

## **REPORT**

**TO:** Chief Executive  
**FOR:** Council Agenda – 9 December 2009  
**FROM:** Andrew Mactier – Policy Planner  
**DATE:** 27 November 2009  
**SUBJECT:** Private Plan Change 4 – Broadfield Estates Limited –  
Liffey Springs, Lincoln

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### **1. RECOMMENDATION**

**That in respect to Plan Change 4 to the Selwyn District Plan, Council resolves:**

- i. Pursuant to Clause 10(1) of the First Schedule of the RMA, to adopt the recommendations of the Hearing Commissioner tabled in the report dated 23rd November 2009 (Attachment I) as its decision on Plan Change 4.**
- ii. To give public notice of the fact that it has made its decision and that the Selwyn District Plan shall be deemed to have been amended in accordance with that decision from the date of the public notice (Clause 10 (4)(b)).**
- iii. To serve on every person who made a submission on Plan Change 4 a copy of its decision (Clause 11 (1)).**
- iv. To delegate to the Environmental Services Manager the authority to take any steps necessary to give effect to recommendations i to iii above.**

### **2. PURPOSE**

This report seeks a decision from the Council that Plan Change 4 be **approved with modifications** and be confirmed for inclusion in the Operative Selwyn District Plan.

### **3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT**

The recommendations have been assessed against the Significance Policy. The decision to confirm the Hearing Commissioners recommendation in respect of Plan Change 4 does not:

- Affect all or a large portion of the community in a way that is not inconsequential,
- Have a potential impact or consequence on the affected persons (being a number of persons) that is substantial,
- Have financial implications on the Council's resources that would be substantial, and
- Is not likely to generate a high degree of controversy.

Accordingly, this issue has a low degree of significance when assessed against the Significance Policy.

#### 4. HISTORY/BACKGROUND

On the 10th of June 2008, Broadfield Estates Ltd (the applicants) lodged an application for a private plan change. Plan Change 4 (PC4) proposes to rezone approximately 28 hectares of existing rural land (Outer Plains) to a Living 1 Zone (Deferred). The deferral is to remain in place until there is adequate capacity in a local authority operated reticulated sewage treatment facility to service the land for residential development.

The site subject to the Plan Change is located at 86a Edward Street Lincoln, on the Township's eastern boundary. The L II Creek forms the site's eastern boundary, while the LI River, also known as the Liffey, forms the site's south and south-west boundary

If approved, development of the site will be subject to existing Living 1 Zone controls as well as an Outline Development Plan, a Landscape Concept Plan, to be incorporated into the District Plan as appendices, and a range of development controls specific to this rezoning request. The Plan Change did not propose to amend any existing District Plan objectives or policies.

The Plan Change was notified on Saturday the 28<sup>th</sup> of February 2009 with submissions closing on Friday the 27<sup>th</sup> of March. Further submissions were notified on the 16<sup>th</sup> of May and closed on Monday the 15<sup>th</sup> of June 2009. A total of three submissions were received to the proposed Plan Change. All three opposed the proposal in its entirety. One further submission was received

Submissions were heard at a hearing held in Rolleston on 19th October 2009, with all submitters and their representatives taking the opportunity to be heard.

#### 5. PROPOSAL

An independent Planning Commissioner was appointed to hear submissions on Plan Change 4. The Commissioner's role is limited to that of conducting the hearing and, having considered all relevant material in respect of the Plan Change, including evidence presented at the hearing, make recommendations to the Council on the Plan Change and the associated submissions.

These recommendations are to relate to whether the Plan Change should be accepted, accepted with modifications (in accordance with the scope provided by the Plan Change and submissions made on it), or rejected. The final decision on whether or not the Plan Change is adopted as the responsibility of the Council.

For the reasons set out in the appended report (Attachment I), the Commissioner recommends that Plan Change 4 be approved subject to amendments as set out in Attachments 2 and 3 to his report, and that the submissions and further submissions are accepted, accepted in part or rejected accordingly.

#### 6. OPTIONS

Council can either **accept** or **reject** the Commissioner's recommendation.

If Council accepts the recommendation the Plan Change would continue along the statutory RMA process, with the decision being sent out to all the submitters. Submitters will have 30 working days (from the date of receiving the decision) in which they can appeal the decision to the Environment Court. If there are no appeals Plan Change 4 is deemed to be operative and the Selwyn District Plan will be amended to reflect this.

If Council rejects the Commissioner's Recommendation, the Plan Change would be subject to a new hearing process.

## **7. VIEWS OF THOSE AFFECTED/CONSULTATION**

### **a) Adjoining neighbours**

As part of the public notification of the Plan Change, properties immediately adjoining or adjacent to the site were sent a letter advising the owners/occupiers of the public notice.

### **b) Public Notices and Statutory bodies**

The Council followed the prescribed public notification process as detailed in the RMA, and advertised the Plan Change in The Press and on the Council's website. Public notices and a full package of the information was also sent to all Local Authorities in the region, Ngai Tahu and the Ministry of the Environment.

### **c) Maori implications**

No implications for Maori are anticipated. Ngai Tahu was consulted with through the statutory process outlined above.

## **8. SUBMISSIONS**

Plan Change 4 attracted three submissions and one further submission within the statutory timeframes. No late submissions were received. These submissions have been read and considered as part of the Commissioner's planning assessment and are discussed in the appended report.

## **9. COMMUNITY OUTCOMES**

This proposal supports existing community outcomes, principally:

- Environment – A clean environment (Provide water and sewerage systems that minimise the negative effects of their activity).
- Social – A healthy community (provision of recreation and esplanade reserves), A safe place to live, work and play (efficient and effective transport system, including provision for cycling and pedestrian links to wider community)
- Economic – Effective and accessible transport systems (provide a well maintained, integrated, sustainable and safe transportation system).

## **10. NEGATIVE IMPACTS**

This proposal is unlikely to impact negatively on the community or Council activities.

## **11. LEGAL IMPLICATIONS**

The private plan change request process is set out in the first schedule of the RMA. Council's decision can be appealed to the Environment Court.

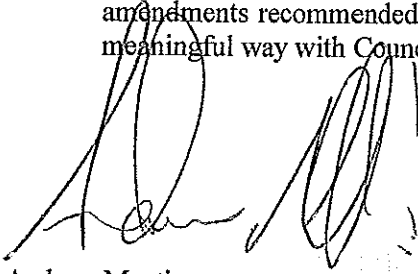
## **12. FUNDING IMPLICATIONS**

The funding for this issue is part of current and future budget projections. Should the Council decision be appealed to the Environment Court, Council could be liable for any costs.

## **13. HAS THE INPUT/IMPACT FROM/ON OTHER DEPARTMENTS BEEN CONSIDERED?**

The Plan Change 4 proposal has been through considerable consultation with relevant Council departments, both before and subsequent to the Plan Change being formally lodged with Council. As

this report is seeking a decision to accept the Commissioners recommendation accept Plan Change 4 with modifications), no further input from other departments was sought, or deemed necessary. The amendments recommended by the Commissioner are of a minor nature, and will not impact in any meaningful way with Council operating procedures or policies.



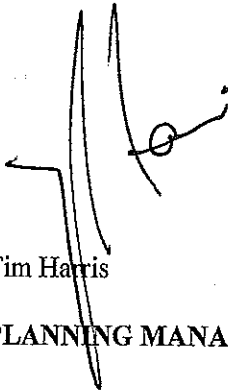
Andrew Mactier  
**POLICY PLANNER**

**ENDORSED FOR AGENDA**



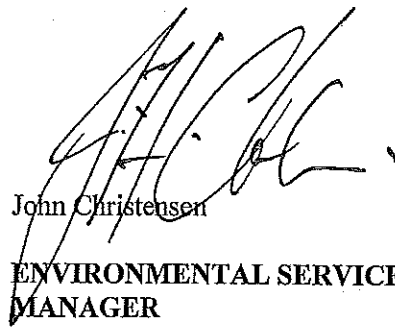
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