

**QLDC Council
24 August 2016**

Report for Agenda Item: 8

Department: Planning & Development

Making Private Plan Change 46: Ballantyne Road Industrial and Residential Extension – Operative

Purpose

The purpose of this report is to make Plan Change 46 – Ballantyne Road Industrial and Residential Extension (“PC46”), 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 PC46, as set out in the Commissioner decision adopted by Council on 26 April 2016; and
3. **Approve** public notification of the date on which PC46 shall become operative.

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10/08/2016

Reviewed and Authorised by:



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10/08/2016

Options

6 The Council does not have any other options on this matter.

Significance and Engagement

7 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because it has a high degree of community interest, as witnessed by the nine original submissions and five further submissions received on PC46.

8 Compliance with the decision making requirements in sections 76-78 of the Local Government Act 2002 has been achieved through the public participation process of the Resource Management Act (RMA), including calling for submissions, holding a hearing, and the right of appeal that was exercised to the Environment Court.

Risk

9 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 low. This matter relates to this risk because the rezoning will make a small contribution towards the residential and industrial development needs of the district that will affect the current and future development needs of the community.

10 This matter does not have significant risk. It is following the statutory process set out in the RMA for making plan changes operative. The opportunity to appeal has now passed. The recommended option mitigates the risk by following the statutory process set out in the RMA.

Financial Implications

11 None.

Council Policies, Strategies and Bylaws

12 The following Council policies, strategies and bylaws were considered:

- Operative District Plan
- Proposed District Plan

13 The recommended option is consistent with the principles set out in the named policy/policies.

14 This matter is not included in the 10-Year Plan/Annual Plan

Local Government Act 2002 Purpose Provisions

15 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 by simplifying the earthworks provisions;

- 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

16 The Council has already consulted on PC46 and submissions and further submissions were received.

Legal Considerations and Statutory Responsibilities

17 Making the plan changes operative is in accordance with Clause 17 of the First Schedule of the RMA.

Attachments

- A** Schedule of amendments

SCHEDULE OF A PLAN CHANGE TO BE MADE OPERATIVE IN ACCORDANCE WITH CLAUSE 17 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991

This following table records the provisions that are no longer subject to submissions or appeals, and accordingly can be made operative under Clause 17 of the First Schedule of the Resource Management Act 1991.

Plan Change	Provision	Status
Plan Change 46 – Ballantyne Road Industrial and Residential Extension	Chapter 11 – Industrial and Business Zones Insert new Rule 11.5.6.22(ii)	Council decision notified 18 May 2016.
Plan Change 46 – Ballantyne Road Industrial and Residential Extension	Chapter 11 – Industrial and Business Zones Insert new structure plan showing PC46 industrial area.	Council decision notified 18 May 2016.
Plan Change 46 – Ballantyne Road Industrial and Residential Extension	Chapter 15 – Subdivision Insert Objective 22.	Council decision notified 18 May 2016.
Plan Change 46 – Ballantyne Road Industrial and Residential Extension	Chapter 15 – Subdivision Amend 15.2.3.3(ix) and 15.2.3.3 d to refer to the Ballantyne Road Low Density Residential Structure Plan	Council decision notified 18 May 2016.
Plan Change 46 – Ballantyne Road Industrial and Residential Extension	Chapter 15 – Subdivision Insert Rule 15.2.3.4(xviii)	Council decision notified 18 May 2016.
Plan Change 46 – Ballantyne Road Industrial and Residential Extension	Chapter 15 – Subdivision Insert Rule 15.2.3.4(xix)	Council decision notified 18 May 2016.
Plan Change 46 – Ballantyne Road Industrial and Residential Extension	Chapter 15 – Subdivision Insert Rule 15.2.6.3 xi	Council decision notified 18 May 2016.
Plan Change 46 – Ballantyne Road Industrial and Residential Extension	Chapter 15 – Subdivision Insert new Figure 2 – Ballantyne Road Low Density Residential Zone Structure Plan – 15 metre No Build Area and cross section of Proposed Mounding Height (2 diagrams on two pages)	Council decision notified 18 May 2016.
Plan Change 46 – Ballantyne Road Industrial and Residential Extension	Amend Map 23 to show new Industrial B and new Low Density Residential zoning	Council decision notified 18 May 2016.