

## 9. CORRECTION OF ERROR IN CHRISTCHURCH CITY DISTRICT PLAN

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Programme Manager District Planning
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### PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council correct a minor error in the Christchurch City District Plan.

### EXECUTIVE SUMMARY

2. At its meeting held on 24 September 2009 Council made its decision to accept the recommendation of Commissioner Gimblett on Plan Change 8: Rezoning of 199 Wigram Road (the Musgrove site). The text changes included in the decision amend the provisions of a development plan for the site so that it reads:

**(x) Stormwater disposal system, located along the site's south-eastern boundary shall be designed to provide sufficient detention and attenuation so that flows from the proposed development ~~do not increase predevelopment flows downstream~~ exceed 30 l/s in all storm events up to and including a 50 year level of service. - - -**

3. The deletion of the words "do not" in clause (x) is an obvious error that is not consistent with the text of the Commissioner's recommendation to the Council. At page 10 of his recommendation (clause 3.26) the Commissioner refers to the evidence of Mr Bensberg for the Council, who had identified a problem with the wording of the provision as notified, and records that:

*"Mr Bensberg instead suggested a proxy for (former) natural site runoff, such that receiving waterways would not be unduly impacted, to be no greater than 30 litres per second in all storm events up to and including a 50 year level of service"*

The Commissioner accepted the suggestion in this evidence but the words "do not" were inadvertently deleted from his recommended changes to the plan provisions. It is recommended that the error be corrected.

### FINANCIAL IMPLICATIONS

4. There are no obvious financial implications

### Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

5. Not applicable.

### LEGAL CONSIDERATIONS

6. The Council is empowered by the Resource Management Act 1991 to make amendments to the City Plan to alter any information where such alteration is of minor effect and to correct minor errors. It can do so without formality.

The Council has delegated this function to the Committee.

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

7. Yes.

### ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. Aligns with District Plan Activity Plan.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

9. Yes. Supports the maintenance and review of the District Plan project.

**ALIGNMENT WITH STRATEGIES**

10. Not applicable.

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

11. Not applicable.

**CONSULTATION FULFILMENT**

12. Making amendments to the City Plan under clause 16(2) of Schedule 1 to the Resource Management Act 1991 is a function that the Council can do without formality. Consultation is not required.

**STAFF RECOMMENDATION**

It is recommended that the Regulatory and Planning Committee, pursuant to clause 16(2) of Schedule 1 to the Resource Management Act 1991, amend clause (x) of Appendix 10 in Part 6 of the Christchurch City District Plan to read:

*“(x) Stormwater disposal system, located along the site’s south-eastern boundary shall be designed to provide sufficient detention and attenuation so that flows from the proposed development **do not exceed 30 l/s** in all storm events up to and including a 50 year level of service. - - -”.*