

### 3. PLAN CHANGE 6 – LOCATION OF A RESIDENTIAL UNIT



<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. The purpose of this report is to recommend that the Council make its decision on Plan Change 6, Location of a Residential Unit, and take steps to make the change operative.

#### EXECUTIVE SUMMARY

2. At its meeting on 23 April 2009 the Council resolved to notify publicly Plan Change 6 (PC 6). This Council initiated change seeks to extend the provisions that were introduced to Rural zones by Variation 90 to the low density Living Zones.
3. Variation 90, which was made operative in 2006, closed a loophole in the rules for Rural zones that had allowed the creation of house lots on a separate site detached from the balance of the land. This loophole had enabled the creation of clusters of dwellings in rural zones in a manner more like an urban area with the balance of the allotment being held elsewhere. Variation 90 altered this situation by changing the status of such an activity from permitted to one requiring a resource consent for a non-complying activity.
4. Variation 90 was limited in its scope in that it only amended the rules for Rural Zones. Plan Change 6 seeks to extend the changes introduced by Variation 90 to the low density Living 1A, RS, HA and HB zones. A copy of the plan change and the Section 32 assessment are attached to this report (**Attachments 1 and 2**).
5. Public notification of PC 6 attracted three submissions which have now all been withdrawn.

#### FINANCIAL IMPLICATIONS

6. There are no financial implications.

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

7. The recommendations will not impact on the 2009-19 LTCCP budgets.

#### LEGAL CONSIDERATIONS

8. Clause 10(1) of Schedule 1 to the Resource Management Act 1991 requires the Council to make a decision on a plan change notwithstanding that there are no live submissions and there has been no hearing. As all submissions have been withdrawn the Council's decision, when made, will be beyond challenge as no party has status to appeal and the decision can be approved under Clause 17(2).

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

9. Making a decision on a plan change, approving the change and making the change operative are steps required by the Resource Management Act 1991.

#### ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Aligns with City 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 LTCCP project of preparing maintaining and reviewing the Christchurch City District Plan.

#### **ALIGNMENT WITH STRATEGIES**

12. Not applicable.

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

13. Not applicable.

#### **CONSULTATION FULFILMENT**

14. The Resource Management Act 1991 sets out a process for consulting with parties affected by changes to District Plans. This process has been followed.

#### **STAFF RECOMMENDATION**

That the Council:

- (a) Confirm the Section 32 assessment adopted by the Council on 23 April 2009.
- (b) Decide, pursuant to clause 10(1) of the First Schedule to the Resource Management Act 1991, to adopt the amendments to the City Plan introduced by Plan Change 6, Location of a Residential Unit, for the reasons set out in the explanation to the change.
- (c) Approve Plan Change 6, Location of a Residential Unit, pursuant to clause 17(2) of the First Schedule to the Resource Management Act 1991.
- (d) Delegate to the General Manager, Strategy and Planning, the authority to determine the date on which the provision becomes operative.

#### **COMMITTEE RECOMMENDATION**

That the staff recommendation be adopted.