

5. CHRISTCHURCH CITY DISTRICT PLAN: CHANGE 18 – 420-426 HAGLEY AVENUE



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 decision from the Council to approve changes to the City Plan introduced by a consent order on Plan Change 18 to the District Plan.

EXECUTIVE SUMMARY

2. Plan Change 18 sought to rezone land at the corner of Hagley Avenue and Moorhouse Avenue from Living 4B (Inner City High Rise) to Business 3B (Inner City Industrial Buffer) to enable the site to be developed for business purposes. In addition to the rezoning the change proposed a number of amendments to the Business 3B zone provisions.
3. Following a hearing in August 2008 a Council Hearings Panel recommended to the Council that the plan change should be declined. The Panel concluded that the proposed changes to the Plan would undermine the integrity of the City Plan in respect of the Business 3B Zone rules and, accordingly, were not the most efficient or effective measures of achieving the objectives of the zone. The Panel considered that the existing Living 4B zone better achieved the Council's objectives for providing high density residential development close to the city centre and, while the site had not been redeveloped under the existing zoning, it did not consider that zoning to be ineffective. The Committee's recommendation was adopted by the Council as its decision on 19 December 2008.
4. The decision to reject the plan change was appealed by the requester D J K Holdings Limited. At the encouragement of the Environment Court the parties agreed to mediation and after several sessions an agreed package of rules was developed that would enable the site to be developed for residential or mixed use purposes with sufficient control mechanisms over all the matters that the Council has expressed concern about. Appearance and design controls were included to ensure that any development will adequately address the amenity of Hagley Park, with specific provisions for screening of parking areas, restrictions on outdoor advertising and in support of an overall "residential appearance".
5. The District Plan Appeals Subcommittee was kept informed throughout the mediation process and signed off on the final package of rules. The Environment Court accepted the mediated agreement and issued a consent order (**Attachments 1 and 2**).

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 a procedural step to make operative the changes introduced by the Environment Court's consent order. 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. The plan change then become 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

That the Council:

- (a) Approve, pursuant to clause 17(2) of the Resource Management Act 1991, the changes to the District Plan introduced by the Environment Court's consent order and the erratum thereto on the appeal by D J K Holdings Limited.
- (b) Authorise the General Manager, Strategy and Planning to determine the date on which the changes introduced by Plan Change 18 become operative.

COMMITTEE RECOMMENDATION

That the staff recommendation be adopted.

Councillor Button abstained from voting on this item.