

REPORT

TO: Chief Executive

FOR: Council Meeting – 23rd September 2015

FROM: Jessica Tuilaepa, Strategy and Policy Planner

DATE: 12th September 2015

SUBJECT: **Recommendation of the Commissioner for Plan Change 44 – Rolleston Living 3 Zone**

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 14th September 2015 as its decision on Plan Change 44**
- (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 Team Leader Strategy and Policy the delegation to take any steps necessary to give effect to recommendation (b) above**
- (d) The Team Leader Strategy and Policy the delegation to take any steps necessary to give effect to make Plan Change 44 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 44 be approved 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.

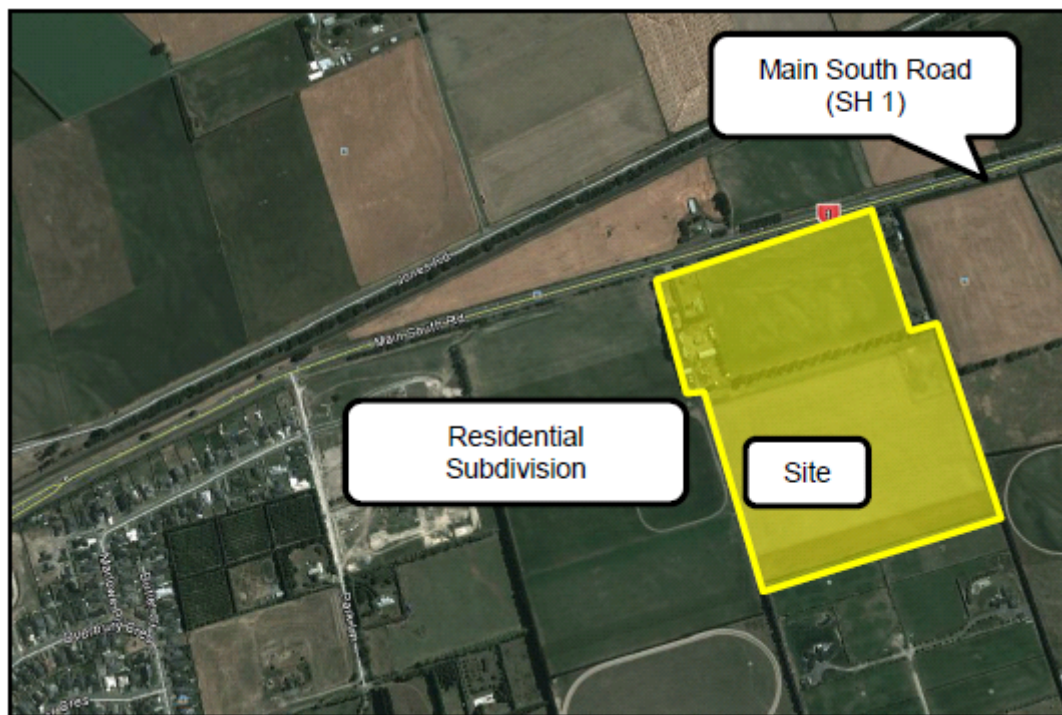
4. HISTORY/BACKGROUND

Dreamtime Limited requested a change to the Selwyn District Plan to rezone approximately 20.59 hectares, held in one existing title, zoned Rural (Inner Plains) to Living 3 zone (refer to [Figure 1](#)). The subject land is located on the eastern periphery of the township of Rolleston and is identified as a preliminary 'rural residential location' in Council's adopted Rural Residential Strategy 2014.

The proposed Living 3 zone supports the establishment of up to 36 rural residential lots that range from between 0.25ha to 1ha in size, which is consistent with the guidance provided by Council's Rural Residential Strategy 2014. The plan change seeks to amend the District Plan Maps, to insert a limited number of rules and to introduce an Outline Development Plan to guide the assessment of any future subdivision proposal. The request does not propose to make any changes to the operative Living 3 zone objectives or policies.

Plan Change 44 was publicly notified on the 21st February 2015, with submissions closing on the 20th March 2015. Further submissions closed on the 20th April 2015. A total of 2 submissions were initially received, both of which were withdrawn. No further submissions were lodged. No hearing took place, however, an official recommendation was made by the Commissioner, David Mountfort, on the 14th September 2015.

Figure 1: Site plan



The appropriateness of the rezoning, and the specific rules considered necessary to manage any subsequent effects arising from development occurring within this

additional Living 3 zone, are set out in the Commissioners recommendation, attached as Attachment 1.

5. PROPOSAL

An independent Planning Commissioner (David Mountfort) was appointed to hear submissions on Plan Change 44. The Commissioners role is normally to conduct the hearing, however, given there were no submissions, no hearing was held and instead having considered all relevant material in respect of the plan change based on papers, the Commissioner has made a recommendation to the Council on the plan change based on papers – being the council officers s42a report and peer reviews of technical reports in addition to the information supplied with the original application. Given there was no hearing held, the applicant was offered the chance to provide written evidence to support their view, however, they were happy with the s42a report and no further evidence was prepared.

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 1 of this report), the Commissioner recommends that Plan Change 44 be accepted without modification.

6. OPTIONS

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

If Council accepts the recommendation, then Plan Change 44 will continue along the statutory RMA process, the decision publicly advertised 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 the Plan Change 44 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 44 at the time of public notification. No comments or submissions were received.

8. RELEVANT POLICY/PLANS

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

- Land Use Recovery Plan
- Chapter 6 to the Canterbury Regional Policy
- Selwyn District Council's Rural Residential Strategy

9. COMMUNITY OUTCOMES

Although the plan change was instigated by the land owner, the development of the land to Living 3 zone densities will provide greater housing choice to people wanting to live within the community of Rolleston.

10. NEGATIVE IMPACTS

The Commissioner's recommendation addresses any negative impacts, potentially adverse effects and determines what mitigation measures through District Plan controls are necessary to achieve a sustainable Living 3 zone environment.

11. LEGAL IMPLICATIONS

Submitters to Plan Change 44 have rights under the RMA to appeal any Council resolution to accept the Commissioner's recommendation as its decision. It is important to note that in this instance no submissions were received in relation to Plan Change 44.

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 has been involved throughout the private plan change process in respect to the infrastructure servicing requirements, which are addressed in the Commissioner's recommendation.

A handwritten signature in black ink, appearing to read 'Cameron Wood', with a stylized flourish at the end.

**JESSICA TUILAIPA
STRATEGY AND POLICY PLANNER**

**CAMERON WOOD
TEAM LEADER STRATEGY AND POLICY**

ENDORSED FOR AGENDA

**JESSE BURGESS
PLANNING MANAGER**

ATTACHMENT 1: COMMISSIONER'S RECOMMENDATION ON PLAN CHANGE 36