

2. VARIATION 89 TO PROPOSED CITY PLAN: STONEHURST ACCOMMODATION LIMITED, LATIMER SQUARE

Officer responsible Environmental Services Manager	Author Stephanie Styles, Planner, DDI 941-8736
--------------------------------------------------------------	----------------------------------------------------------

The purpose of this report is to recommend that the Council initiate Variation 84 to the proposed City Plan. This variation has been requested by Stonehurst Accommodation Limited. Copies of the proposed variation and the associated section 32 assessment are attached.

At its meeting on 26 June 2003 the Council resolved to introduce a policy on private variations. It delegated to the Team Leader - City Plan the authority to decide on requests for the preparation of variations and introduced a set of criteria against which such requests are to be assessed. The Team Leader - City Plan has decided that this proposal meets the criteria and has authorised the preparation of this variation by the requester.

Stonehurst Accommodation Limited is a budget accommodation complex in Gloucester Street near Latimer Square. It has four properties listed under 'Scheduled Metropolitan Facilities in Living 4 Zones' in clause 3.8.3 of part 9, volume 3 of the proposed plan. The variation seeks to add to the list five properties it has acquired since the plan was notified in 1995.

This matter came before the Committee in October 2003. At that meeting the Committee decided that the report should be withdrawn until further consultation with potentially affected parties had been carried out. Consultation with two residents' groups (Inner City East Neighbourhood Group and Chester Street East Residents' Group), along with immediate neighbours, has been carried out by Stonehurst Accommodation Limited and its consultant Mr David Collins. The Inner City East Residents Group supports the variation, while the Chester Street East Residents Group opposes it on the grounds of loss of residential coherence. This issue is discussed in the draft section 32 analysis which recognises it but concludes that the variation is justified. It is considered that this is an issue which could be considered in more depth in response to a submission, should the Group decide to make one.

At its meeting on 26 February 2004, the Council resolved:

- "1. That the Council ask staff to report to the Regulatory and Consents Committee with a review of the Council's 1990 policy that speaking rights not be granted by any community board, committee or Council meeting when the matter for consideration is a report which includes a draft of a proposed variation or plan change which is being considered for formal recommendation to or adoption by the Council.*
- 2. That the Stonehurst (sic) Hotel variation be deferred until the Council has completed its review of the 1990 policy."*

At its meeting on 27 May 2004 the Council received a report from the Environmental Services Manager which enclosed an opinion from Aidan Prebble, solicitor. The Council resolved:

- "1. That clause 1 of the policy adopted by the Council on 23 October 1990 be updated as follows:

"That it be the Council's policy that speaking rights generally not be granted by any Community Board, Committee or Council meeting when the matter for consideration is a report which includes a draft of a proposed Plan Change or Variation which is being considered for formal recommendation to or adoption by the Council."*
- 2. That clause 2 of the 1990 Policy be rescinded.*
- 3. That the Chairperson of the Regulatory and Consents Committee and the General Manager Regulation and Democracy Services jointly, be authorised to make decisions under the Policy."*

The proposed variation is now submitted with a recommendation that the Committee recommend to the Council that the variation be initiated.

Following notification of the variation there will be the opportunity for the public to make submissions on the proposed variation, and to attend a hearing, as is the usual process for variations to the Plan.

DISCUSSION

During discussion on this item, Councillors Broughton and Rutland expressed their opinion that the level of consultation undertaken to date on this item was unsatisfactory. Councillor Broughton called for a division on the recommendation with the added requirement that the details of Stonehurst Accommodation's lease be checked prior to the report to the Council being approved, and that staff confirm that the owner of Stonehurst Accommodation's properties had given consent for the proposed variation to proceed. The General Manager Regulation and Democracy Services indicated that he was satisfied that the level of consultation undertaken to date was appropriate and that this was likely to satisfy the Court if subjected to challenge. Further consultation would be undertaken once the variation was initiated.

Committee

Recommendation: That, subject to the consent of the owner of Stonehurst Accommodation's affected properties being granted, and the details of the lease of Stonehurst Accommodation's affected properties being confirmed, the Council initiate Variation 84.

(Note: The above recommendation on being put to the meeting was declared **carried** on Division No 1 by six votes to two, the voting being as follows:

For (6): Councillors Cox, Megan Evans, Keast, Sheriff, Wells and Withers
Against (2): Councillors Broughton and Rutland)