

3. **VARIATION 92 TO THE PROPOSED CITY PLAN: REZONING OF 207-215 JOHNS ROAD FROM RURAL 3 TO LIVING 1 (DEFERRED)**

Officer responsible Environmental Services Manager	Author Scott Blair, Senior Planner, DDI 941 6205
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The purpose of this report is to recommend that the Council initiate Variation 92 to the proposed City Plan. This variation has been requested by R D Hughes Holdings Limited, on whom the costs of the variation fall.

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 specified criteria and has authorised the preparation of this variation by the requester.

This variation was accepted by the Team Leader - City Plan prior to the Council decision to discontinue the acceptance of privately requested variations.

The variation seeks to rezone the land at 207 - 215 Johns Road from Rural 3 to Living 1 (Deferred).

The land that is the subject of the proposed variation is located at Belfast on the southern side of Johns Road. It is bounded to the north by Johns Road, to the east by the Living 1 Zoned land at Northwood, to the south by the Living 1 Zoned land at Northwood, and to the west by an access road to a Rural 3 Zoned land and a Rural 3 Zoned motel at number 217 Johns Road. The area is 3.8186 ha and is legally described as Part Lots 2 and 3 DP 7039 and Lot 2 DP 351. The land the proposed variation would affect is shown on the map, which has been separately circulated with copies of the proposed variation (limited circulation).

The details of the variation are addressed in the documents that have been separately circulated (limited distribution). A report on initial consultation undertaken on this matter was tabled at the Committee meeting held on 3 September 2004. The report indicated that, as at the 30th August 2004, RD Hughes had received four replies to the consultation letters circulated and have reported that these parties have no objection to the proposed variation.

The consultation letter sent out by RD Hughes also listed Scott Blair (Senior Planner) as a City Council contact. Mr Blair indicated that he had not received any comments from the persons the letters had been addressed to.

COMMITTEE DISCUSSION

At the meeting of the Regulatory and Consents Committee held on 6 August 2004 this item was discussed by the Committee. The Committee resolved:

"That the matter be deferred until the next meeting of the Regulatory and Consents Committee and that a report on the outcomes of consultation be brought before the next Regulatory and Consents Committee meeting of 3 September 2004."

At this Committee meeting, Mr Tim Sinclair (Harrison Grierson) advised that consultation with affected parties on the proposed variation had just commenced.

The Committee discussed concerns about the possible recharge implications of the Variation on the Kapitone stream. Staff advised that this was an issue that could be addressed in the officer's report for the hearing following public notification, submissions and further submissions.

Councillors questioned whether the proposed Variation was consistent with the proposed Belfast Area Plan. Staff advised that the proposed Variation was very unlikely to be inconsistent with the proposed Area Plan, and that as the proposed variation covered only a small area, so was unlikely to have a negative impact on the development of the wider area.

There was some discussion on whether there was adequate flood protection in place in the area the Variation would cover. Councillors noted that the section 32 report indicates that the property is shown to be with the Class A floodplain of the Waimakariri River on a map contained with the policy section of the Proposed City Plan.

The Chair of the Regulatory and Consents Committed raised concerns about rezoning land that was subject to inundation prior to the secondary stop bank being constructed. Officers indicated that this map was subject to submissions to Variation 48 seeking that it be replaced with another map that showed the predicted effects of four simultaneous breakouts on the Waimakariri River which has a low occurrence probability. Officers also stated that such an event would affect a large area of the City including areas already zoned and developed for residential purposes. Officers indicated that the section 32 report would be altered so that this would be made clear to interested persons reading this report.

Committee

Recommendation: That the Council initiate Variation 92.

(Note: Councillor Broughton requested that her vote against this recommendation be recorded).