

11. PROPOSED PLAN CHANGE 4 - 64 PORT HILLS ROAD, HEATHCOTE

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Environmental Policy & Approvals Unit Manager
Author:	Elizabeth Black, City Plan

PURPOSE OF REPORT

1. The purpose of the Plan Change is to rezone Lot 1 DP 81062 (known as 64 Port Hills Road, Heathcote) from *Open Space 2 (District)(O2)* to *Business 4 (Suburban Industrial)(B4)*. See Attachment 2 for the location map.

AMENDMENT

2. Volume 3, Planning Map 55A. Amend as per Attachment 1

EXECUTIVE SUMMARY

3. The owner of the site has requested the zone change, as the owner considered that the subject site was incorrectly zoned, when the plan was proposed in 1995.
4. The subject site adjoins and shares the same title as the B4 zoned land (the "old Malt Works"). It was originally used as grain storage for the "Old Malt Works" and is presently leased for a light industrial use under its existing use rights.
5. It is considered that the unusual shape of the site meant that an assumption was made by the Council cartographer that the site was part of the adjoining publicly-owned park land to the west rather than as a dogleg of the privately-owned land to the north. The resulting zoning had been included in the 1995 publicly notified City Plan. However the mistake was not picked up at the time and no submission seeking to correct the mistake was lodged.
6. The Council essentially has two options in which to deal with the plan change:
 1. Accept the Plan Change as amended by Council staff and publicly notify it; or
 2. Reject the Plan Change.
7. This report recommends that the Plan Change be accepted and publicly notified.

FINANCIAL AND LEGAL CONSIDERATIONS

8. Publicly notifying a Plan Change to the City Plan imposes costs on the Council, in terms of staff time and resources. In this case, because of the nature of the Plan Change, these costs are considered to be relatively minor. There are also financial implications should the Plan Change proceed to the Environment Court in terms of the cost of retaining legal counsel and expert witnesses. This is considered unlikely to occur in this case.

STAFF RECOMMENDATION

It is recommended that the Council:

1. Support the rezoning of Lot 1 DP 81062 (known as 64 Port Hills Road) from *Open Space 2 (District)* to *Business 4 (Suburban Industrial)*.
2. Publicly notify attached Change No. 4 to the City Plan.