

**QLDC Council**  
**27 November 2014**

**Report for Agenda Item: 12**

**Department:**

**Planning & Development**

**12: Request to make Plan Change 19 Operative**

**Purpose**

- 1 To request that the Council approve and make fully operative Plan Change 19: Frankton Flats (B) Special Zone, in accordance with Clause 17 of the First Schedule of the Resource Management Act 1991.

**Recommendation**

- 2 *That Council:*
  - a. **Authorise**, pursuant to Clause 17 of the First Schedule of the Resource Management Act 1991, the amendments proposed by Plan Change 19 – Frankton Flats (B), as outlined in this report and the attachments.
  - b. **Direct** that Plan Change 19 – Frankton Flats (B) Zone be notified as being operative.

Prepared by:



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12/11/2014

Reviewed and Authorised by:



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13/11/2014

**Background**

- 3 Plan Change 19 was notified in July 2007 and a Council decision was issued on 7 October 2009. Twelve appeals were lodged (though two were subsequently withdrawn).
- 4 The purpose of the Plan Change has not changed from that which was originally notified. This is as follows:

*The purpose of this Plan Change is to provide for the comprehensive rezoning of the land known as Frankton Flats to enable the following activities:*

- *Educational*
- *Residential*
- *Visitor Accommodation*
- *Commercial*
- *Industrial*
- *Business*
- *Recreational Activities*

*Providing for future growth demand of the district within the urban boundary in a mixed use zone that affords high amenity values and visual and physical coherence, open space and reserves, while maintaining views of the surrounding Outstanding Natural Landscape.*

- 5 The Environment Court has issued four decisions. The first of these was a decision on the “higher order matters” (12 February 2013) which confirmed the objectives and policies for the zone. Two further interim decisions were subsequently issued with the final decision issued on 18 September 2014. This final decision confirmed the methods (rules) for the zone. A subsequent erratum was issued on 24 October 2014 which corrected two minor matters. The Plan Change is no longer subject to appeal and can be made operative.
- 6 Attached to this agenda item is a copy of the approved structure plan which will result in the following activity areas:
  - Activity Area A: Open Space (2.31ha)
  - Activity Area C1: Town Centre/Commercial Zoning (3.98ha)
  - Activity Area C2: Residential Zoning (6.38ha)
  - Activity Area D: Large lot size Industrial Zoning (12.73ha)
  - Activity Area E1: Industrial Zoning (22.03ha)
  - Activity Area E2: Mixed Use Business (3.88ha)
- 7 A plan change can be made operative when there are no outstanding submissions or appeals. Only the Council can make a plan change operative. Following resolution to notify, the plan change becomes operative five working days after the date of the public notice.

### **Financial Implications**

- 8 There are no financial implications as a result of this agenda item. This resolution will provide the final step in the 1<sup>st</sup> schedule (of the RMA) process for this Plan Change.

### **Local Government Act 2002 Purpose Provisions**

- 9 This item relates to making a Council led plan change fully operative under the Resource Management Act. This is consistent with Section 10 of the Local Government Act 2002, in that it relates to good-quality performance of regulatory functions (i.e. the Resource Management Act functions) of the

Council. It is appropriate to make the plan change operative now that the appeals have been resolved by a final Environment Court decision.

### **Council Policies**

- 10 The following Council Policies were considered in the formulation of the Plan Change:
- Council's Policy of Significance (PC19 was not considered significant under this policy)
  - This is a Plan Change to the Council's Operative District Plan.

### **Consultation**

- 11 An extensive public consultation process was undertaken as part of this Plan Change, including submissions to the Council and then appeals to the Environment Court. Accordingly no further consultation is required.

### **Publicity**

- 12 No media statement or public communication is required.

### **Attachments**

- A Schedule of Plan Change to be made operative in accordance with Clause 17 of the First Schedule of the RMA 1991.
- B Copy of approved Structure Plan for Plan Change 19.