

**2. CITY PLAN REFERENCES – RMA489/99 RUSSELY GOLF CLUB INC;
RMA439/99 AORAKI CORPORATION LTD AND CANTERBURY
TECHNOLOGY PARK**

The Committee had before it correspondence from Mr A Hearn, QC, setting out the background to a proposed agreement between Russley Golf Club Inc and Aoraki Corporation Ltd and Canterbury Technology Park, to the rezoning of part of its land to a Living 1 zoning, subject to there being a separation between buildings of ten metres with a five metre setback on the boundary with the B4T zone.

The memorandum sought an amendment to the rule which will have the effect of increasing the setback requirements on the Russley Golf Club land. It did not raise any issues in terms of rezoning. The affected land is owned by Russley Golf Club Inc and no other person or body can be said to be prejudiced by the increased setback. It was the opinion of the City Solicitor that there was no scope for the relief, but it was an appropriate case for the Judge to exercise his discretion under section 293.

To formalise the position, Mr Hearn had prepared a memorandum of the five metre zone setback and to seek the disallowing of the references in all other respects.

The Committee **resolved** to agree to the memorandum for the Environment Court in respect of RMA489/99 and RMA439/999 being signed by the City Solicitor.