



**PRIVATE PLAN CHANGE APPLICATION
509 – 511 SANDRINGHAM ROAD
IJ & PK ENTERPRISES LTD
REZONING OF LAND TO THE BUSINESS 2 ZONE**



APPLICATION FOR PRIVATE PLAN CHANGE

TO MEET THE REQUIREMENTS OF SCHEDULE 1, CLAUSE 22 OF THE RESOURCE MANAGEMENT ACT 1991

TO: Auckland City Council
PO Box 92516
Wellesley Street
Auckland

APPLICANT: IJ & PK ENTERPRISES LTD ("the Applicant")
THE NAMES AND ADDRESSES OF THE OWNER AND OCCUPIER OTHER THAN THE APPLICANTS ARE: **OWNER:** IJ & PK ENTERPRISES LTD
OCCUPIERS: tenants thereof

SITE ADDRESS: 509 – 511 Sandringham Road
LEGAL DESCRIPTION: Lot 1, DP68023, Lot 2, DP68023, Lot 1, DP29255

NAME OF AGENT: Green Group Limited
ADDRESS FOR SERVICE: PO Box 105 153
Auckland
Attn: Tim Palin

ADDRESS FOR ACCOUNTS: IJ & PK ENTERPRISES LTD
6 WATERBURY PLACE
MANGERE
AUCKLAND
Attn: Praneel Singh

RMA SCHEDULE 1, CLAUSE 22 REQUIREMENTS

PURPOSE: To rezone residentially zoned land and additional modifications stated in the attached report

REASONS: To enhance the utility of the site, and to reflect existing uses, and additional reasons stated in the attached report

S32 ANALYSIS: See section 5 of attached report

ASSESSMENT OF EFFECTS: See section 4 of attached report.

DATED AT AUCKLAND: 14 March 2008

SIGNED

Tim Palin
Duly Authorised Agent for
IJ & PK ENTERPRISES LTD



1. PRIVATE PLAN CHANGE REQUEST

- 1.1. IJ & PK Enterprises Ltd ("the Applicant") herewith applies to change the Auckland City District Plan: Isthmus Section.
- 1.2. Specifically, the Applicant seeks to change to zoning classification of sites for which they are the proprietor, and which are described below.
- 1.3. The applicant seeks consent to rezone the following properties to Business Activity 2 zone:

509 Sandringham Road	Lot 1, DP68023	Currently Zoned: Residential 6B
511 Sandringham Road	Lot 2, DP68023	Currently Zoned: Residential 6B

- 1.4. Subsequent to the Plan Change, the standard provisions of the Business Activity 2 zone shall apply to these sites following rezoning.
- 1.5. The properties collectively known as the "Sandringham Shops" are zoned Business 2, and are subject to the street verandah control. The proposed plan change requests that a Business 2 zoning be imposed on the properties, including the imposition of the verandah control.
- 1.6. Section 73(2) of the Resource Management Act 1991 ("the Act") states:

"Any person may request a territorial authority to change a district plan, and the plan may be changed in the manner set out in Schedule 21."

- 1.7. This application for a private plan change is made pursuant to Schedule 21 of the Act which states:

21Requests

- (1) Any person may request a change to a district plan or a regional plan (including a regional coastal plan).
- (2) Any person may request the preparation of a regional plan, other than a regional coastal plan.
- (3) Any Minister of the Crown or any territorial authority in the region may request a change to a ... policy statement.
- (4) Where a local authority proposes to prepare or change its policy statement or plan, the provisions of this Part shall not apply and the procedure set out in Part I shall apply.

22Form of request

- (1) A request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed plan or change to a policy statement or plan and contain an evaluation under section 32 for any objectives, policies, rules, or other methods proposed.
- (2) Where environmental effects are anticipated, the request shall describe those effects, taking into account the provisions of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.

- 1.8. In accordance with the provisions of Schedule 22, this document shall serve as written notice of the plan change request ('the request'), and also of the following requirements:



Purpose of the plan change:

The purpose of this plan change is to rezone the subject sites to the Business 2 zone

Reasons for the plan change:

The change is sought to enhance the utility of the property in keeping with its location at the fringe of a commercial area, and to allow for the development of the site as a commercial property.

The primary rationale for this plan change is to allow for the expansion of the Sandringham Road shopping centre to take place in a logical manner, with minimal impact on surrounding residential areas and minimum affect on surrounding residential activities.

Section 32 evaluation:

See Section 5 of this report.

1.9. This report explains the purpose of, and reasons for, the proposed plan change, and contains an evaluation under section 32 of the Act. The request describes the environmental effects of the change, taking into account the provisions of the 4th Schedule and the provisions of the Auckland City District Plan: Isthmus Section.

1.10. Specifically, the proposal will result in the following changes to the Planning Maps:

Planning Map E06, Page 1: Shall have the Business 2 zone applied to the subject sites where presently they are zoned Residential 6B.

Planning Map E06, Page 2: Shall have the verandah control (C06/06) applied to the subject sites where presently no such control exists.

1.11. It is considered that for the reasons discussed below, the proposal is merited, and is recommended it to Council for consideration and approval.

2. THE SITE

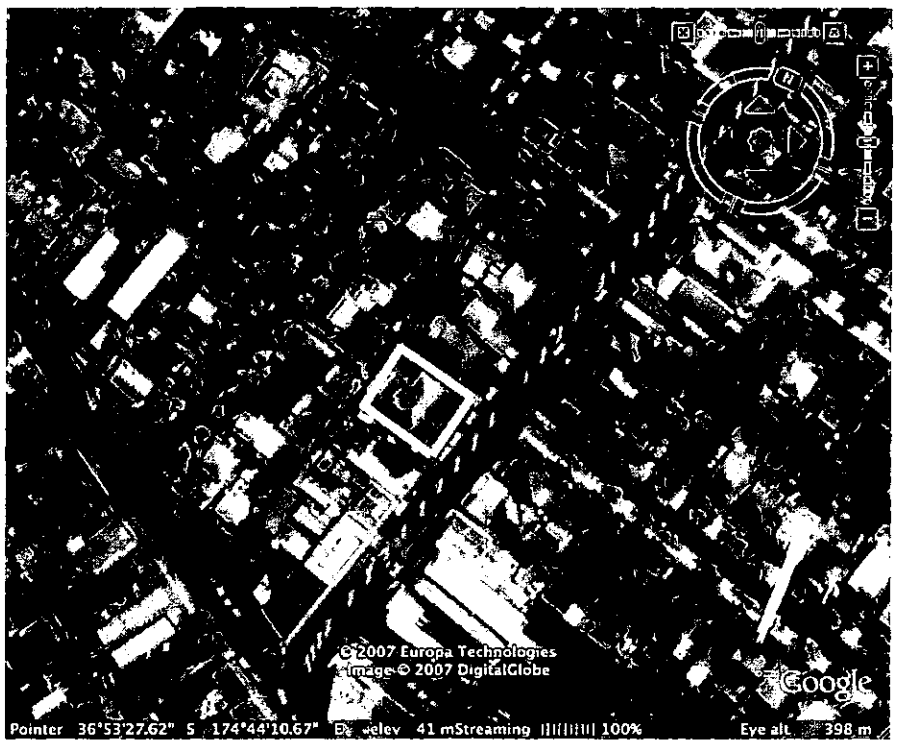
2.1. The properties form the scope of this request, and are collectively referred to as 'the site' in this report.

2.2. The subject site is located on the western side of Sandringham Road opposite the Halesowen Avenue terminus.

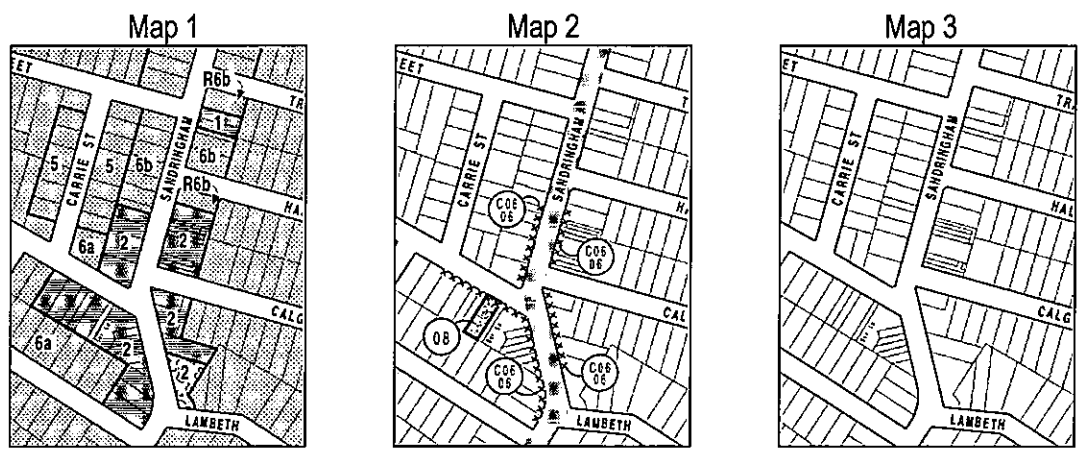
2.3. It is currently occupied by a two-residence conjoined dwelling. The building is single storey. To the immediate south, contiguous with the property lies the Sandringham Road shops. To the east is the Sandringham Road reserve. To the north and west lie additional areas of residentially zoned land.



Aerial Photograph



Planning Maps



2.6. The property at 513 Sandringham Road is zoned Residential 6b, though it is developed as a commercial premises (presently occupies by a real estate agent's office). Further discussion of this site is contained at Section 4.3 of this report.



3. DISTRICT AND REGIONAL PLAN PROVISIONS

3.1. Auckland City District Plan: Isthmus Section 1999.

- 3.2. The proposal seeks to change the provisions of the Auckland City District Plan: Isthmus Section as these apply to the properties subject of this Plan change.
- 3.3. The applicant for the Plan Change seeks that the subject site be rezoned from residential 6a to a more appropriate Business 2 zone. The applicant considers that the most appropriate manner by which regulatory controls are imposed on the site is by way of a plan change. This approach appears logical and was supported through preliminary discussions with the Council. Whilst the option of a resource consent remains available it was considered that in terms of commercial flexibility and certainty of use that a plan change was the 'better' approach to adopt in all of the circumstances.
- 3.4. The District Plan helpfully specifies the circumstances under which Council will consider an application to rezone land to a business zoning. These tests or criteria are discussed in the context of the subject application, and are as follows:

Criteria 1:

8.5.1.1 ZONING

The Council will entertain proposals to rezone land to one of the Business 1-5 zones where:

- such land adjoins existing business zoned land and will not result in a centre being bisected by a major arterial road;*

Comment 1:

The subject site is contiguous with land zoned Business 2 or used for Business activities, and is not separated by a major arterial road or Open Space zoned land. This is one of the few sites surrounding the Sandringham Road shops that exhibit this attribute. Its rezoning to Business 2 zoned land will allow the Sandringham Road shops to expand and keep their contiguous layout.

Criteria 2:

- the site can accommodate a conforming development (including parking) in terms of the provisions of the proposed zone;*

Comment 2:

The attached bulk and location plans demonstrate that, in broad terms, the sites will be capable of accommodating a conforming pattern of development, and can provide sufficient on-site parking to serve such development. The attached traffic engineer's report concludes that the level of traffic generated by the proposal will not adversely affect the operation of Sandringham Road. It is noted that the term 'conforming' is taken to mean compliant with development controls, however any development on the site will still require resource consent by virtue of the site being within 30m of residentially zoned land. The proposal can 'conform' to the development



control standards.

Criteria 3:

•it can be demonstrated that there is either no alternative suitably zoned land within the existing adjacent centre or zone or that such land is unavailable or in a location that renders it unsuitable for the proposed activity;

Comment 3:

All of the Business zoned properties in the Sandringham shops are currently occupied by business buildings and activities. The proposed plan change requests a natural extension of this business district. It is the most appropriate location for expansion, as alternative sites are either located across roads, or are located across public reserves. The Applicant wishes to develop the site as a commercial activity, and seeks that such a development avoid the need for a non-complying activity consent. The Applicant has consulted with a local real estate agency to confirm the demand for this type of activity in the Sandringham area. The agent (letter attached) confirms that demand for business sites remains high in Sandringham with available properties remaining on the market for a comparatively short period of time.

Criteria 4:

•the amenities of any adjacent residentially zoned land are protected from any significant adverse effects of the proposed activity;

Comment 4:

Adjacent residential sites will not suffer a reduction in amenity values. The pattern of development in surrounding residential properties is such that the outlook of these dwellings does not directly face the subject site, and so their location at the fringe of the Business zone will not detriment their amenity. In addition, the Business 2 zone is a relatively low intensity of Business, specifically designed to preserve the amenity of surrounding residential areas. As the site lies within 30m of the residential zone, any future development will still be the subject of resource consent, which particularly addresses issues concerned to protect the amenity of surrounding dwellings. In effect, the neighbouring sites will enjoy a level of amenity similar to or greater than that which is enjoyed by the subject site at present.

Of particular note is the property at 513 Sandringham Road, whilst developed as a commercial premises, is zoned for residential activities, and the effects on this property must be considered in that context. In this regard we note that the site has been developed as if it were a commercially zoned site, and does not conform to the development controls of the residential zone. Furthermore, it is unlikely to ever revert to a residential use, as its most profitable use is as a commercial premise, rather than as a residence immediately adjacent business uses and one for which a demonstrable demand exists.

Criteria 5:



•where relevant the proposed rezoning would meet the requirements of PART 5E - HAZARDOUS FACILITIES;

Comment 5:

The Business 2 zone does not provide for 'hazardous facilities' as a permitted activity, and so any proposal to conduct such activities on site would be subject to the further scrutiny of the Council. It is unlikely that Council would grant consent to a hazardous facility in the Business 2 zone, in a location so close to residential properties, and the Applicant has no desire to establish such a facility.

Criteria 6:

•the site must be of adequate size and be located such that any potential traffic effects are avoided;

Comment 6:

The attached bulk and location study demonstrates the site can accommodate a Business development. Furthermore, the attached traffic engineer's report concludes that Sandringham Road will not be adversely affected by a business development of the scale envisaged on this site.

Criteria 7:

•the proposal has been assessed in terms of the Schedule of Effects in PART 4 - GENERAL PROVISIONS AND PROCEDURES of the Plan.

Comment 7:

See Section 4 of this report for an assessment of the proposal in terms of Part 4 of the Plan.

- 3.5. We note that, the Plan specifies that any activity, within 30 m of the residential zones (5, 6a and 6b) shall be a restricted discretionary activity which means that 'low key' resource consents will still be required notwithstanding any change in zoning.
- 3.6. This fact should stand to reassure Council that the Applicant is obliged to responsibly develop the site in such a way so as to ensure low impacts on surrounding sites, once a Business 2 zoning has been achieved.
- 3.7. Subsequent to a Business 2 zone being applied to the property, the following development controls would apply:

- 8.8.1.1 Maximum Height: 12.5 m
- 8.8.1.2 Basic Floor Area Ratio: 2:1
- 8.8.1.12 Building in relation to boundary: 2m + (55° north, 45° east and west, and 35° south)
- 8.8.1.3(E) Carparking: required to be located behind retail, if located at



ground level.

In addition, a verandah control (8.8.1.3) applies to adjacent sites, and in our opinion should logically apply to this site following a change in zoning.

3.8. **Concept Sketch Proposal**

3.9. A concept sketch has been prepared and is attached at Annexure 2.

3.10. This sketch shows a hypothetical development design achieving the development controls for the Business 2 zone.

3.11. This concept shows a floor area of 245 m². If this were to be entirely given over to retail, then provision has been made for parking at a rate of 1/17 m². It is likely that some space would be given over to storage and office facilities. Provision has been made for two-way access and egress from the site.

3.12. The building complies with the height in relation to boundary controls applying to neighbouring residential zones to the north and south (the site to the south is zoned residential, although it operates as a business, and appears to have been developed pursuant to the rules of a Business zone).

3.13. The site plan shows that considerable landscaping can be provided about the site, to enhance the amenity of the site, and reduce the impact on neighbouring residential areas, as well as increase natural ground soakage.

3.14. It is reiterated that this concept sketch does not form an actual proposal for development, and is limited in its purpose to demonstrating that a functional and complying development could be constructed on the site.

3.15. In any event, all business activities located within 30m of the surrounding residential zones will attract a resource consent, therefore the concept of a permitted baseline is moot.

3.16. **Development as a Residential Site**

3.17. It is relevant to compare the concept sketch to a complying residential development (under the development controls applicable to the site presently).

3.18. The Residential 6b zone allows for a maximum height of 10m, with 55% building coverage. coverage, with a minimum of 40% landscaped permeable surface. When one considers the need for a business to provide on site parking (thereby reducing building coverage), the building envelope of a complying residential development are not dissimilar to that which is feasible as a business premises (unless one were to resort to underground parking)

3.19. We are of the opinion that the development controls of the Business 2 zone serve to adequately mitigate the affects of the slightly enhanced development envelope. In particular, the fact the any development with 30m of the Residential zone boundary requires an application for a



discretionary activity.

3.20. **Traffic Engineer's Report**

3.21. *Traffic Generation*

3.22. The report attached at Annexure 3 sets out the likely traffic impacts if the site were to be developed to its full potential. This report has been prepared in order to reassure Council that a possible 'worst case' development will not have a traffic impact on Sandringham Road that is more than minor.

3.23. In general terms the 'full potential' development is as follows:

Floor area ratio at 2:1 – in this case 938 m² of retail and ground floor and 938 m² of office at level 1. (In reality, consent would be required to infringe the height to boundary control)

All required carparking in an underground basement. (In reality, access would have to be gained to the carpark somehow, which would reduce ground floor area)

3.24. If one were to develop the site in accordance with the above (which can be taken as a potential maximum), then the traffic effects can be shown to be no more than minor.

3.25. Sandringham Road is a busy arterial road, the traffic engineer's report concludes that:

"The traffic generated by the proposal can be accommodated on the road network with little or no effect"

3.26. *Vehicle Access*

3.27. The traffic engineer's report shows that the proposed site access complies with the minimum requirements for 'sight distances' and 'lines of clear sight' for a road carrying traffic at this speed. Where 115 m are required, the site has in excess of 130m

3.28. *Pedestrian Environment*

3.29. As a suburban business centre, the Sandringham Road shops provide a range of goods and services within convenient travel distance to where people live. It is anticipated that by augmenting the goods available in the Sandringham shops, patrons will be able to forego trips to more distant business that necessarily mandate private car use, and will instead be able to access those goods on foot. Increased foot traffic (generated in part by the proposal) will have benefit to all the shops currently occupying the shopping centre.

3.30. In terms of pedestrian safety, whilst no specific proposal accompanies this plan change, the applicant has ambitions to develop the site as an integrated business. In effect, where there are currently two vehicle crossings (one per site), a future development will reduce this to one.

3.31. **Infrastructure Engineer's Report**



3.32. We summarise the results of the infrastructure report attached to this document as follows:

3.33. The soakage capacity of the site has been tested for its ability to drain the site subsequent to its development if it were to be paved impermeable surface over its entirety. Three boreholes were tested giving a total drainage capacity of 2129 m², given that the site area is 938 m² a combination of any two of these soakage bores would be sufficient to ensure adequate site drainage. It is further noted that site soakage would potentially have been greater had more water been available from Council's water mains. In the event, the soakage proved capable of absorbing the maximum flow of water able to be supplied on the site.

3.34. **AUCKLAND REGIONAL POLICY STATEMENT**

3.35. The proposal has been assessed against the document known as Proposed Change 6 "Giving Effect to the Regional Growth Concept and Integrating Landuse and Transport" and the provisions of proposed Plan Change 175 which is concerned with managing growth in accordance with the RPS and the LGAA.

3.36. We have inspected these documents, and consider that in the broad terms they set out, that the proposed plan change is not contrary to the principles or intentions of these regulations, particularly. We particularly note that in the case of the Regional Growth Concept, the wording of the document seems to indicate that it is more appropriately defined as a prescription for local bodies on how best to plan for, manage and respond to already evident growth patterns on the region. In the context of a small site, these documents serve as a helpful guideline regarding the best locations for future growth, and in our opinion, expansion of existing suburban centres finds favour with that directive.

4. ASSESSMENT OF EFFECTS

4.1. The Plan Change is required to be assessed against the Schedule of Effects at Section 4 of the Plan, which in turn directs regard be had to Annexure 9 of the Plan.

4.2. An assessment of the proposal against the provisions of Annexure 9 is as follows:

1.0 EFFECTS WHICH MAY NEED TO BE ADDRESSED

1.1 EFFECT ON LAND, FLORA AND FAUNA

1. Effect on any outstanding natural features or landscape.
2. Effect on
 - Fauna
 - Flora including scheduled trees
 - Items subject to a heritage order, and waahi tapu.

The site does not exhibit any outstanding natural features or landscape, and is not the habitat for flora or fauna, or any scheduled trees. There is no heritage order applicable to the site.

3. Effect on pervious/vegetated areas both on-site and offsite (including any wetland or wildlife habitat) and changes to stormwater runoff (quality, quantity, location).



The application of a Business 2 zone to the site may lead to a reduction in the area of permeable surface. However, the attached infrastructure engineer's report concludes that the effect of this on the local stormwater network will be no more than minor. In any event, the Applicant's concept sketch shows a nominal area of permeable surface in the rear carpark.

4. *Effect on*

- *Water courses and drains*
- *Groundwater aquifers*
- *Catchment boundaries.*

The site is not intersected by any watercourses or drains, and development of the site will not affect any aquifers or river catchments.

5. *Effect on the stability of the site and abutting sites.*

The site is not known to be unstable, and is generally very flat. It is likely that consent will be required for earthworks, once a development design is settled upon.

6. *Effect on adjacent sites.*

- *Effect on any recreational use*
- *Reflections/glare*
- *Shadows*
- *Overspill floodlighting.*

The concept sketch demonstrates that a development can be established on the site that complies with the building in relation to boundary control. The effects of light spill and glare will be addressed at time of resource consent.

7. *Effects of short duration which may arise during construction. (diversion works etc.)*

No specific proposal is applied for here. Should consent be required in the future, the effects of construction will be assessed at that time. Commentary would be speculative and is subject to Council control by resource consent.

1.2 *EFFECT ON OR EXPERIENCED BY PEOPLE*

1. *Effect on the amenity values of the area including dominant and special character elements such as spaciousness and design.*
2. *Effect on the visual coherence on the streetscape.*
3. *Effects of changes to local wind patterns on pedestrians.*
4. *Effect on sightlines to volcanic cones.*
5. *Effect on Maori cultural values.*
7. *Effects of short duration which may arise during construction (noise, dust etc.)*
8. *Effect of any noise generated.*
9. *Effect of any particulate or gaseous emissions arising either by design or accident on*
 - *Public health*
 - *The quality of the environment.*
10. *Effect on public safety of any radio frequency electromagnetic waves which may be generated.*
11. *Effect of any radioactive or other hazardous substances to be stored or used on the site on*
 - *Public health*



– *The quality of the environment.*

The proposal will not have an adverse effect on the amenity values of the area, nor on any special character elements. The proposal will improve the visual coherence of the streetscape by allowing for the development of the site consistent with the built form of the Sandringham Road shops by way of a logical extension. The proposed plan change will not have an adverse effect on public safety or environmental amenity, as the Business 2 zone provides for a relatively low density of development.

1.3 EFFECTS ON INFRASTRUCTURE

1. *Effect on common drains and public drains including ARC sewers.*
2. *Effect on any water/gas/power/telecommunication utilities.*
3. *Effect of sun or wind or rain on any materials or chemicals or their containers stored in open yards.*
4. *Effect of stormwater produced from a rainstorm having an annual exceedence probability of 2% (1 in 50 years) on the stormwater drainage system (pipes, watercourses and secondary flow paths).*
5. *Effect of wastewater generated on sewerage system (capacity, chemical content).*

The attached infrastructure engineer's report concludes that the effects of the activity will not have an adverse effect on the surrounding underground network. There is no known issue with power and telecommunication utilities.

1.4 EFFECTS FROM TRAFFIC AND PARKING

1. *Effects arising from the amount, type and distribution of any traffic generated.*
2. *Effect on the local roading system (overspill parking, traffic flow, accidents and safety).*
3. *Effect of the location of parking areas on adjacent sites (particularly residential).*

The attached traffic engineer's report concludes that the effects of traffic and parking will be no more than minor on the functioning of the street network.

1.5 EFFECTS FROM MAJOR SITE ACCIDENT OR ACT OF GOD

Effects on

- *Public health*
- *Infrastructure*
- *Ecosystems*
- *Amenity values.*

In assessing the extent of an effect, account shall be taken of:

- (a) *Any positive or adverse effect; and*
- (b) *Any temporary or permanent effect; and*
- (c) *Any past, present, or future effect; and*
- (d) *Any cumulative effect which arises over time or in combination with other effects - regardless of the scale, intensity, duration, or frequency of the effect; and also includes -*
- (e) *Any potential effect of high probability; and*
- (f) *Any potential effect of low probability which has a high potential impact.*

The application should include a description of the forecasting methods used to assess the effects of the activity on the environment, and where a probability evaluation is necessary, eg. risk of a major accident, mathematical calculations and supporting evidence should be supplied. Applicants should indicate any difficulties experienced due to technical deficiencies or lack of knowledge. Where an assessment is inadequate, or extremely complex, the Council may commission a report from a consultant at the applicant's expense. Where the application relates to an activity not commonly established in the district, or where the



activity may include new, unusual or unique features which may impinge on the environment, particular reference should be made to these in the application.

The application is not for any specific activity, but rather for a Plan Change. It is not possible to assess a plan change against such criteria, other than to reiterate that hazardous facilities are not provided for in the Business 2 zone and that development will be subject to resource consent.

1.6 EFFECTS ON EXISTING CENTRES IN BUSINESS 2,3, OR 8 ZONES (OR OTHER EQUIVALENT CENTRES BEYOND THE DISTRICT)

Effect on

- The viability of facilities and services, both commercial and public*
- The ability of any floor space, that may be already vacant or likely to become vacant as a result of the proposed activity, to be reoccupied or reused*
- Pedestrian numbers in the centre(s)*
- Number of vehicle trips to centre(s)*
- Existing public infrastructure investment*
- The use of the transport network servicing the existing centre*
- Roading network and traffic management of the locality and the City*
- The continuance of dominant activities within existing centres (i.e. those activities which attract most people to the centre(s)).*

The subject site will form part of the Sandringham Road shopping area. By expanding the range and number of services available in this area, the proposed Plan Change will enhance the viability of neighbouring commercial businesses by increasing the commercial drawing power of the Sandringham Road shops. Increased pedestrian numbers will increase patronage of neighbouring shops and businesses, and reduce the need for vehicle trips as local residents will be able access varied services locally. This is a sustainable use of the site which will enable communities to provide for their wellbeing. The attached reports conclude that the effect of infrastructure and the traffic environment will be no more than minor. The proposal will not detract from the continuance of the dominant activities within the centre (in this case low scale retail and professional services).

4.3. 513 Sandringham Road

4.4. The property at 513 Sandringham Road, which lies to the immediate south of the subject site) is currently zoned Residential 6b, while its use is as a business, similar to the properties in the commercial centre proper, which it abuts. The site appears to enjoy existing use rights in perpetuity, and it is considered unlikely that it would ever revert to a purely residential use given its utility as a commercial site, which is considered to exceed its value as a residential use.

4.5. However, it is acknowledged that if this plan change were to be adopted, then 513 Sandringham Road would exist as an 'island' of residential, between two Business 2 zoned sites. This incongruous situation could logically be rectified in the upcoming District Plan review. In any case, development on the subject site would be constrained in terms of the development controls applying to Business zones which abut Residential zones. The attached concept sketch proposal has been designed to comply with these development controls. Given the development currently



on 513 Sandringham Road, that is in fact an anomalous position, however the applicable constraints have been accepted by the applicant and adopted.

5. SECTION 32 ANALYSIS

5.1. The Act requires that a plan change to be considered in terms of section 132 of the Act, which states;

[32 Consideration of alternatives, benefits, and costs

(1) In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by—

- (a) the Minister, for a national policy statement or [[a national environmental standard]]; or*
- (b) the Minister of Conservation, for the New Zealand coastal policy statement; or*
- (c) the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or*
- (d) the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of the Schedule 1.*

This report stands to fulfil the Applicant's obligation under 32(1)(d) of the Act.

(2) A further evaluation must also be made by—

- (a) a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and*
- (b) the relevant Minister before issuing a national policy statement or New Zealand coastal policy statement.*

(3) An evaluation must examine—

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

Upon receiving a request for Plan Change, it is incumbent upon Council to undertake such an evaluation as directed by Section 32(2) of the Act.

[[3A) This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstances of the region or district.]]

The Plan Change requested here does not seek to impose a stricter standard than any national environmental standard.

(4) For the purposes of [[the examinations referred to in subsections (3) and (3A)]], an evaluation must take into account—

- (a) the benefits and costs of policies, rules, or other methods; and*
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*



For the purposes of Section 32(4), the Applicant offers a consideration of alternatives, benefits and costs below.

(5) The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.

This report stands to fulfil the Applicant's duty under Section 32(5).

(6) The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.]

The Applicant consents to this report, and its attachments being made available for public inspection.

5.2. **Section 32 - Alternatives, Benefits and Costs**

5.3. **Alternatives**

5.4. A discussion of alternate proposals to this Plan Change request is as follows:

1. **Do Nothing**

An alternative is to retain the Residential 6B zone over the site. However this option would restrict the growth of the Sandringham Road shops in the most logical location for future expansion. It is difficult to identify a more appropriate site for expansion of the commercial area. The question of the merit of expanding the commercial area (rather than leaving it at its present size) is a matter of the economic justification of doing so. On this point, we would suggest that the intention and desire of the Applicant to initiate a Plan Change, and to establish a business on the site gives ample evidence that a demand exists for the commercial area to be expanded. The Applicant already conducts business in this area and has considerable confidence in it.

2. **Alternative Business Zone**

It is considered that the Business 2 zone is the most appropriate zone to assign to the site as the remainder of the Sandringham Road shops are zoned Business 2. The Business 2 zone provides for small scale 'neighbourhood' shops and businesses to operate, and the level of development permitted in the zone is considered to be the most appropriate for this environment.

In particular, as the site sits at the interface of commercial and residential activity, a Mixed Use zone may be considered appropriate. However, given that the height limit for the Mixed Use zone is 15m, it is considered that this zone would not provide a suitable transition between the relatively low intensity Business 2 zone and the residential surrounds.

Any alternative business zone, whilst fulfilling any one of a number of other objectives,



would have the result of complicating the planning rules for the area more than necessary, and would not constitute an extension of the Sandringham business centre, the merit of which is argued in this report.

3. Non-Complying Application

An alternative solution would be for the Applicant to realise the utility of the site by making an application for resource consent for commercial activities on the site as it is currently zoned. With the exception of a home occupation, this would entail making an application for a non-complying activity. The Applicant has reviewed such a proposition, and has elected to pursue the plan change process in order to offer the public an opportunity to have input into the process, and for the site to be developed in a manner consistent with a true business zoning, rather than an ad hoc series of consents to give rise to a commercial activity, which would require fresh consents should the make-up or description of the activity ever change. In effect, any future changes to the consent would attract further resource consents for non-complying activities, whereas the plan change process would only attract resource consents for activities within 30m of the residential zone.

5.5. Benefits

5.6. A discussion of the benefits of this Plan Change request is as follows:

The benefits of this Plan Change are that it will allow for the logical expansion of the Sandringham Road shops, with minimal impact on the surrounding residential amenities. It will enhance the viability of this neighbourhood shopping centre by expanding the range and number of goods and services available to visitors to the area. It will reduce the number of car trips required by local residents to access such services. The plan change fulfils the purpose of the Act as stated in section 5, which are as follows:

5. Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The proposal fulfils the above objective by allowing the use of the land in the most efficient manner possible, increasing its utility whilst minimising adverse effects on the environment.



5.7. Costs

5.8. A discussion of the costs of this Plan Change request is as follows:

It has been shown in the attached reports that the effects of the Plan Change on the traffic network and on underground infrastructure will be no more than minor (and in fact comparable to nil).

The other cost is that the proposal will reduce the City's residential housing stock. However, it is considered in light of the fact that the Applicant wishes to give effect to the Plan Change, that the most efficient use of land is as a business premises.

Therefore, the costs of the proposal are those related to the administration of the Plan change, and these are borne solely by the Applicant.

5.9. A tabulated analysis of the benefits and costs of each of the alternatives discussed above follows:

Adopt the Plan Change as proposed (Business 2 zone)

Benefits	Costs
Allow for the sustainable use of the land in conjunction with its location adjacent a growing commercial centre.	Will shift the frontier between commercial and residential areas to the north, and expose new properties to the effects of commercial activity.
Allow for the expansion of the Sandringham commercial centre, and provision of jobs and services close to where people live.	Loss of residential housing stock.
Allow the logical and sustainable expansion of the Sandringham commercial centre.	

Do Nothing (Status Quo)

Benefits	Costs
Avoids costs associated with Plan Change	Majority of costs borne by Applicant
	The land will not meet the needs of the Applicant
	The land will not be put to its most sustainable use.

Apply an alternative Business Zone

Benefits	Costs
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Allow for a possible Mixed Use development at the commercial/residential interface	Development controls of Mixed Use zone will permit a greater bulk of development that will not be compatible with this low scale commercial precinct.
	May allow a range of activities to establish that are not compatible with suburban shops type of commercial centre, or may have greater adverse effects than those permitted in the Business 2 zone.

Non-Complying Application

Benefits	Costs
Simplify the process by advancing straight to a final development plan for the site	Prevent the continued use of the site as a business.
Reduce administrative burden by shortening 'two step' development process.	Increase administrative burden as minor changes to activities may attract further consents.
	No baseline or development controls prevents applicant designing a proposal with complying envelope.

5.10. In summary, the foregoing tables lead one to the conclusion that the plan change as proposed represents the best option for the future development of the site as a business premise. On balance, none of the other options allow for a level of public participation

6. CONCLUSIONS

- 6.1. The applicants seek consent to a private plan change, which will rezone land currently zoned Residential 6b, to Business 2.
- 6.2. The proposal is able to demonstrate that the effects of the activity are minor and confined to the site subject of the application and that such a rezoning is the best logical approach to the long term development of the subject property..
- 6.3. The proposal fulfils the above objective by allowing the use of the land in the most efficient manner possible, increasing its utility whilst minimising adverse effects on the environment.
- 6.4. An analysis of alternative options in terms of s.32 of the Act leads to the conclusion that such a rezoning is logical, reasonable and advances the stipulated criteria of the Plan for such a change. It is acknowledged that the Council may itself consider the rezoning of this land in the upcoming District Plan review. However, the Applicant is prepared in the interests of commercial certainty to shoulder the burden of cost to achieve this desired outcome as soon as possible.



6.5. We conclude that the proposal merits approval and recommend it to the Council.

Tim Palin
Duly Authorised Agent for
IJ & PK ENTERPRISES LTD

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