

REPORT

TO: Chief Executive

FOR: Council Meeting – 9 March 2016

FROM: Andrew Mactier, Strategy and Policy Planner

DATE: 26 February 2016

SUBJECT: **Recommendation of the Commissioner for Plan Change 46 – Living 2A (Deferred) Zone – Bangor Road, Darfield**

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 10 February 2016 as its decision on Plan Change 46**
- (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 make Plan Change 46 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 46 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.

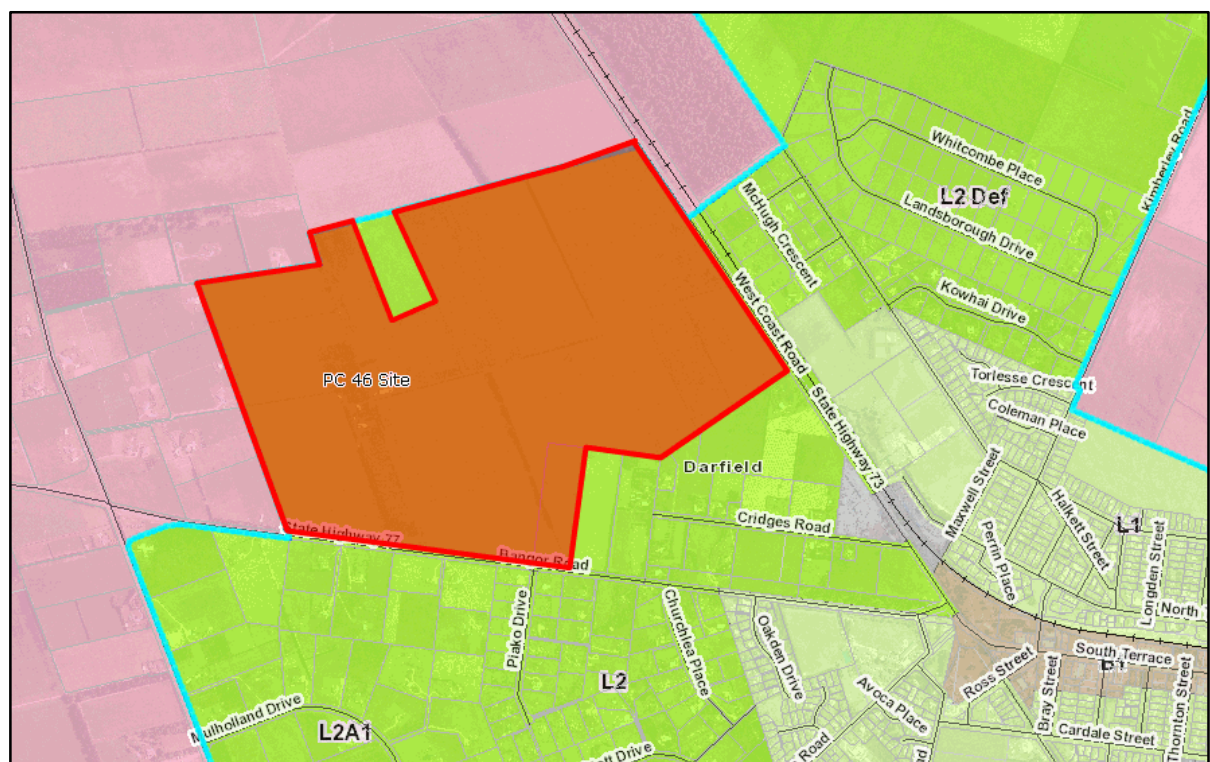
4. HISTORY/BACKGROUND

Mrs Gillian Logan requested a change to the Selwyn District Plan – Plan Change 46. The site subject to Plan Change 46 is approximately 130 hectares of land currently zoned Living 2A (Deferred) and is located between Bangor Road (SH77) and West Coast Road (SH73) on the northern outskirts of Darfield and has a physical address of 160 Bangor Road. Most of the site is currently covered in pastoral grass however there are also areas planted in crops, with numerous established shelterbelts as well as two forestry blocks. Large established grounds surround a 1920's villa, attached double garage, a store room, swimming pool and tennis courts, while the wider site also contains buildings typical of a farming operation (refer to **Figure 1** below for a site plan).

Plan Change 46 proposes a change to the District Plan to lift the deferred status over the site to provide for subdivision down to an average of 1 hectare, subject to consistency with an Outline Development Plan (ODP) which will also be inserted into the District Plan. The Plan Change relies on existing objectives and policies for the Living 2A zone but proposes a number of new and amended rules which will specifically relate to development within the site.

Plan Change 46 was publicly notified on 25th August 2015, which attracted 4 submissions, with 1 subsequent further submission being received. A hearing was convened on 21st December 2015.

Figure 1: Plan Change 46 Site Plan



The appropriateness of uplifting the deferred status over the site subject to Plan Change 46, and the specific District Plan provisions considered necessary to manage any subsequent effects arising from development occurring within this area are set out in the Commissioners recommendation, attached as **Attachment 1**.

5. PROPOSAL

An independent Planning Commissioner (Mike Garland) was appointed to hear submissions on Plan Change 46. 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 1** of this report), the Commissioner recommends that Plan Change 46 be accepted with some modifications 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 46 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 46 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 invited to participate in pre-application discussions on Plan Change 46 by the applicants. Te Taumutu Rūnanga were also served notice of Plan Change 46 at the time of public notification. A submission on the Plan Change was lodged by Mahaanui Kurataio Ltd on behalf Te Taumutu Rūnanga.

8. RELEVANT POLICY/PLANS

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

- Land Use Recovery Plan
- Chapter 5 to the Canterbury Regional Policy
- The Selwyn District Council Plan

9. COMMUNITY OUTCOMES

Although the plan change was instigated by the land owner, the uplifting of the deferred status on the land subject to Plan Change 46 will provide greater housing choice to people wanting to live within the Darfield community.

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 2A zone environment.

11. LEGAL IMPLICATIONS

Submitters to Plan Change 46 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 has been involved throughout the private plan change process in respect to the infrastructure servicing requirements, which are addressed in the Commissioner's recommendation.



**ANDREW MACTIER
STRATEGY AND POLICY PLANNER**



**CAMERON WOOD
TEAM LEADER STRATEGY AND POLICY**

ENDORSED FOR AGENDA



**TIM HARRIS
ENVIRONMENTAL SERVICES MANAGER**

ATTACHMENT 1: COMMISSIONER'S RECOMMENDATION ON PLAN CHANGE 46