

**QLDC Council
18 April 2019**

Report for Agenda Item: 6

Department: Planning & Development

Making Private Plan Change 53 (PC53) Northlake Special Zone Operative

Purpose

The purpose of this report is to confirm that all submissions to PC53 are resolved and to make PC53 Operative.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Authorise** officers to amend the Operative District Plan to incorporate the changes made through Plan Change 53, as set out in the Council decision on 27 December 2018.
3. **Approve** public notification of the date on which Plan Change 53 shall become Operative.
4. **Authorise** officers to make any changes of minor effect or to correct minor errors

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9/04/2019

Reviewed and Authorised by:



Tony Avery
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9/04/2019

Background

- 1 At its meeting on 13 December 2018, the Council resolved to adopt the recommended 'decisions on submissions' from its appointed commissioners on plan change 53 Northlake (PC53). Public notice of the decision on PC53 was given on 26 December 2018.

- 2 PC53 amended the boundaries of existing Activity Area D1 of the Northlake Special Zone, such that it could more easily facilitate a retirement village, and a supermarket with a maximum gross floor area of 1250m². PC53 also removes the rule relating to provision of community facilities (pool, gym, children's play area and tennis court) as part of subdivision and development of minimum number of residential units.
- 3 Changes were also made to building setbacks and vehicle access to Outlet Road, landscaping requirements along Outlet Road and to signage rules consistent with other commercial areas for Activity Area D1.
- 4 The appeal period for decisions on PC53 expired on 22 February 2019. Under the Resource Management Act changes to a district plan as a result of a private plan change do not take legal effect until after all submissions are resolved and the plan change is made operative.

Comment

- 5 No appeals were received within the 30 working day appeal period set under Schedule 1 Clause 14 of the Resource Management Act 1991 (RMA). This means that all submissions to the plan change are resolved and the Council can make the plan change operative.
- 6 The decisions on PC53 amend Operative District Plan Chapters 12.33 & 12.34 (Northlake Special Zone), Chapter 15 (Subdivision, Development and Financial Contributions) and Chapter 18 (Signs).
- 7 Notification of the date on which PC53 will (if it is approved) become operative will be published in the week following the 18 April meeting of Council and as soon as practicable.

Options

- 8 Council does not have any options relation to these matters at this point in the plan change process. Making the plan change operative is a procedural matter only and Council has an obligation to avoid unreasonable delays in carrying out this statutory function.

Significance and Engagement

- 9 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because the District Plan including the area affected by PC53 impacts on a large number of residents and ratepayers, some of who may be specifically affected by the provisions.
- 10 Compliance with the decision making requirements in sections 76-78 of the Local Government Act 2002 though the public participation process of the Resource Management Act (RMA), including notifying the plan change request, calling for submissions, holding a hearing, and the right of appeal.

Risk

- 11 This matter relates to the Community & Wellbeing risk category. It is associated with RISK00056 'Ineffective provision for the future planning and development needs of the community' as documented in the QLDC Risk Register. 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.
- 12 The recommended option considered above mitigates the risk by providing the necessary regulatory framework to provide for these needs.

Financial Implications

- 13 None.

Council Policies, Strategies and Bylaws

- 14 The Operative District Plan is the most relevant Council policy, strategy or bylaw. Making PC53 Operative as per the Commissioners recommendation and Council decision gives effect to the Operative District Plan.

Local Government Act 2002 Purpose Provisions

- 15 The recommended option:
- Will help meet the current and future needs of communities for performance of regulatory functions in a way that is cost-effective for households and businesses;
 - Can be implemented through current funding under the 10-Year Plan and Annual Plan;
 - Is not inconsistent 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

- 16 The Council has already consulted on PC53 via submissions and further submissions received, and the hearing process.

Legal Considerations and Statutory Responsibilities

- 17 Making the plan change Operative is in accordance with Clause 20 of the First Schedule of the RMA.