

RESOURCE MANAGEMENT ACT 1991
SELWYN DISTRICT COUNCIL

SELWYN DISTRICT PLAN
PROPOSED PRIVATE PLAN CHANGE 30
WEST MELTON BUSINESS 1 REZONING

Second Minute of Commissioner

June 2012

1.0 INTRODUCTION

- 1.1 I have reviewed the information provided by the applicant in response to the Minute of 12 June 2012. In light of this response, this Second Minute is necessary in order to clarify some matters for the Council experts and to describe the process required from here.
- 1.2 In summary, the information requested in the first Minute was needed in order to make a Recommendation to the Council. The relevant provisions of the Act require, amongst other matters, that I consider whether the provisions proposed are the most appropriate to achieve the objectives of the Plan, taking account of the benefits and costs, and having regard to the effectiveness and efficiency, of those provisions.
- 1.3 In considering whether the proposed provisions are the most appropriate, an adequate level of expert assessment of both the effects and Section 32 considerations is required at this stage, particularly given that all but one of the rules addressing adverse effects were introduced after the applicant's original Section 32 assessment was prepared.
- 1.4 For the avoidance of any doubt, unless the full expert assessment required is provided, I will be unable to consider making a positive recommendation.
- 1.5 The response provided by the applicant takes the somewhat unusual step of not providing all of the information required, and will not enable me to fulfil my obligations under the Act. Given this, it is now incumbent upon the Council to provide the assessment.

2.0 FURTHER CLARIFICATION FOLLOWING APPLICANT'S RESPONSE

- 2.1 For the benefit of the Council experts, I make a few observations following review of the applicant's response.

Amenity

- 2.2 The assessment is required as requested, taking into account the applicant's response.
- 2.3 The applicant has now proposed a rule relating to height. The Council planner is required to consider the appropriateness of this rule, taking the assessment of 2.2 above into account.

Noise / Disturbance

- 2.4 The expert assessment of the noise/disturbance implications of the rezoning is required as requested.
- 2.5 I note that the applicant has explained that the mitigation of noise was not the reason that buildings were intended to be located to the rear of the site, and I accept that; however, this does not alter the need for my request.
- 2.6 The indicative plan provided is not binding on the applicant (or future owners) by the rules proposed, and no outline development plan has been provided. Therefore, this plan change application is not for a specific zone layout, but for an open change of zoning from living to business. As such, the potential noise/disturbance impacts arising from it must be considered on that basis by the acoustic expert.

Density

- 2.7 The applicant has proposed a new provision that addresses density. The Council planner will need to consider whether this rule is the most appropriate, taking into account the Business 1 zone rule package that will still apply.

Additional requirement

- 2.8 In reviewing the applicant's response in relation to site coverage, it came to my attention that no 'reason for rule' has been prepared in relation to Rule 22.15 (GFA limits). A 'reason for rule' is to be provided by the Council.

3.0 HEARING TO BE RECONVENED

- 3.1 Since the new information will now be provided within the s.42A report, the hearing must be reconvened in order to give the applicant and submitters an opportunity to present evidence/statements in relation to that information.
- 3.2 Therefore, the process is to continue as per the first Minute, except that points 3.3 and 3.4 are revoked. Instead, following the submitters providing any comments they may have, the usual legislative process is to be followed by the Council in relation to giving notice of a reconvened hearing and providing a s.42A addendum report. The reconvened hearing will only deal with the matters discussed in the s.42A addendum report.

Commissioner Janette Dovey
19 June 2012