
RECOMMENDATIONS OF THE HEARING COMMISSIONERS ON PROPOSED PLAN CHANGE 30 – REZONING OF LAND AT OHIRO ROAD FROM RURAL TO RESIDENTIAL

1. Purpose of Report

To report to the Council the recommendations of the Commissioners appointed to hear the requester and submissions on Proposed District Plan Change 30 (DPC 30).

2. Recommendations

It is recommended that the Council:

1. *Receive the information.*
2. *Agree to confirm the recommendation of the Hearings Commissioners to decline Proposed District Plan Change 30 as detailed in the attached Commissioners' report dated 18 April 2005.*

3. Discussion

In June 2004 Ohiro Properties Ltd (the requester) lodged a request for “*a private plan change in respect of land shown on Figure 1 of this request*”. The plan change requested was that “*the relevant Plan Map (Map 6) be changed to alter the “zoning” from its current Rural Area to Residential (Outer) Area*”.

The land concerned lies to the west of Ohiro Road and substantially comprises steep, regenerating bush-covered land lying between Ohiro Road and below the ridgeline residential area of Mitchell Street.

Upon receiving the request, the Council was entitled to require further information from the requester (clause 23 of Schedule 1 of the RMA) but declined to do so and proceeded to notify the private plan change without modification. A total of 171 submissions and 15 further submissions were received. The majority (165) opposed the proposed rezoning.

Commissioners were appointed by Council to hear the requester and submissions pursuant to section 34 of the Resource Management Act. The hearings were held on 4-6 April 2005.

The Commissioners' report dated 18 April 2005 is attached.

Process

The Council must now confirm or reject the Commissioners' recommendation to decline DPC 30. If the recommendation is rejected, in whole or in part, it will be necessary for the Plan Change to be reheard.

If the Council confirms the recommendation of the Commissioners, the Council's decision will be released. The requester will then have 30 working days to lodge an appeal with the Environment Court.

4. Conclusion

It is recommended that the Council confirm the recommendation of the attached Hearing Commissioners' report on Plan Change 30.

Euan McQueen
Chair

Supporting Information

1) Strategic Fit / Strategic Outcome

Declining the proposed District Plan Change is consistent with the purposes and principles of the RMA.

2) LTCCP/Annual Plan reference and long term financial impact

No effect.

3) Treaty of Waitangi considerations

Tangata Whenua have been consulted by the requester.

4) Decision-Making

Council is required to confirm or reject the recommendation of the Hearing Commissioners.

5) Consultation

a) General Consultation

The Proposed Plan Change was publicly notified.

b) Consultation with Maori

Tangata Whenua have been consulted by the requester.

6) Legal Implications

There are no significant legal issues.

7) Consistency with existing policy

No implications for existing policy.