

REPORT 1
(1215/11/IM)

**APPROVAL OF DISTRICT PLAN CHANGE 48: CENTRAL AREA
REVIEW, AND VARIATIONS 3 AND 9**

1. Purpose of report

This report seeks approval in part of District Plan Change 48: Central Area Review, and approval in full of the related Variations 4 and 7.

2. Recommendations

Officers recommend that the Council:

1. *Receive the information.*
2. *Agree to approve in part District Plan Change 48: Central Area Review and approve in full Variations 3 and 9, in accordance with clause 17 of Schedule 1 to the Resource Management Act 1991.*
3. *Agree that the Plan Change and Variations will become operative on Wednesday 12 September 2012.*

3. Discussion

Plan Change 48: Central Area Review (PC48) was notified on 23 September 2006, and decisions on submissions made on 10 October 2007.

Plan Change 48 replaces operative Chapters 12 and 13 in the District Plan. The basic philosophy underpinning the management of the Central Area environment remains unchanged. However a number of significant changes to the Central Area provisions have been made to improve the effectiveness of the District Plan. These include:

- Strengthening the provisions to achieve high quality urban design with stronger policies, a revised Central Area Urban Design Guide, and the elevation of urban design assessments for new building works from Controlled to Discretionary Activity (Restricted) status.
- The creation of nine heritage areas within the Central Area with reduced building heights to reflect the existing scale and built form of each area. In some instances these replace existing heritage or character areas in the operative District Plan.
- Introducing a standard for maximum building mass in the Central Area to allow wind, daylight access, heritage and urban design to be more effectively managed.

- A new precinct to cover the port and rail land to the north of the city centre. Rules covering the precinct require any application to develop office or retail activities to be accompanied by a master plan and an economic analysis to demonstrate that the development will enhance the viability of the central city.

Eleven Environment Court appeals were received. Eight of the appeals have now been withdrawn, or resolved through negotiation and/or mediation. This means that the majority of Plan Change 48 is now in effect.

Variations 3 and 9 made minor amendments to Plan Change 48, to ensure consistency with other plan changes. There were no appeals on these Variations.

Three appeals on PC48 are still outstanding. The appeal from Prime Property on the Stout Street Heritage Area is still under active negotiation. The Hannah Playhouse Trust appeal is close to resolution. The appeal by R Sapsford on the Te Aro Corridor has reached agreement, but the consent order has yet to be issued by the Environment Court. Typically there is a delay of 3-6 months between a draft consent order being lodged with the Court, and the final consent order being issued.

Because of the importance of Central Area provisions and the length of time PC48 has been “proposed”, officers recommend the Council make it *partially* operative. This means the plan change is incorporated into the Operative Plan, with the provisions that are still subject to appeal clearly identified. Making PC48 partially operative will significantly improve the workability of the Plan, as users will no longer need to assess proposed development against different sets of provisions. When the consent orders for the remaining appeals are issued by the Court, Council can approve the provisions, and the notations in the Plan will be removed.

Under clause 17 of the Schedule 1 of the Resource Management Act 1991, the Council is now required to approve the operative provisions and this will be given effect to by official sealing of the documents. Because of the volume of the changes, the amended sections of the District Plan have not been appended to this report. Copies are available for inspection at Democratic Services.

The final provisions mirror the text changes already approved by the Council and 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 has already been determined.

In addition, under clause 20 of Schedule 1 the Council is required to publicly notify the date on which the Plan Change and Variations become operative. The operative date must be at least 5 working days after the date on which the Council has publicly notified its intention to make the plan change operative. In this case, the public notice will be included in the "Our Wellington" page on Tuesday 4 September, and the operative date will be Wednesday 12 September 2012.

4. Conclusion

It is recommended that the District Plan Change 48: Central City Review be made partially operative, and Variations 4 and 7 be made fully operative as required under the Resource Management Act 1991.

Contact Officer: *Julia Forsyth, Programme Manager*

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

The approval of plan changes supports the outcomes of the Urban Development Strategy and is part of the requirement to regularly review the District Plan.

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

The recommendation in this report has no LTP / financial impact.

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 Committee, and the Regulatory Processes Committee.

5) Consultation

Not Applicable

6) Legal implications

The Council's lawyers have been involved as relevant during the processing of this Plan Change.

7) Consistency with existing policy

The Plan Change is Council Policy.