

REPORT

TO: Chief Executive
FOR: Council Meeting – 10 June 2009
FROM: Craig Friedel – Policy Planner
DATE: 4 June 2009
SUBJECT: District Plan - Operative Status for Plan Change 5 – Izone Industrial Park

1. RECOMMENDATION

That pursuant to Clauses 17 (2) and 20 of the First Schedule of the Resource Management Act, Council:

- a) Make Operative those parts of the Selwyn District Plan relating to the rezoning of 56.3 hectares of land at Rolleston from Rural to Business 2 concerning Plan Change 5 (Izone Industrial Park).*
- b) Authorises Council officers to notify the operative status of these provisions of the Plan.*

2. PURPOSE

To make operative the provisions of the Partially Operative District Plan that relate to the rezoning of 56.3 hectares of land at Rolleston from Rural to Business 2 concerning Plan Change 5 to form part of the Izone Industrial Park.

3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

Making provisions of the Partially Operative District Plan relating to Plan Change 5 Operative has been assessed against the Significance Policy and the following is noted:

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

4. HISTORY/BACKGROUND

A Council resolution on the 28th of May 2008 made the Proposed District Plan partially operative as of the 10th of June 2008. As a consequence of Environment Court mediation and Consent Orders, Variation 29 has now been resolved. This leaves only one remaining Variation which is still subject to submissions:

Variation 30 – Financial Contributions

Further submissions closed on 12 May 2008. A hearing was held in October 2008. Council is waiting to receive the Commissioners recommendation.

In addition to outstanding submissions on the variations discussed above, a number of designations are also incomplete. Plan provisions which are not yet operative from the date of this report are outlined in Attachment A.

Plan Change 6 – Lower Port Hills and Summit Road Protection Area has been notified, submissions and further submissions lodged and a hearing set for July 2009, which has the effect of making the District Plan Partially Operative (Attachment A).

5. OPTIONS

Council has resolved to accept the Commissioners Recommendation to adopt Plan Change 5. The statutory process provides for an appeal period of 30 working days from the notice of this decision, which has now lapsed and no appeals have been received. The Act now requires a further Council resolution to make those parts of the Plan that are subject to Plan Change 5 to be made Operative.

6. PROPOSAL BODY

The RMA authorises a local authority to approve part of a plan if all of the submissions or appeals relating to that part have been disposed of without having to obtain consent from the Environment Court. The means of giving effect to the operative status for parts of the Plan is for Council to formally resolve that the relevant parts of the plan beyond challenge will become operative and notify the fact accordingly. The purpose of making the parts of the plan operative is to provide greater certainty to Plan users and enable these provisions to be acted upon.

As well as resolving to declare parts of the plan operative Council is required to publicly notify the date on which they will become operative, at least 5 working days before the operative date. In this regard it is suggested that Council notify the fact on Saturday 13th June and declare that all provisions of the Partially Operative District Plan that relate to the rezoning of 56.3 hectares of land at Rolleston from Rural to Business 2 concerning Plan Change 5 become operative on Monday 22nd June 2009.

7. VIEWS OF THOSE AFFECTED/CONSULTATION

a) Views of those affected

As the provisions relating to Plan Change 5 have been through the statutory notification, submissions and appeals processes of the RMA, no one is directly affected by the resolution to make these provisions operative.

b) Consultation

The RMA processes which developed Plan Change 5 and those processes following notification of these issues have provided significant input from organisations and individuals with an interest in the relevant resource management issues.

c) Maori implications

Making the Proposed Plan partially operative has no implications for Maori

8. RELEVANT POLICY/PLANS

Selwyn District Plan

9. LEGAL IMPLICATIONS

There are no legal implications from making operative those parts of the District Plan that are beyond challenge as it is simply a procedural issue.

10. FUNDING IMPLICATIONS

There are no direct financial implications from making operative those parts of the District Plan that are beyond challenge as it is simply a procedural issue.

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

Making the plan provisions related to Plan Change 5 is not anticipated to have any impacts on other Council departments.

Craig Friedel
POLICY PLANNER

ENDORSED FOR AGENDA

Tim Harris
PLANNING MANAGER

ATTACHMENT A: PROVISIONS NOT OPERATIVE

Variations	Plan Provisions Still Subject to Challenge (10 June 2009)
Variation 30	Township and Rural Volumes All Issues, Objectives, Policies, Methods and Anticipated Environmental Results that relate to Financial Contributions and Development Contributions (Note that these are spread throughout the Plan)
Requiring Authority	Unresolved Designations (8 June 2009) <i>Refer to Appendix 2</i>
Selwyn District Council	Township and Rural Volumes All SDC designations are not operative with the exception of : D 411 Rolleston Waste Water Treatment and Disposal D 412 Rolleston Resource Recovery Park
Telecom	Township and Rural Volumes All Telecom designations are not operative

Plan Changes	Plan Provisions Still Subject to Challenge (10 June 2009)
Plan Change 6	Rural Volume Part B: Section B1.4 - Outstanding Natural Features and Landscapes Part C: Rule 1 - Earthworks; Rule 2 - Tree Planting and Removal of Heritage Trees; Rule 3 - Buildings; Rule 5 - Utilities; Rule 10 - Subdivision