

2. APPLICATION FOR CHANGE TO CITY PLAN NO. 37 – REZONING 458 – 464 FERRY ROAD



General Manager responsible:	General Manager Strategy and Planning DDI 941-8177
Officer responsible:	Team Leader, City Plan
Author:	Anita Hansbury, Planning Officer, City Plan & Consultant Planners, Boffa Miskell Ltd

PURPOSE OF REPORT

1. This report describes an application to the Council for a change to the City Plan and recommends the process for dealing with the application in terms of the provisions of the Resource Management Act 1991 (RMA) (refer **attachments**).

EXECUTIVE SUMMARY

2. The application is to rezone 458-464 Ferry Road from Living 2 to Business 1. No changes are proposed to any of the Business 1 zone standards and the scheduled activity status for a service station is to be retained.
3. The purpose of this report is not to consider the requested plan change on its merits. Rather, it is to recommend which of several options under the RMA is to be used in processing the application. The consideration of the merits of the application will occur after submissions have closed, if the decision on this report is to select one of the process options that lead to public notification.
4. The process options available to the Council are to accept the request as a private plan change and publicly notify it for submissions and hold a hearing at the cost of the applicant. A further option is to adopt the proposed change, as the Council's own plan change and accept the responsibility and costs of processing it; to treat the proposal as a resource consent application; or to reject the request on one of the limited grounds set out in the Act. The Council is obliged to consider this request under the statutory process set out in the RMA.
5. The Hagley/Ferrymead Community Board was briefed on the application at an informal meeting on 2 April 2008. The Board expressed concerns in relation to traffic matters and the potential cumulative effects of similar dislocated rezonings to Business 1, on the achievement of commercial consolidation policy. Further information regarding this matter was requested from the applicant and that information was received on 14 April 2008.

FINANCIAL IMPLICATIONS

6. The financial considerations will differ depending on how the Council chooses to handle this application. Should it reject the application or decide that it should be treated as a resource consent, it is possible that the applicant would challenge this decision in the Environment Court. This 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 would be no direct costs as these would be recovered. However, there would be an imposition 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

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

10. There is a legal process set out in the RMA which must be followed. It includes initial consideration of how the plan change is to be processed, followed by notification, submissions, reporting, hearings, decisions and possible appeals. It is a process which is very familiar to Council and should create no particular risks or liabilities if followed correctly.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. City Development - ongoing programme of improvements (page 145 of the LTCCP) to enhance the planning documents of the City, to ensure an attractive built environment and minimise adverse effects on the environment.

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

12. Yes

ALIGNMENT WITH STRATEGIES

13. Yes

Do the recommendations align with the Council's strategies?

14. Yes

CONSULTATION FULFILMENT

15. The applicant has directly contacted the owners of adjoining properties by way of a letter. The only response to that letter has been a telephone conversation with the owner of the immediately adjoining residential property to the south, at 4 Hopkins Street. That person sought clarification of the proposal but did not express any opinion on the benefits or costs of the proposal.

STAFF RECOMMENDATION

It is recommended:

- (a) That the Council agree to accept the plan change 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 plan change be at the applicant's expense.

COMMITTEE RECOMMENDATION

That the staff recommendation be adopted.