

#### 4. PLAN CHANGE 8 – MUSGROVES SITE



<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Programme Manager District Planning
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##### PURPOSE OF REPORT

1. This report seeks the Council to approve changes to the City Plan introduced by its decision on Plan Change 8 to the District Plan.

##### EXECUTIVE SUMMARY

2. Plan Change 8 is a Council initiated change that sought the rezoning of the land at 191 – 199 Wigram Road from Business 5 to Business 4. This change originated from a compromise position reached on an appeal to the Environment Court in 2004. In 1999 the Council had rezoned the land from Rural 2 to Living 1A (Deferred). The land owner, Musgrove Brothers Limited, appealed this decision seeking either a Business 4 or Business 5 zoning for the site and staff began negotiations towards a Business 4 zoning which was considered to be a more suitable zoning in terms of satisfying the Plan’s objectives and policies. However, following advice that a Business 4 zoning was beyond the scope of what had been sought in the original submission, a Business 5 zoning was agreed instead with an agreement that the Council would consider a change to a Business 4 zoning within 18 months of the City Plan becoming operative.
3. The Council resolved on 25 September 2008 to notify the plan change. Following a hearing of submissions Commissioner Ken Gimblett concluded that the plan change should be adopted subject to some modification. His recommendation was adopted by the Council as its decision in September 2009. There have been no appeals against the decision. The changes introduced by the plan change can now be made operative. The Plan change as amended is provided in **Attachment 1** (separately circulated).

##### FINANCIAL IMPLICATIONS

4. There are no direct financial implications.

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

5. Covered by existing budgets.

##### LEGAL CONSIDERATIONS

6. Before changes to the City Plan can be made operative the Resource Management Act requires the Council to take the step of formally approving the changes once those changes are beyond legal challenge. The Council’s decision on this plan change was not appealed so it has reached that stage.

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

7. Yes. They are concerned with RMA processes and there are no foreseen implications arising from this report.

##### ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. Aligns with District Plan Activity Plan.

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

9. Yes. Supports the review and maintenance of the District Plan project.

#### **ALIGNMENT WITH STRATEGIES**

##### **Do the recommendations align with the Council's strategies?**

10. The Council's decision on the Plan Change does not conflict with the Greater Christchurch Urban Development Strategy and is consistent with the South West Area Plan.

#### **CONSULTATION FULFILMENT**

11. 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 its decision on Plan Change 8.
- (b) Authorise the General Manager, Strategy and Planning to determine the date on which the changes introduced by Plan Change 8 become operative.

#### **COMMITTEE RECOMMENDATION**

That the staff recommendation be adopted.