

REPORT

TO: Chief Executive

FOR: Council Meeting – 14 September 2016

FROM: Strategy and Policy Planner - Craig Friedel

DATE: 5 September 2016

SUBJECT: **Recommendation of the Commissioner for Plan Change 47 – Prebbleton 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 2nd September 2016 as its decision on Plan Change 47.**
- (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 recommendations (b) above.**
- (d) The Team Leader Strategy and Policy the delegation to take any steps necessary to give effect to make Plan Change 47 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 47 be approved without 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

M J Stratford requested a change to the Selwyn District Plan to rezone an existing 16ha rural property at 631 Shands Road from a Rural (Inner Plains) to Living 3 zone (refer to [Figure 1](#)). The subject land is located on the southern periphery of the township of Prebbleton 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 rural residential lots that range from between 0.5ha to 1ha in size on average, 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.

Figure 1: Site plan

Plan Change 47 was publicly notified on the 22nd April 2016, with submissions closing on the 23rd May 2016. A single submission was initially received on PC 47. However, this submission was formally withdrawn on the 4th July 2016. A determination in respect to submissions is not required under these circumstances.

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 contained in the Officer report, (which is available for viewing on Council's website¹) and referenced in the Commissioners recommendation.



5. PROPOSAL

An independent Planning Commissioner, David Mountfort, was appointed to consider all the relevant material in respect of the plan change and to make a recommendation to the Council on the plan change. In this instance it did not require an evaluation of submissions as none were received.

This recommendation relates to whether the plan change should be: (a) accepted; (b) accepted with modifications (in accordance with the scope provided by the Plan Change; 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.

¹ <http://www.selwyn.govt.nz/services/planning/district-plan/plan-changes/plan-change-47-living-3-shands-road>

For the reasons set out in the Commissioners recommendation (Attachment 1 of this report), the Commissioner recommends that Plan Change 47 be accepted without modification.

6. OPTIONS

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

If Council accepts the recommendation, then Plan Change 47 will continue along the statutory RMA process, with the decision being publicly advertised, served on all applicants 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 47 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

An evaluation of the request against the outcomes expressed within Mahaanui: Iwi Management Plan was commissioned by the applicant and undertaken by Mahaanui Kurataiao Limited. This assessment was contained in the appendices of the notified version of the plan change request and has informed the subsequent evaluations of the substantive merits of the proposal.

Te Taumutu Rūnanga were served notice of Plan Change 47 at the time of public notification.

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 promulgated 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 Prebbleton.

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

Only the applicant has rights to appeal PC47, and Council resolution to accept the Commissioner's recommendation as its decision, under the RMA as there were no submissions received.

12. FUNDING IMPLICATIONS

The funding implications are limited to any appeal proceedings. All costs incurred in notifying the decision is 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 Officers hearing report and the Commissioners recommendation.



**CRAIG FRIEDEL
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 47

IN THE MATTER OF

The Resource Management Act
1991

AND

IN THE MATTER OF

Plan Change 47 to the Selwyn
District Plan

**Hearings Commissioner's recommendation relating
to Plan Change 47**

**Request to rezone land west of Prebbleton from Inner Plains
Zone to Living 3 Zone.**

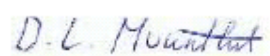
TO THE SELWYN DISTRICT COUNCIL

1. Plan Change 47 to the Selwyn District Plan is a request by MJ Stratford to rezone an area of land at 631 Shands Rd, near Prebbleton as Living 3, to enable that land to be developed for rural residential purposes.
2. Plan Change 47 has been publicly notified. One submission was lodged but has subsequently been withdrawn following discussions between the applicant and submitter and an amendment to the plan change.
3. I have been appointed by the Selwyn District Council to consider Plan Change 47 and to make a recommendation to the Council on whether the plan change should be declined, approved with modifications as set out in Clause 29 of the First Schedule of the Resource Management Act 1991 (the RMA).
4. I am very familiar with Rural Residential issues in the Selwyn district, having been the Hearings Commissioner for 6 previous rural residential zoning applications and a member of the hearings panel for the Selwyn Rural Residential Strategy 2014.
5. I have examined the plan change, including all the assessments submitted with it. I have read the report prepared under section 42A of the RMA by Craig Friedel for the Council. As all the submissions lodged on the plan change were withdrawn no hearing has been required.
6. I accept that the plan change has been prepared and assessed appropriately to satisfy the requirements of the RMA, the Canterbury Regional Policy Statement, the Selwyn District Plan and the Selwyn Rural Residential Strategy 2014. In particular I accept and adopt the reasons for accepting this plan change set out in Mr Friedel's report and the accompanying peer reviews of the proposal. There is no useful purpose in repeating any of this analysis.
7. I have examined the evaluation and report on the plan change prepared for the applicant under s32 of the Resource Management Act 1991. As the application was modified following negotiation with the submitter, I have also examined the further evaluation carried out by Mr Friedel of the modification under section 32AA of the Act. I am satisfied that the evaluations satisfy the requirements of the Act and demonstrate the suitability of the site for the proposed development.
8. Rural residential development in the Selwyn District is governed by the provisions of the Canterbury Regional Policy Statement and the Council's Rural Residential Development Strategy document. The site was examined during the process of developing the Rural Residential Strategy and deemed suitable for inclusion in the Strategy. This establishes the suitability of the site for rural residential development in broad strategic terms, subject to examination of site specific details through the plan change process. That detailed examination has been carried out, including a detailed examination of environmental effects and the ability of the site to be serviced and developed. I am satisfied that the site is suitable for the purpose according to all the statutory planning documents.

Recommendation

I recommend that Plan Change 47, as modified following the submissions process be approved further without modification, pursuant to Clause 29(3) of the First Schedule of the Resource Management Act 1991.

My reasons for this recommendation are as set out in Mr Friedel's section 42A report.

A handwritten signature in black ink, reading "D. L. Mountfort". The signature is written in a cursive style with a horizontal line underlining the text.

David Mountfort

Hearings Commissioner

2 August 2016