

4. CHRISTCHURCH CITY DISTRICT PLAN: CHANGE 31 – WAKEFIELD MEWS – FINAL APPROVAL

General Manager responsible:	General Manager, Strategy and Planning DDI 941-8281
Officer responsible:	Programme Manager District Planning
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PURPOSE OF REPORT

1. This report seeks a recommendation from the Committee that the Council approve changes to the City Plan introduced by its decision, and a subsequent consent order, on Plan Change 31 to the District Plan.

EXECUTIVE SUMMARY

2. Plan Change 31 is a privately requested change initiated by Wakefield Mews Ltd that sought to amend the Living 3 provisions as they apply to most of the area bounded by Packe, Purchas, Madras and Canon Streets in St Albans. The changes sought included an increased building height of 14 metres, an exemption from compliance with the continuous building height and ridgeline rules and the introduction of a Business 1 zoning with prescribed activity and floor area limitations. The change also proposed an Outline Development Plan (ODP) for the site, and a provision requiring any development to generally comply with the ODP.
3. Following a hearing in June 2009 Commissioner Ken Gimblett recommended to the Council that the plan change should be approved with modification. The Commissioner concluded that the total gross leasable floor area (GLFA) for commercial activity within the Business 1 zoned portion of the site should be limited to 3500m² rather than 5,000m² as requested in the plan change and with a GLFA for an individual tenancy of 450m² rather than the 1,740m² requested. The Commissioner's recommendation was adopted by the Council in October 2009.
4. The Council's decision was appealed by Wakefield Mews Limited. At the encouragement of the Environment Court the parties agreed to mediation and after several sessions an agreement was reached that would allow for one individual tenancy with a GLFA of up to 800m², with no other tenancy having a GLFA greater than 450m². The ODP for the site has also been amended to reflect the new figures.
5. The District Plan Appeals Subcommittee was kept informed throughout the mediation process and signed off on the changes. The Environment Court accepted the mediated agreement and issued a consent order. A copy of this order is attached (**Attachment 1**).

FINANCIAL IMPLICATIONS

6. There are no direct financial implications.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

7. The recommendation will not impose on the LTCCP budgets.

LEGAL CONSIDERATIONS

8. The recommendation in this report is for the Council to take the procedural step to make operative the changes introduced by the Council's decision on Plan Change 31 as amended by the Environment Court's consent order. The Resource Management Act 1991 requires that, following the closing of the appeal period and the resolution of any appeals, the Council must formally approve the changes to the plan under clause 17 of Schedule 1 before the plan change becomes operative on a date that is nominated in a public notice of the Council's approval. With the issue of the Court's consent order this plan change has now reached the stage where it can be made operative.

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

9. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Aligns with District Plan Activity Management Plan.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

11. Yes. Supports the project of processing all privately requested plan changes in compliance with statutory processes and time frames.

ALIGNMENT WITH STRATEGIES

12. Not applicable.

Do the recommendations align with the Council's strategies?

13. Not applicable.

CONSULTATION FULFILMENT

14. Approval of changes to the District Plan under clause 17 of Schedule 1 to the Resource Management Act 1991 is a procedural step that does not require consultation.

STAFF RECOMMENDATION

It is recommended that the Committee recommend to the Council that it:

- (a) Approve, pursuant to clause 17(2) of the Resource Management Act 1991, the changes to the District Plan introduced by the Council's decision on Plan Change 31 as amended by the Environment Court's consent order on the appeal by Wakefield Mews Limited.
- (b) Authorise the General Manager, Strategy and Planning to determine the date on which the changes introduced by Plan Change 31 become operative.