

42. CHRISTCHURCH CITY DISTRICT PLAN: CHANGE 45 CHRISTCHURCH GOLF RESORT – FINAL APPROVAL

General Manager responsible:	Acting General Manager Strategy and Planning
Officer responsible:	Programme Manager District Planning
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PURPOSE OF REPORT

1. This report seeks Council approval to make operative the changes to the City Plan introduced by a decision on Plan Change 45 Christchurch Golf Resort Ltd.

EXECUTIVE SUMMARY

2. Plan Change 45 was initiated by Christchurch Golf Resort Limited to enable the development of an integrated golf resort community comprising a golf course, golf academy, residential development and associated facilities. For this purpose it sought to rezone approximately 132 hectares of land between Lower Styx Road and Spencerville Road from Rural 3 to Open Space 3D and approximately 43 hectares of land adjoining the Styx River in the vicinity of Lower Styx Road from Rural 3 to Conservation 3.
3. The Plan Change was considered by Commissioner John Milligan at a hearing over 5 days in November 2009. In his report to the Council he noted that, at the time of the hearing, he was required only to have regard to Change 1 to the Regional Policy Statement (PC1) and, for reasons set out in his report, he had decided that the safest course was for him to consider the request on the basis that PC1 did not stand in its way. His recommendation that the plan change be approved with modification was considered by the Council at its meeting on 25 March 2010.
4. In accepting the Commissioner's recommendation to approve the plan change the Council noted that its decision was inconsistent with the position established by it in respect of PC1 and that this reflected the timing and consideration of decisions made on these two changes. It also noted that where these matters are addressed by the Environment Court the Council will seek to ensure that any outcome is consistent with its position on PC1.
5. Ouruhia Styx Action Group and Canterbury Regional Council appealed the Council's decision to the Environment Court. Both these appeals have now been withdrawn.
6. As the matter is now beyond challenge the Council can take the necessary steps to make operative the changes introduced by Plan Change 45 Christchurch Golf Resort.

FINANCIAL IMPLICATIONS

7. There are no direct financial implications.

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

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

LEGAL CONSIDERATIONS

9. 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 Changes 45 (**Attachment 1**). 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. As both appeals against the Council's decision have been withdrawn 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?

10. As above.

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ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. 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?

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

ALIGNMENT WITH STRATEGIES

13. Not applicable.

Do the recommendations align with the Council's strategies?

14. Not applicable.

CONSULTATION FULFILMENT

15. 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 Council:

- (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 45 Christchurch Golf Resort Limited
- (b) Authorise the General Manager, Strategy and Planning to determine the date on which the changes introduced by Plan Change 45 become operative.