

1. CHRISTCHURCH CITY COUNCIL SUBMISSION ON PRIVATELY REQUESTED PLAN CHANGE 22

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PURPOSE OF REPORT

1. The purpose of this report is to recommend to the Council that it makes a submission on Plan Change 22 and to recommend the form and matters raised in that submission.

(Note: This report was earlier considered by the Committee at its meeting of 7 August 2008 and deferred until the matter identified by the Committee during the course of the report's consideration had been further investigated and clarified.)

EXECUTIVE SUMMARY

2. On 26 June 2008 the Council resolved to:

“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 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.” **(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)**

3. Accordingly, the recommended submission is **attached** to this report. The submission states that the Council should oppose the Plan Change and request that the Plan change be rejected or changes made to satisfy the Council's concerns.

FINANCIAL IMPLICATIONS

4. There are no immediate financial implications from adopting the submission other than normal costs associated with Council Officers or Consultants progressing the submission in the plan change process on the Council's behalf. Such costs are included in the City Plan annual operating budget.

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

5. Yes.

LEGAL CONSIDERATIONS

6. Making this submission will be in accordance with legal advice from Simpson Grierson that it is necessary in order for the Council to seek changes to the Plan Change that it feels are necessary. At the decision making stage changes can only be made to plan changes if they have been sought in a submission. This submission creates 'scope' to seek changes in relation to the matters raised in the submission.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

7. 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

8. As discussed in the previous report to the Planning and Regulatory Committee of 5 June there is a potential conflict in the Plan Change with the Greater Christchurch Urban Development Strategy and Change 1 to the Regional Policy Statement. The recommended submission addresses these potential conflicts.

CONSULTATION FULFILMENT

9. The applicant has carried out some public consultation with Council officers, Transit New Zealand, the Ministry for the Environment (MFE) and has recently undertaken a further public interest group workshop (2 July 2008).

STAFF RECOMMENDATION

It is recommended that the Council adopt the **attached** Submission on Plan Change 22.

COMMITTEE RECOMMENDATION

It is recommended that the Council adopt the **attached** submission on private Plan Change 22.

The above motion when put to the meeting was declared **carried** on division no. 1 by 6 votes to 2, the voting being as follows:

For (6): Councillors Button, Johanson, Reid, Wall, Wells and Williams.

Against (2): Councillors Broughton and Shearing.

Note: It was noted that at the Council meeting consideration should be given to the appointment of a Commissioner to hear this private Plan Change.

BACKGROUND (THE ISSUES)

10. Calco Investments Limited have made an application by way of a private plan change to rezone 9.21 ha of land at the corner of Radcliff Road and Main North Road from Rural 3 to Business 2. Council has resolved to accept the private plan change. There are a number of issues with the Plan Change that Council may wish to address.
11. Specifically these relate to:
 - (i) Commercial Distribution – the effect a new shopping centre will have on existing centres, including the CBD and potential loss of services from these centres.
 - (ii) Stormwater – the quality and quantity of stormwater generated from the site should not lead to adverse effects on the Styx River.
 - (iii) Waterway Environs, including Styx River – the amenity of environs should be protected by sufficient setbacks and landscaping; The “community linkages” should be able to be implemented in a practical manner; Springflow and groundwater flow to the Styx River should not be impeded; and consideration needs to be given to integrating Curtis Drain in terms of restoration and the Northern Main Rail Line in terms of a walkway/cycleway. The right of way to the Council reserve to the south of the subject site also needs to be maintained.
 - (iv) Change 1 to the RPS – the provisions of Change 1 should be retained as publicly notified in order to maintain consistency.
 - (v) Transport – inadequate consideration is given to effects on the wider network including the proposed Northern Arterial; the capacity of the Main North Road/Radcliffe Road intersection; delays from the proposed new signals on Main North Road; access to the site: and movements between the existing Supa Centre and the site.
 - (vi) Objectives and Policies – the Plan Change does not necessarily achieve the objectives and policies of the Christchurch City Plan.
12. When considering a private plan change after public notification, the Council does not have any power to amend it except in response to a submission. It is therefore necessary to lodge a submission to provide scope to deal with any issues that may be of concern to the Council. The Council would have inherent power to decline the application but this may not be the most appropriate response.

THE OBJECTIVES

13. The objective of the submission is to ensure that the Plan Change is consistent with the City Plan and that any adverse effects are able to be avoided, remedied or mitigated.

THE OPTIONS

14. It is therefore recommended that Council make a submission on the Plan Change addressing the above issues. The recommended submission is **attached**. Legal advice is that the Council can only make changes to the Plan Change by way of submission.
 - (i) Do nothing, i.e. no submission. It is considered this is not an option as the Council would be unable to have the plan change rejected or seek to make changes to the Plan Change.
 - (ii) Make this submission – this option ensures Council can submit on matters that are of concern to it.
 - (iii) Make this submission with any changes required by the Committee – This option allows the Committee to amend the submission to include any additional issues they may have or alternatively delete any issues that they do not consider relevant.

THE PREFERRED OPTION

15. The preferred option is (ii).