

REPORT

TO: Chief Executive

FOR: Council Meeting – 8 September 2010

FROM: David Smith – Team Leader Strategy & Policy

DATE: 31 August 2010

SUBJECT: **Recommendation of the Commissioner for Plan Change 6 –
Lower Port Hills and Summit Road Protection Areas**

1. RECOMMENDATION

That in respect of Plan Change 6 to the Selwyn District Plan, Council resolves:

- (i) Pursuant to Clause 10 (1) of the First Schedule of the Resource Management Act (RMA), to accept the recommendations tabled in the attached Commissioner's report dated 19/8/10 as its decision on PC6.**
- (ii) To serve on every person who made a submission on PC6 a copy of its decision and notice specifying the timeframe for lodging an appeal, as required by Clause 11 (1) of the RMA.**
- (iii) To give public notice of the fact that Council has made its decision and that the 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 (3) of the RMA.**
- (iv) To delegate to the Planning Manager the authority to take any steps necessary to give effect to recommendations (i) to (iii) above.**

2. PURPOSE

The purpose of this report is for Council to accept the recommendation of Commissioner Chrystal that Plan Change 6 should be approved subject to amendments as outlined in the attached report. This report also seeks Council's resolution to accept these recommendations as its decision, which will require the public advertisement and serving notice of this decision in accordance with the First Schedule of the Resource Management Act (RMA).

3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

N/A. This Plan Change is subject to the provisions of the Resource Management Act.

4. HISTORY/BACKGROUND

There is a very comprehensive commentary on the background to this Plan Change in the attached Commissioners recommendation on pages 1-4.

The Plan Change was notified 29 November 2008 with the further submission period closing on 3 April 2009. A hearing was held on 22-23 July 2009.

5. PROPOSAL AND STATUTORY FRAMEWORK

Commissioner Chrystal made the recommendation to approve PC6 subject to a number of amendments on 19 August 2010. This recommendation assessed the submissions received and made decisions on each point. The amendments to PC6 as notified are detailed in the Commissioners recommendation (**Attachment 1**).

Clause 10 (3) of the RMA's First Schedule requires a local authority to make a decision on a proposed plan change within two years of the public notification of the change. Council has until 29 November 2010 to publicly notify and serve notice of its decision.

6. OPTIONS

Council is required to accept or reject the Commissioner's recommendations pursuant to Clause 10 (1) of the Act's First Schedule.

If Council accepts the recommendation the Plan Change would continue along the statutory RMA process, with the decision being sent out to all the submitters. Submitters will have 30 working days (from the date of receiving the decision) in which they can appeal the decision to the Environment Court. If there are no appeals PC6 is deemed to be operative and the Selwyn District Plan will be amended to reflect this.

If Council rejects the Commissioners recommendation, the Plan Change would be subject to a new hearing process.

7. VIEWS OF THOSE AFFECTED/CONSULTATION

a) Public Notices and Statutory bodies

The Council followed the prescribed public notification process as detailed in the RMA, and advertised the Plan Change in The Press and on the Council's website and in the Council Call section of the local newspapers . Public notices and a full package of the information was also sent to adjoining Local Authorities, Ngai Tahu and the Ministry for the Environment.

b) Maori implications

No implications for Maori are anticipated. Ngai Tahu was consulted with through the statutory process outlined above.

8. RELEVANT POLICY/PLANS

The acceptance of the Commissioner's recommendation will result in Council adopting this decision as its own and will formalise PC6 into the District Plan.

9. COMMUNITY OUTCOMES

N/A

10. NEGATIVE IMPACTS

N/A. This is purely a procedural process as required by the Resource Management Act.

11. LEGAL IMPLICATIONS

Submitters to PC6 may appeal Council's decision to accept the Commissioner's recommendation.

12. FUNDING IMPLICATIONS

The funding implications are limited to any subsequent appeals to the Environment Court and the costs incurred in notifying the decision in accordance with Clause 11 of the First Schedule.

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

Council departments have been involved throughout the development and processing of PC6.



David Smith
TEAM LEADER STRATEGY & POLICY

ENDORSED FOR AGENDA



Tim Harris
PLANNING MANAGER



John Christensen
ENVIRONMENT SERVICES MANAGER

ATTACHMENT 1

**REPORT AND RECOMMENDATION OF
COMMISSIONER**