

This matter was referred to Senior Environmental Health Officer Isobel Stout for comment. Ms Stout has confirmed that the Prestons South subdivision is being handled under its own earthworks consent (RMA92025118) and no further information is required under the NES for the show home development.

**Written approvals ([Sections 95D, 95E(3)(a) and 104(3)(a)(ii)] and General notification provisions [Sections 95A(1), 95A(4) and Section 104(3)(d)])**

Written approval has been provided by CDL Limited, as owners of the land adjoining the sites to the eastern boundary (Lot 2, DP 27786).

There are no special circumstances or other aspects of the application that warrant public notification of this application.

**Pursuant to Section 95A, will the adverse effects of the activity on the environment be more than minor, or are they likely to be more than minor?**

As a non-complying activity the Council's assessment is unrestricted and all actual and potential effects of this proposal must be considered. Relevant guidance is contained in the City Plan in the reasons for the rules breached and the relevant assessment matters as to the effects that require consideration.

Having regard to this planning framework, I consider that the actual and potential effects of the proposal on the environment relate to residential amenity and traffic effects.

**1) Residential Amenity Effects**

Visual Amenity and Residential Coherence

The proposal involves the creation of a show home village (9 show homes) to market Stage 1 of the Prestons South subdivision. The applicant has confirmed that each show home will comply with the bulk and location rules of the City Plan and if, upon the preparation of further drawings this is not the case, then resource consent will be applied for each non-complying allotment.

The show homes will be of the same appearance as a residential dwelling, which will ultimately be the end-use for the sites. I agree with the applicant's assessment that the scale of activity associated with the show homes will not be of a scale, intensity or character that would be noticeably different to a residential one. I note from the applicant's assessment that the sales office will be associated with the show home development and the scale of activity and associated effects will therefore be equivalent to the show homes. I recommend that a condition is added, pursuant to the grant of resource consent, to ensure that the sales office is retained for use in connection with the show home village and not other retailing activities.

The key difference in visual amenity terms, is that each dwelling will have up to 1m<sup>2</sup> of signage relating to the company occupying the site. I agree with the applicant's assessment that the signage proposed does not represent a significant departure from the development standards of the City Plan (0.5m<sup>2</sup>) and will comply with all aspects, aside from the area of signage proposed.

I also agree with the applicant's assessment that the show homes will be in a cluster and the area will arguably have its own unique amenity values for the period that the show homes are operational. As these proposed dwellings are being used to market different building companies it is in the developers' best interests to ensure that all sites maintain a high level of residential amenity and that the signage is designed appropriately.

I note that after a maximum period of 10 years the show homes will be sold and used as residential dwellings. The signage is therefore temporary and the visual effects of the signage will be immediately reversed when the show home activities cease.

Overall in view of the above factors I agree with the applicant's assessment and consider that any potential adverse effects associated with the proposed signage will be less than minor and limited to the land immediately fronting the show home sites to the east, where it is to be expected, in accordance with the Outline Development Plan (Appendix 3V/1), that this land will come forward for residential development within the 10 year timeframe during which time the show homes will be in situ. I note that written approval has been obtained from the owner of this land and pursuant to s.95D, 95E(3)(a) and 104(3)(a)(ii), Council cannot take into account effects on these persons. I do not consider that the proposed sign will have any adverse effects on the wider environment.

Noise

The applicant has indicated that the show homes will comply with the relevant noise standards of the City Plan (Part 11-1.3.3). The low number of visitors anticipated to the show homes (5-10 a day) and the nature of the activity, which is likely to be equivalent to the noise generated by a typical residential activity, will provide for low levels of noise.

The show homes and the sales office will be available for viewing by prospective purchasers during daytime hours (9am-5pm), to coincide with daytime noise standards. Whilst the total number of hours that the sites will be open for viewing exceed the City Plan requirements (56 hours proposed, 50 permitted under the City Plan), I note that the operational hours are compliant and are not during anti-social hours, thereby mitigating any adverse noise effects. Furthermore, the applicant has confirmed that *'each show home is likely to operate*

*variable days and hours (and) given this, it is unlikely that any individual show home will operate in exceedance of the 50 hours'.*

The agent has also commented that: *'As visitor rates during the week are very low, with some days likely to experience no visitors to the show homes, the effects associated with exceeding the maximum hours will be less than minor. These hours are also within business hours during the week, when impacts on the residential amenity of the surrounding area will be minimal'.*

I agree with the agent's assessment and I consider, based on the information supplied, that any adverse noise effects on surrounding residential neighbours will be less than minor. To this regard, I recommend that a condition is added, pursuant to the grant of resource consent, which restricts the operational hours of the proposed development to the hours of 9-5pm Monday-Sunday.

## **2) Traffic Effects**

### **Parking**

Based on the retail use of the lots for show homes and a sales office, the development is required to provide in excess of 4 spaces for visitors and 0.5 spaces for staff per site, in accordance with the requirements of Development Standard 13-2.2.1.

The required level of car parking for the retail activity will not be met by the proposed development. The end use of the sites is for residential purposes and the applicant has confirmed that the sites have been designed to residential standards (2 spaces). No on-site parking will be provided for visitors, staff parking will not be marked and a disabled park will not be provided.

I agree with the applicant's assessment that whilst compliance with the parking requirements of the 'commercial' activity will not be achieved, the show homes and associated sales office will not be a permanent activity and are not a true 'commercial activity' in the sense anticipated by the Plan rules. Each show home is to be built as a traditional residential dwelling as it is anticipated within 10 years it will no longer be required as a show home and will be sold for residential purposes.

It is anticipated each show home will provide up to two parks on the driveway for staff and all visitors to the site will park on the roadside. While roadside parking is anticipated by all visitors to the show homes, any effects will be temporary for the 10 year duration of this consent and furthermore, the newly constructed roads are internal to the subdivision and there will therefore be no, or very limited, demand for road side parking other than for use by visitors to the show homes.

Staff parking will not be marked, as this will detract from the residential amenity of the sites. Regardless, staff will be aware they are able to park on the driveway. As an aside, I anticipate visitors (including disabled visitors) are likely to be able to park on the driveway in the event that a parking space is available.

Overall, any effects associated with a small number of vehicles parking on the street are considered to be less than minor.

### **Traffic Generation**

Access to the lots will be from the newly constructed roads as part of Stage 1 of the Prestons Subdivision. These roads extend off Prestons Road and are the equivalent of Collector Roads under the City Plan.

Each site is permitted 50 non-residential traffic movements per day. The applicant has confirmed that each show home, including the sales office, is expected to generate 5-10 visitors per day. As prospective purchasers are likely to come to the area to view a number of show homes, the number of vehicle movements is likely to be less. It is expected that averaged over the show home area, each show home would generate approximately 20 vehicle movements per day. Whilst this equates to 180 vehicle movements per day for all of the show homes, the 20 vehicle movements per show home is well within the 50 movements anticipated by the City Plan.

I agree with the applicant's assessment that although this level of vehicle movements will exceed those anticipated for a residential activity, these will not be of such a scale as to cause disturbance to adjoining properties. Overall I am satisfied that the proposed show home village will result in less than minor traffic effects.

## Conclusion

In view of the above discussion, the development will be in keeping with the density of development anticipated for the Living G (Prestons) Zone and any visual, noise or residential/traffic amenity effects are expected to be less than minor. I also note that the proposal is comparable in scope (duration of activity and anticipated effects) to the show home development granted for the Prestons (North) Subdivision, albeit with a smaller number of show homes (9 compared with the 14 granted under RMA92020278).

For these reasons I am satisfied that the proposed development will not result in any adverse effects on the immediate or wider environment.

**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

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

### OPERATIVE PLAN – OBJECTIVES AND POLICIES:

The overarching living zone objective is *'a quality living environment that meets the differing needs of the City's population.'*

**Objective 11.3** (Non-residential activities) provides for *'non-residential activities located within living areas which meet community needs and are consistent with maintaining a high standard of amenity in living areas'*. Whilst show homes and an associated sales office are not specifically provided for in a Living Zone, the Plan provides for activities to locate in a zone where it can be demonstrated that they are compatible with the character, quality of the environment and amenity values of that zone. This has been demonstrated through the assessment of effects.

**Objective 11.4** (Adverse environmental effects) seeks *'a living environment that is pleasant and within which adverse environmental effects on amenity values are avoided, remedied or mitigated, while still providing the opportunity for individual and community expression.'* The objective reflects the desire of residents of the City to maintain a high standard of residential amenity. In order to achieve a high quality living environment, standards must be met by both residential and non-residential activity. The supporting policies relevant to this application are:

- **Policy 11.4.5 Privacy and outlook** – *To ensure that the outdoor component of non-residential activity is screened to protect the privacy and outlook of adjoining sites.*
- **Policy 11.4.6 Privacy and outlook** – *To ensure that the hours of operation of non-residential activity does not unduly compromise amenity values, and particularly privacy and security of adjoining development.*
- **Policy 11.4.9 Noise** – *To ensure noise levels associated with non-residential activities are consistent with maintaining a high standard of amenity within living areas.*

Based on the assessment of effects above, any adverse effects associated with the proposed show home village are considered to be no more than minor. Accordingly, I consider that the proposal is consistent with Objective 11.4 of the City Plan and its supporting policies.

Overall, I am satisfied that the proposal is in accordance with the intent of the City Plan's objectives and policies.

### PROPOSED PLAN – OBJECTIVES AND POLICIES:

The Proposed Christchurch Replacement District Plan was notified on 27 August 2014, and while the rules do not yet have effect regard must be had to the relevant objectives, policies and other provisions. The Independent Hearings Panel's decision on Chapter 3 Strategic Directions was notified on 5 March 2015. The appeal period has now closed. Further to Council giving public notice of the decision these objectives will be made operative.

In my opinion the application is consistent with the objectives and policies in the Proposed Plan, including the Strategic objectives, as the proposal will not compromise the residential amenity values of this new subdivision

development. Overall, I consider that the proposal will remain consistent with the relevant objectives and policies of the Plan.

**Relevant provisions of a National Environmental Standard, National Policy Statement, Regional Plan, Regional Policy Statement or Coastal Policy Statement [Section 104(1)(b)]**

Environment Canterbury and Council records indicate that the application site has not been used for an activity on the Hazardous Activities and Industries List (Ministry for the Environment) therefore the National Environmental Standard for managing contaminants in soil to protect human health does not apply.

**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.

**If the application is for a non-complying activity, does it meet at least one of the provisions of Section 104 (1)?**

Yes - This proposal will result in less than minor adverse effects and is consistent with the objectives and policies of the City plan.

**Recommendations**

**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, 104B 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 RMA92029102 (35 pages).
  - 2. This consent authorises the use of these sites as show homes and for one as a subdivision sales office for up to ten years from the date of this decision; after that time, these activities must cease.
  - 3. The hours of operation for the show homes and the sales office shall be 09:00-17:00 Monday to Sunday.
  - 4. The sales office shall be used in association with the show homes (sales/marketing) and shall not be used for any other retailing activity.

**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 (941-8999) for advice on the building consent process.
- The application indicates that while the design and positioning of the proposed show homes is not known, they will comply with the relevant bulk and location standards for residential activities in the Living G (Prestons) zone. A further resource consent will be required if any of these rules are breached when final plans are drawn.

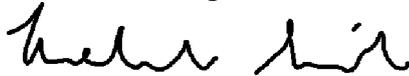
**Reported and recommended by:** Lizzie Spencer, Planner

**Date:** 30 April 2015

**Decision**

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

**Resource Management Officer Sub-Committee:**



Smith, Melinda  
11/05/2015 10:12 AM



Burgess, Jesse  
11/05/2015 10:08 a.m.  
Planning Team Leader