

## 7. CORRECTION OF MINOR ERRORS IN THE CITY PLAN

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### PURPOSE OF REPORT

1. The purpose of this report is to correct minor errors in the City Plan.

### EXECUTIVE SUMMARY

2. In a 1999 decision on the zoning of land in Avoca Valley the Council extended the Living Hills zone and introduced new rules that were intended to reduce the potential for conflict between activities in that zone and those in the neighbouring Rural 7 zone. The relevant plan provisions that were introduced by this decision are:
  - An exception to the separation from neighbours rule in Part 2 Living Zones (rule 2.2.6) that provides:
    - (g) *in the Living H (Hills) Zone on Planning Map 54A in Avoca Valley, on sites within the land contained within Lot 1 DP 56925, the minimum building setback from the Rural 7 Zone shall be 3m.*
  - An exception to the residential site density rule in Part 2 (rule 2.4.1) that provides:
    - (e) *on the land in Avoca Valley contained within Lot 1 DP 56925 and zoned Living H, the minimum net area of any site adjoining the Rural 7 Zone or within 20m of the Rural 7 zone shall be 1,500m<sup>2</sup>.*
  - An assessment matter for the separation from neighbours rule that provides:
    - (k) *In the case of the larger setback required in the Living H (Hills) Zone in Avoca Valley, the potential for conflict to arise with rural activities in the adjoining Rural 7 area.*
  - A reason for the separation from neighbours rule that provides:

*In the Avoca Valley a greater setback applies on sites in the Living Hills Zone where it adjoins the Rural 7 Zone. This is intended to reduce the potential for conflict between rural and residential activities.*
  - A provision in Part 14 Subdivision (rule 4.3.2(A)) that provides for a minimum net area of 1500m<sup>2</sup> in the Living H zone on Planning Map 54A for *any allotment on land contained in Lot 1 DP 56925 where it adjoins the Rural 7 zone or is within 20m of the Rural 7 zone.*
  - A further provision in Part 14, (rule 4.3.2(E)), that creates a prohibited status activity *In the Living H Zone (Avoca Valley) on land contained in Lot 1 DP 56925 where any allotment less than 1500m<sup>2</sup> adjoins the Rural 7 Zone or is within 20m of the Rural 7 Zone.*
3. The reference to Lot 1 DP 56925 is an error. All the rules quoted above suggest this land is zoned Living H and adjoins the Rural 7 zone. However, as the attached map shows, it is zoned Rural 7 and does not adjoin the zone boundary. Consequently, because of the specific reference to Lot 1 DP 56925, all the provisions quoted above are meaningless and have no effect. At the time the Council decision was made the Living Hills zoned land at the boundary with the Rural 7 zone to the south was described as Lot 1 DP 20792. There is nothing in the text of the Council's decision, nor in the planning report on the matter, that gives any indication why the reference to Lot 1 DP 56925 is included in the rules.
4. In 2000 a 12 lot subdivision of the Living Hills land adjoining the zone boundary was approved with a balance rural lot of 6000m<sup>2</sup> south of the zone boundary. The allotments in this subdivision that adjoin the zone boundary range in size from 678m<sup>2</sup> to 1258m<sup>2</sup>.

5. An option would be to delete the reference to Lot 1 DP 56925 from the rules. However this is not recommended as the land has already been subdivided below the standard specified in the prohibited activity rule (see rules 4.3.2 (E) above) and the resultant lots have all been developed. It is noted that, without any valid restrictions in place, neither the Enforcement Team nor the Environmental Compliance Team has recorded any complaint in this area relating to conflicts between rural and residential activities since the land was subdivided in 2000.
6. In the circumstances it is recommended that all the provisions described above be deleted from the plan. They have no effect because they do not impose the restrictions that were intended for the purpose of reducing the potential for conflict between residential and rural activities. In their present form they are meaningless.

#### **FINANCIAL IMPLICATIONS**

7. There are no apparent financial implications.

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

8. Covered by existing unit budgets.

#### **LEGAL CONSIDERATIONS**

9. Correcting minor errors in District Plans is provided for in the Resource Management Act 1991. Clause 20A of the First Schedule to the Act provides that a local authority may amend, without further formality, an operative plan to correct minor errors. The Council has delegated its function under clause 20A to the Committee by way of resolution.

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

10. Yes.

#### **ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

11. Aligns with City Plan Activity Management Plan.

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

12. Yes. Supports the Maintenance and Review of the City Plan project.

#### **ALIGNMENT WITH STRATEGIES**

13. Not Applicable.

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

14. Not Applicable.

#### **CONSULTATION FULFILMENT**

15. Consultation is not required. The Resource Management Act 1991 allows the Council to make the changes without formality.

#### **STAFF RECOMMENDATION**

It is recommended that the Committee, without further formality and pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, correct errors in the Christchurch City Plan by deleting the following provisions:

- Volume 3, Part 2 Rule 2.2.6(g)
- Volume 3, Part 2 Rule 2.4.1(e)
- Volume 3, Part 2 Clause 7.2.4(k)
- Volume 3, Part 2 Clause 8.1.4 (Fifth paragraph, First two sentences)
- Volume 3, Part 14 Rule 4.3.2 A (2<sup>nd</sup> row under heading "Living H Zone" )
- Volume 3, Part 14 Rule 4.3.2 E (3<sup>rd</sup> Paragraph)