

## **APPROVAL OF DISTRICT PLAN CHANGE 30: REZONING OF LAND OHIRO RD BROOKLYN**

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

To request Council approval of District Plan Change 30: Rezoning of Land Ohiro Rd Brooklyn.

### **2. Recommendations**

Officers recommend that the Council:

- 1. Receive the information.*
- 2. Agree to approve District Plan Change 30: Rezoning of Land Ohiro Rd Brooklyn in accordance with clause 17 and clause 20 of Schedule 1 to the Resource Management Act 1991.*
- 3. Agree that the Plan Change will become operative on Wednesday 9<sup>th</sup> May 2012.*

### **3. Discussion**

#### **3.1 Background**

Plan Change 30 was a private plan change to rezone land in Ohiro Rd Brooklyn from Rural to Residential (Outer). The plan change was publicly notified on 6 November 2004 and submissions closed 16 December 2004.

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.

At the time the private plan change was received the land was also subject to Plan Change 33 Ridgelines and Hilltops (Visual Amenity) & Rural Area, which had been notified in May 2004. Plan Change 33 proposed new rural residential provisions for the land.

Plan Change 30 and 33 were heard together in January 2005. Council notified its decision to decline the private plan change in May 2005.

### **3.2 Consent Order**

The applicants (Ohiro Properties Ltd) appealed Council's decision to decline the private plan change to the Environment Court. Eight individuals and groups became s274 parties.

Ohiro Properties went into receivership and the receivers Brooklyn Views Ltd took over the appeal. A Consent Order was issued by the Environment Court in October 2011. The consent order rezones the land Residential (Outer) and provides specific policies, rules and assessment criteria for new residential development and vegetation clearance occurring on the land.

### **3.3 Process**

The amended District Plan Map and Chapter 5 Appendix are appended to this report (Appendix 1). The changes to the District Plan text are available for inspection through Democratic Services if required.

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.

The final copies of the changes mirror the text and map changes agreed by Consent Order 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 numbering, cross references, and grammar were identified and corrected. The errors do not affect the decision and can be corrected in accordance with clause 20 of Schedule 1 of the Resource Management Act 1991 relation 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 becomes 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 1 May 2012 and the operative date will be Wednesday 9 May 2012.

## **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: *Julia Forsyth, Programme Manager, Planning*

## **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:**

The recommendation of 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 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.