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**REPORT 2**  
*(1215/11/IM)*

## **APPROVAL OF DISTRICT PLAN CHANGES 33 (IN PART), 57, 60 AND 68**

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### **1. Purpose of Report**

To request Council approval to District Plan Changes 33 (Ridgeline and Hilltops Overlay, Best Farms, Stebbings Valley), 57, 60 and 68 under clause 17 (2) of Schedule 1 to the Resource Management Act 1991.

### **2. Recommendations**

Officers recommend that the Council:

- 1. Receive the information.*
- 2. Agree to approve District Plan Changes 33 (in part - Ridgeline and Hilltops overlay, Best Farms Stebbings Valley), 57, 60 and 68 in accordance with clause 17 of Schedule 1 to the Resource Management Act 1991.*
- 3. Agree that the Plan Changes will become operative on Friday 20 November 2009.*

### **3. Discussion**

As part of the ongoing rolling review of the District Plan the following District Plan changes have past the Council hearing stage with no appeals or have otherwise been resolved through Environment Court processes:

**DPC 33 (in part)** - Ridgelines and Hilltops Overlay on the Best Farms property in Stebbings Valley resolved by consent order (W0112/05). It is noted that the substantive part of DPC33 became operative on 10 July 2009.

**DPC 57** – Provision for Non-Airport Activities within the Airport – The Council's decision to approve this change was subject to one appeal which was subsequently withdrawn.

**DPC 60** – Churton Park Suburban Centre Rezoning – Appeal on earthworks provisions from the Greater Wellington Regional Council resolved by consent order ENV-2008-WLG-000062)

**DPC 68** – Ngauranga Forest - Rezoning off Homebush Road from Open Space to Residential – approved by Council – no appeals.

Under clause 17 of Schedule 1 of the Resource Management Act 1991 the Council is now required to approve the changes and this will be given effect to by official sealing of the documents.

It is noted that the final copies of the changes mirror exactly the text already approved by the Council or the Environment Court and there is no ability to make further changes or amendments at this stage. The approval process under Schedule 1 is purely procedural and the sealed changes will reflect what already has been determined.

Notwithstanding the above it was recently identified that in DPC 60, Rule 7.3.11 referred to a provision in DPC 52 that has since been withdrawn. On legal advice this reference has been deleted in accordance with clause 16 of Schedule 1 of the Resource Management Act 1991 relating to the correction of errors.

In addition, under clause 20 of Schedule 1 the Council is required to publicly notify the date on which the Plan changes become operative which must be at least 5 working days before the date on which it becomes operative. In this case the public notice will be included in the 'Our Wellington' page on Friday 13 November and the operative date will be Friday 20 November.

#### **4. Conclusion**

It is recommended that the District Plan changes referred to in this report be approved as required under the Resource Management Act 1991.

Contact Officer: *Brett McKay, Principal Planner*

## **Supporting Information**

**1) Strategic Fit / Strategic Outcome:**

**The approval of plan changes supports the outcomes of the Urban Development Strategy and the District Plan.**

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

**Project C533 – District Plan**

**3) Treaty of Waitangi considerations:**

**All District Plan work is required to take into account the principles of the Treaty of Waitangi (refer to section 8 of the Resource Management Act 1991).**

**4) Decision-Making:**

**This is not a significant decision. The report concerns matters previously considered by the Strategy and Policy and Regulatory Processes Committees.**

**5) Consultation:**

**Not applicable.**

**6) Legal Implications:**

**The Council's lawyers have been involved as relevant during the processing of the plan changes.**

**7) Consistency with existing policy:**

**The plan changes reflect Council policy.**