

REPORT

TO: Chief Executive

FOR: Council Meeting – 25th March 2015

FROM: Andrew Mactier, Strategy and Policy Planner

DATE: 5th March 2015

SUBJECT: **Recommendation of the Commissioner for Plan Change 43 – Synlait Milk Limited – Dairy Processing Management Area**

1. RECOMMENDATION

That the Council approves:

- (a) Pursuant to Clause 10(1) of the First Schedule of the Resource Management Act (RMA), to accept the recommendations contained in the Commissioner's report dated 27th of February 2015 that approves Plan Change 43 subject to the modifications outlined by the Commissioner in his report as its decision on Plan Change 43.**
- (b) The public notification of Council's decision that establishes that the Selwyn District Plan is deemed to have been amended in accordance with that decision from the date of the public notice in accordance with Clause 10 (4)(b) of the RMA**
- (c) The serving on every person who made a submission of Plan Change 43 a copy of the public notice and a statement specifying the timeframe for lodging an appeal, as required by Clause 11 (1) of the RMA**
- (d) The Team Leader Strategy and Policy the delegation to take any steps necessary to give effect to recommendations (b) and (c) above**
- (e) The Team Leader Strategy and Policy the delegation to take any steps necessary to give effect to make Plan Change 43 operative at the conclusion of the appeal period where no appeals are filed**

2. PURPOSE

This report seeks a decision from the Council that Plan Change 43 be approved with modification in accordance with the Commissioners recommendation and that it be confirmed for inclusion in the Operative Selwyn District Plan.

3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

This report does not trigger the Council's Significance Policy. Considering to accept the Commissioner's recommendation as Council's decision is a procedural step that is required to be followed under the RMA.

4. HISTORY/BACKGROUND

Synlait Milk Ltd requested a change to the Selwyn District Plan to rezone an area of Rural (Outer Plains) land to provide for a new Dairy Processing Management Area (DPMA).

The site subject to Plan Change 43 is located on the south side of Main South Road (SH1) approximately 7km southwest of Dunsandel and is generally located on the corner of Heslerton Road and SH1. The property has a physical address of 1028 Heslerton Road, is legally described as Lot 1 DP 414579 and has a site area of 113.4ha hectares. The site contains the existing Synlait Milk Processing Plant, established under various resource consents.

Plan Change 43 proposes the introduction of a group of new rules within a single appendix in the District Plan (Appendix 26). The purpose of the Plan Change is to recognise the existing dairy plant established by Synlait at Dunsandel in 2006 by providing for its continuing use and its future expansion. In brief, Synlait proposes that provision should be made in the Plan for a DPMA having a specific set of rules for activities and buildings relating to dairy processing operating effectively as a sub-zone within the existing Rural (Outer Plains) zone of the Plan. It should be noted that unless expressly advised, none of the Rules in Part C, 1 to 10 of the Rural volume will apply i.e. all of the relevant provision are contained with proposed Appendix 26.

The Plan Change was publicly notified on the 5th of July 2014, which attracted 6 submissions, with no subsequent further submissions being received. A hearing was convened on the 3rd of December 2014.

The appropriateness of the rezoning, and the specific rules considered necessary to manage any subsequent effects arising from development occurring within the area subject to Plan Change 43 are set out in the Commissioners recommendation (*Attachment I*).

5. PROPOSAL

An independent Planning Commissioner (John Milligan) was appointed to hear submissions on Plan Change 43. The Commissioners role is to conduct the hearing and, having considered all relevant material in respect of the plan change, make recommendations to the Council on the plan change and the associated submissions.

These recommendations relate to whether the plan change should be: (a) accepted; (b) accepted with modifications (in accordance with the scope provided by the Plan

Change and submissions made on it); or (c) rejected. The final decision on whether or not this recommendation, and as a consequence the plan change, should be adopted is the responsibility of the Council.

For the reasons set out in the Commissioners recommendation (**Attachment I** of this report), the Commissioner recommends that Plan Change 43 be accepted with modification and that the submissions and further submissions are accepted, accepted in part or rejected.

6. OPTIONS

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

If Council accepts the recommendation, then Plan Change 43 will continue along the statutory RMA process, with the decision being publicly advertised, served on all submitters and the 30 working day period provided to submitters to lodge an appeal to the Environment Court. If no appeal is received within this timeframe then Plan Change 43 will be deemed to be operative and the District Plan amended accordingly.

If Council rejects the Commissioners recommendation, then the plan change must be subject to a new hearing process. It would be inappropriate for the Council to amend any of the findings contained in the Commissioners recommendation in the absence of hearing the submissions and considering the substantive material that has been considered.

7. VIEWS OF THOSE AFFECTED/CONSULTATION

a) Views of those affected

These matters are addressed in the recommendation of the Commissioner, with the mandatory public notification, serving of the notice of the request on potentially affected parties and submissions processes required under the RMA having provided appropriate opportunity for interested parties to participate in the private plan change process.

b) Consultation

The mandatory public notification and submissions processes required under the RMA has provided the wider public an opportunity to participate in the private plan change process.

c) Maori implications

Te Taumutu Rūnanga were involved in pre-application discussions and were served notice of Plan Change 43 at the time of public notification. A submission was lodged on behalf of the Rūnanga by Mahaanui Kurataiao Limited, the consideration of which is outlined in the Commissioners recommendation.

8. RELEVANT POLICY/PLANS

The rezoning of the land is consistent with the following Policies and Plans:

- Chapter 5 to the Canterbury Regional Policy Statement (Land Use and Infrastructure)

9. COMMUNITY OUTCOMES

Economic – A Prosperous Community: *Selwyn has a strong economy which fits within and complements the environmental, social and cultural environment of the district.*

Rezoning the land subject to Plan Change 43 supports the existing Synlait Dairy processing plant and facilitates future development of that site.

10. NEGATIVE IMPACTS

The Commissioner's recommendation addresses any negative impacts, potential adverse effects and determined what mitigation measures through District Plan controls are necessary to achieve a sustainable Dairy Processing Management Area environment.

11. LEGAL IMPLICATIONS

Submitters to Plan Change 43 have rights under the RMA to appeal any Council resolution to accept the Commissioner's recommendation as its decision.

12. FUNDING IMPLICATIONS

The funding implications are limited to any subject appeal proceedings. All costs incurred in notifying the decision is required to be on-charged to the private plan change proponent.

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

Council's Assets Department had been advised of Plan Change 43 prior to and subsequent to it being lodged. Relevant consideration of Council's assets Department was incorporated into the Plan Change prior to lodgement.



ANDREW MACTIER
STRATEGY AND POLICY PLANNER



CAMERON WOOD
TEAM LEADER STRATEGY AND POLICY

ENDORSED FOR AGENDA



TIM HARRIS
PLANNING MANAGER

ATTACHMENT 1
Commissioner's Recommendation on Plan Change 43