


### 3. CORRECTION OF MINOR ERRORS IN DISTRICT PLANS AND DELEGATION OF FUNCTION TO PLANNING AND REGULATORY COMMITTEE



<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Team Leader City Plan
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#### PURPOSE OF REPORT

1. The purpose of this report is to seek the Committee's recommendation that the Council:
  - (i) Correct minor errors in the Banks Peninsula Proposed District Plan;
  - (ii) Correct a minor error in the Christchurch City Plan; and
  - (ii) Delegate its functions under clauses 16(2) and 20A of the First Schedule to the Resource Management Act 1991 to the Committee.

#### EXECUTIVE SUMMARY

2. Two mapping errors involving inappropriate zonings have been identified in the proposed Banks Peninsula District Plan. These are as follows:
  - (i) On Planning Maps S18 and S19, Lot 18 DP 69197 at Wainui Main Road, Wainui was vested in the former Banks Peninsula District Council as Recreation Reserve in 1995. The zoning of this site should be Recreation Reserve rather than Rural.
  - (ii) On Planning Map R9 an area of privately owned land at Long Bay Road is incorrectly zoned as Recreation Reserve. The correct zoning is Rural.

In the Christchurch City Plan the zone description for the Living 1B zone includes reference to an area of land south of Prestons Road. This area of land was rezoned Rural 3 by a decision of the Environment Court. The deletion of the reference is required as a consequence of that decision.

Section 34(1) of the Act allows the Council to delegate any of its functions powers or duties under the Act to any Committee of the Council. The correction of minor errors in District Plans is a function that fits within the Committee's Terms of Reference in relation to the City Plan.

#### FINANCIAL IMPLICATIONS

3. There are no financial implications in correcting the minor errors identified.

#### Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

4. Covered by existing unit budgets.

#### LEGAL CONSIDERATIONS

5. Correcting minor errors in District Plans is provided for in the Resource Management Act 1991. Clause 16(2) provides for alterations to, and the correction of minor errors in, Proposed District Plans while Clause 20A is a similar provision that applies to Operative District Plans. With regard to the errors in the Proposed Banks Peninsula District Plan a legal opinion by Buddle Findlay, Solicitors, on similar zoning issues that have previously been dealt with by the Council supports the use of these provisions to correct inappropriate zonings where the current zoning is clearly a mistake and there is no material difference in the uses permitted.

Legal advice has confirmed that the Council's powers under Clauses 16(2) and 20A of the Act could be delegated to the Committee.

**Have you considered the legal implications of the issue under consideration?**

6. Yes. See above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

7. Aligns with City Plan Activity Plan.

**Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

8. Yes. Support the Maintenance and Review of the City Plan project.

**ALIGNMENT WITH STRATEGIES**

9. N/A

**Do the recommendations align with the Council's strategies?**

10. N/A

**CONSULTATION FULFILMENT**

11. Consultation is not necessary. The relevant provisions in the Resource Management Act allow the Council to make corrections to its District Plans without further formality. The delegation of functions to a lawfully established committee is a discretionary matter for the Council for which public consultation is not required.

**STAFF RECOMMENDATION**

It is recommended that the Regulatory and Planning Committee recommend that the Council:

- (a) Without further formality, and pursuant to clause 16(2) of the First Schedule to the Resource Management Act 1991, correct errors in the Banks Peninsula Proposed District Plan by making the following amendments:
  - (i) On Planning Maps S18 and S19 amend the zoning of Lot 18 DP 69197 from Rural to Recreation Reserve.
  - (ii) On Planning Map R9 amend the zoning of that part of Part Lot 3 DP 6152 (1230 Long Bay Road) that is currently zoned Recreation Reserve to Rural.
- (b) Without further formality, and pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, correct an error in the Christchurch City Plan by deleting the words *"land immediately south of Prestons Road between Marshland Road and Burwood,"* from clause 1.2.2 Living 1B (Rural – Living) Zone in Part 2 of Volume 3 of the Plan.
- (c) Delegate to the Regulatory and Planning Committee its functions under clauses 16(2) and 20A of the Resource Management Act 1991.