

**QLDC Council
29 October 2015**

Report for Agenda Item: 7

Department: Planning & Development

Withdrawal of part of Plan Change 50 area from Proposed District Plan

Purpose

- 1 The purpose of this report is to recommend the withdrawal of part of the area subject to Plan Change 50 (PC50) from the Proposed District Plan, including trees and heritage features notated on District Plan maps (these features are already protected under PC50).
- 2 That Council:
 - a. **Notes** the contents of the report;
 - b. **Authorises**, pursuant to Clause 8D of the First Schedule to the RMA, the withdrawal of all provisions of the Proposed District Plan as they relate to the Plan Change 50 area; and
 - c. **Issues** public notification of the withdrawal and the reasons for it.

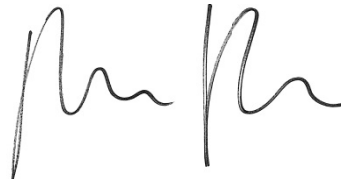
Prepared by:



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15/10/2015

Reviewed and Authorised by:



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15/10/2015

Background

- 3 The Proposed District Plan was notified on 26 August 2015. Plan changes are shown in the Proposed District Plan for information purposes but are not subject to review. Instead they remain subject to the Operative District Plan.
- 4 Planning Maps 35 and 36 show the area affected by PC50. This is annotated by way of a dashed line around the area subject to the plan change, and by a notation within this area 'PC50'. However, the planning map does not show the area bound by Man Street, Beach Street, Hay Street and Lake Street as being part of PC50. This is an error, as this area is within Plan Change 50. This means that at present this area is not excluded from the Proposed District Plan review in terms of the Planning Map references. This error should be rectified.

- 5 The planning maps show annotations for protected trees, a historic heritage feature and designations within the area subject to PC 50 (these are protected under PC50). Given that this area is not included within the Proposed District Plan Review, these features should not be shown on Proposed District Plan maps as they are not subject to review. A change to the schedules for designations, protected trees and historic heritage features is also therefore required.

Comment

- 6 There are several key reasons in support of the recommendation:
- To avoid the cost and expense of unnecessarily duplicating the PC50 process as part of the Stage 1 of the Proposed District Plan review;
 - Section 79 of the Resource Management Act states that it is not necessary to review district plan provisions that have been the subject of a plan change process within the last 10 years, such as the provisions of the Operative District Plan that apply to the Plan Change 50 area;
 - To correct an error in the Proposed District Plan (Stage 1)'s mapping of the Plan Change 50 area as it relates to the block bounded by Man, Lake, Beach and Hay Streets;
 - To make it clearer that the Plan Change 50 area remains subject to the Operative District Plan and not the Proposed District Plan (Stage 1) in all regards (including designations, historic heritage features and protected trees).
- 7 These reasons will be outlined in full in the public notice.

Options

- 8 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002:

9 Option 1: Do nothing

Advantages:

- None

Disadvantages:

- Does not correct an error
- With regard to the area that was incorrectly not shown as being subject to PC50 on the planning maps, this allows the possibility for unnecessary and costly relitigation of issues recently traversed extensively as part of PC50 proceedings.

10 Option 2: Correct the planning map errors

11 Advantages:

- Corrects an error and provides certainty as to the intended approach.
- Avoids the risk of unnecessary relitigation of matters.

Disadvantages:

- None.

12 This report recommends Option 2 for addressing the matter.

Significance and Engagement

13 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the matter affects a very discrete area. The interests of the landowners affected have been addressed in recent proceedings for Plan Change 50.

Risk

14 This matter relates to the strategic risk SR1 'Current and future development needs of the community (including environmental protection)', as documented in the Council's risk register. The risk is classed as high. This matter relates to this risk because the District Plan, along with the 10 Year Plan and Asset Management Plans, is central to the current and future development needs of the community.

15 The recommended option considered above mitigates the risk as it is a correction of an error, and does not prejudice the interests of any party given the area affected has recently been subject to Plan change 50.

Financial Implications

16 There are no direct cost implications resulting from the decision other than that of public notification.

Council Policies, Strategies and Bylaws

17 No particular Council policies, strategies and bylaws are considered relevant to the submission. The parameters for the preparation of the submissions are provided by the Resource Management Act 1991.

Local Government Act 2002 Purpose Provisions

18 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and

- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

19 The persons who are most affected by or interested in this matter are landowners in the affected area. A public notice of the decision will be issued to inform the wider community, and letters will be sent directly to the landowners.

Legal Considerations and Statutory Responsibilities

20 Pursuant to Clause 8D of the First Schedule to the Resource Management Act 1991 the Council will need to give public notice of its resolution and reasons.

Attachments

A Revised Planning Maps 35 and 36 (circulated separately owing to their size)