

2. PRIVATE PLAN CHANGE APPLICATION FOR THE REZONING OF LAND AT THE CORNER OF RADCLIFFE ROAD AND MAIN NORTH ROAD BELFAST FROM RURAL 3 TO BUSINESS 2

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	City Plan Team Leader
Author:	Scott Blair, Senior Planner

PURPOSE OF REPORT

1. This report describes an application to the Council for a change to the City Plan and the process which must be followed under the Resource Management Act 1991 (RMA).

EXECUTIVE SUMMARY

2. The application is to rezone approximately 9.21ha of land at the south east corner of Main North Road and Radcliffe Road from Rural 3 to Business 2.
3. The purpose of this report is not to consider the application on its merits. Rather, it is to recommend which of several options under the RMA is to be used in processing the application.
4. The Council has the option of:
 - (a) Accepting the application as a private application and publicly notifying it for submission and hearing at the cost of the applicant.
 - (b) Adopting the change as the Council's own change and accepting the responsibility and costs of processing it.
 - (c) Rejecting the application.
 - (d) Processing the application as though it were a resource consent application.
5. The Council is obliged to consider this request under the due process set out in the RMA.

FINANCIAL IMPLICATIONS

6. The financial considerations will differ depending on how the Council chooses to handle this application. Should it reject the application it is possible (and considered likely) that the applicant would challenge this decision in the Environment Court, which would be a costly process for the Council regardless of the outcome. Costs cannot be predicted accurately but could be in the vicinity of \$20,000 for this preliminary step.
7. Should the Council accept and notify the change at the expense of the applicant there will be no direct costs to the Council as the Council's costs would be recovered. However there would be an impact on staff time.
8. Should the Council adopt the change as its own then the Council will need to absorb all the costs, likely to run to at least \$15,000.

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

9. Yes.

LEGAL CONSIDERATIONS

10. There is a legal process of notification, submissions, reporting, hearings, decisions and possible appeals which must be followed set out in the RMA.
11. The process, mentioned above, is very familiar to Council and should create no particular risks or liabilities if followed correctly.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. Page 145 City Development ongoing programme of improvements to enhance the planning documents of the city, to ensure an attractive built environment and minimise adverse effects on the environment.

ALIGNMENT WITH STRATEGIES

13. No – the proposed private Plan Change conflicts with proposed residential urban growth areas in the UDS. Further, the Council has made a submission on Proposed Change 1 to the Regional Policy Statement supporting residential urban development on the subject site.

CONSULTATION FULFILMENT

14. The applicant has carried out some public consultation with Council officers, Transit New Zealand, the MFE and some members of the public. A copy of the applicant's consultation record is **attached**.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Agree to accept the private plan change request pursuant to Clause 25 of the 1st Schedule to the Resource Management Act 1991 and publicly notify it accordingly.
- (b) That in accordance with Council policy the cost of processing the private plan change be at the applicant's expense.

COMMITTEE RECOMMENDATION

That the staff recommendation be adopted subject to a Council submission being prepared on the private plan change and it be referred to the Committee in sufficient time for it to be lodged within the statutory time frame for the receipt of such submissions.

It was noted that staff have advised that there are no grounds to reject this application, in their opinion.