
REPORT 1
(1215/11/IM)

APPROVAL OF DISTRICT PLAN CHANGE 70 - EARTHWORKS

1. Purpose of Report

To request Council approval to District Plan Change 70 Earthworks under clause 17 (1) 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 Change 70 Earthworks in accordance with clause 17 of Schedule 1 to the Resource Management Act 1991.*
- 3. Agree that the Plan Changes will become operative on Tuesday 7 September 2010.*

3. Discussion

The decision on District Plan Change 70 Earthworks was publicly notified 1 June 2010 and appeals closed 14 July 2010. No appeals were received.

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.

All of the changes have been collated and prepared for sealing but because of their bulk they have not been appended to this report. However, they are available for inspection through Democratic Services if required.

It is noted that the final copies of the changes mirror the text already approved by the Council 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 has already been determined.

Notwithstanding the above a number of minor errors in the text were identified. The errors do not affect the decision and can be corrected 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 change become operative. The operative date must be at least 5 working days after the date on which it publicly notified. In this case the public notice will be included in the 'Our Wellington' page on Tuesday 31 August 2010 and the operative date will be Tuesday 7 September 2010.

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.

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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.