

14. CORRECTION OF MINOR ERRORS IN THE CITY PLAN AND IN THE PROPOSED BANKS PENINSULA DISTRICT PLAN

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| General Manager responsible: | General Manager Strategy and Planning, DDI 941-8177 |
| Officer responsible: | Team Leader City Plan |
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PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council correct minor errors in the City Plan and in the Banks Peninsula Proposed District Plan.

EXECUTIVE SUMMARY

2. A number of minor errors have been identified in the City Plan and in the proposed Banks Peninsula District Plan. Errors in the City Plan include an incorrect listing for a protected building and the deletion of a rule that is no longer relevant as a consequence of a Council decision.
3. Many of the amendments required for the Proposed Banks Peninsula District Plan are to correct mapping errors and inappropriate zonings, for example privately owned land zoned as Recreation or Conservation Reserve. A legal opinion by Buddle Findlay in relation to similar zoning issues raised by a landowner in the Wainui area, and considered by the Council at its meeting on 20 September 2007, supports the use of Clause 16(2) to correct inappropriate zoning where the current zoning is clearly a mistake and there is no material difference in the uses permitted.

FINANCIAL IMPLICATIONS

4. There are no financial implications in correcting the minor errors identified.

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

5. Covered by existing unit budgets.

LEGAL CONSIDERATIONS

6. Correcting minor errors in District Plans is provided for in the Resource Management Act 1991. Clause 16(2) of the First Schedule to the Act provides that a local authority may make an amendment, without further formality, to a proposed plan to alter any information, where such an alteration is of minor effect, or may correct minor errors. Clause 20 A of the First Schedule to the Act provides that a local authority may amend, without further formality, an operative plan to correct minor errors.

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

7. Yes. See above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. Aligns with City Plan Activity Plan

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

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

ALIGNMENT WITH STRATEGIES

10. Aligns with Urban Development Strategy.

Do the recommendations align with the Council's strategies?

11. Yes.

CONSULTATION FULFILMENT

12. Consultation is not necessary. The recommendation seeks approval to correct minor errors in statutory plans. The relevant provisions in the Resource Management Act allow the Council to make such corrections without further formality.

STAFF RECOMMENDATION

It is recommended that the Council, without further formality and pursuant to clauses 16(2) and 20A of the First Schedule to the Resource Management Act 1991, correct errors in the Banks Peninsula Proposed District Plan and in the Christchurch City Plan by making the amendments set out in the table attached to this report.