

13. MAKING PART OF THE CITY PLAN OPERATIVE

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| General Manager responsible: | General Manager Regulation and Democracy Services, DDI 941-8549 |
| Officer responsible: | Environmental Policy and Approvals Manager |
| Author: | David Punselie, Planning Officer, City Plan |

PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council approve the zoning of land at Russley.

EXECUTIVE SUMMARY

2. The land bounded by Memorial Avenue, Russley Road and Avonhead Road and the Living 5 zone occupied by the Commodore Airport Hotel, was zoned Rural 5 in the proposed City Plan notified in 1995. A Council decision in 1999 rejected a submission seeking that the land be zoned either Living 1, Open Space 3E or Business 4, and confirmed the Rural 5 zoning. This decision was appealed to the Environment Court but the appeal was withdrawn in May 2005.
3. In August 2004 a submission on Variation 86 to the proposed plan sought to change the zoning of this land to a zone that would permit large-scale retail activity and development. The submission was rejected by the Council in a decision made on 23 November 2006. This decision was also appealed to the Environment Court. On 25 June 2007 the Court held that the zoning sought on appeal was beyond the Court's jurisdiction and the appeal was struck out.
4. The consequence of the appeals being withdrawn and struck out is that the zoning of the land is now beyond challenge. The Council can now formally approve the zoning of the land as Rural 5.

FINANCIAL IMPLICATIONS

5. There are no financial implications.

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

6. Not applicable.

LEGAL CONSIDERATIONS

7. Approving provisions in the City Plan is a procedural step required by the Resource Management Act 1991 before those provisions can be made operative.

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

8. Yes. See above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. Aligns with City Plan Activity Plan.

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

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

ALIGNMENT WITH STRATEGIES

11. Aligns with Urban Development Strategy.

Do the recommendations align with the Council's strategies?

12. Yes.

CONSULTATION FULFILMENT

13. N/A

STAFF RECOMMENDATION

It is recommended:

- (a) That the Council approve, pursuant to clause 17(2) of the First Schedule to the Resource Management Act 1991, the zoning of the land bounded by Memorial Avenue, Russley Road, Avonhead Road, and the Living 5 zone occupied by the Commodore Airport Hotel as Rural 5.
- (b) That the General Manager Strategy and Planning be given the authority to determine the date on which the zoning becomes operative.