

Selwyn District Council Best Practice Example II

Plan Change Provisions

Source of further information

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Source of Example

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Description of Best Practice Example

In a recent plan change request made to the Selwyn District Council by McFarlane Group Ltd at Prebbleton seeking the creation of two new zones there was a considerable amount of fine tuning of proposed Zone provisions between the applicant and Council prior to notification of the request.

The ability to amend provisions included within any private plan change request subsequent to the notification of the request by Council is limited by Clauses 10 and 16 of the First Schedule to the RMA. To avoid difficulties that could arise through the limitations imposed by Clauses 10 and 16 it is important that any new provisions promoted by the applicant to be inserted into the District Plan are well considered and thoroughly examined by the applicant and Council alike.

Method

Once the Council had agreed that the plan change request should be notified (pursuant to clause 25 of the First Schedule) the Council officers responsible for the processing of the request and the applicant's advisers got together to consider the exact wording, meaning and intention of new provisions being proposed to support the two new zones in question. In doing so both parties had to bear in mind the format of the Transitional Plan that was sought to be modified, the desires of the applicant, in that it was a private plan change request, and the relevant provisions of the RMA (sections 31,32, 72-76).

The purpose of the exercise was not for Council to consider the merits of the request but rather for both parties to ensure that the new plan provisions being promoted would fit with the Transitional Plan and would achieve what was intended.

Lessons Learned

If the Council find that they are not satisfied with a provision proposed to be included within the District Plan following the notification of a plan change request they will left in the position of having to file a submission requesting changes to the same. This would then leave the Council in a difficult position to be able to hear the request given they would be a submitter.

Like most things of this nature it was found that the more effort put into the details of the plan change prior to having it notified resulted in a better quality product that enabled the processing of the same to be carried out with the minimal amount of procedural difficulty.

Benefits

Through agreement with the applicant over the provisions in question prior to the notification of the plan change request avoided the Council having to oppose the provisions in question by way of a submission.

Had the reporting officer assessing the merits of the plan change request for Council raised issues regarding the adequacy of proposed provisions and no party had made a submission on the same then the Hearing Panel may have been left in the position of having to decline the application on the basis of the new provisions not achieving desirable outcomes because of drafting flaws.

Costs

The notification of the request was delayed while the provisions were worked through and agreed on. Additional monetary costs were incurred as a result of the additional time spent on fine tuning the provisions.

Other comments

The above example of best practice does not require the Council officers involved to express any opinion as to the merits of the proposal but rather is a technical administrative task. Such cooperation between the applicant and Council officers should not be seen as being anything more than this.