
PROPOSED DISTRICT PLAN VARIATION 4 – AMENDMENTS TO PROPOSED DISTRICT PLAN CHANGE 43 (HERITAGE PROVISIONS)

1. Purpose of Report

To seek authorisation for the notification of District Plan Variation 4 to bring the wording of rules in the Heritage Chapter contained in Proposed District Plan Change 43 into line with the Heritage Area provisions under proposed District Plan Change 48 (Central Area Review).

2. Recommendations

It is recommended that the Committee:

- 1. Receives the information.*
- 2. Agrees to publicly notify Proposed District Plan Variation 4, as set out at Appendix 1 of this report, in accordance with the First Schedule of the Resource Management Act 1991.*
- 3. Agrees that the closing date for submissions be 27 November 2006.*
- 4. Delegate to the Portfolio Leader for Urban Development the authority to approve any minor editorial word changes prior to public notification.*
- 5. Adopt the Section 32 Report set out in Appendix 2 to this report.*

3. Background

In April of this year the Strategy and Policy Committee considered a report for the introduction of a District Plan Change for a review of the Heritage Chapter of the Plan. It was acknowledged that the existing heritage rules in the District Plan were in need of review to better protect the City's heritage. The changes responded to the Council's new responsibilities under the Resource Management Act and took account of the policy direction of the Built Heritage Policy. The reviewed provisions were notified as Proposed District Plan Change 43 on 1 May 2006.

The April report commented on the relationship with the Central Area review that was also underway at this time and it was indicated that there would be some Central Area provisions that would require consideration in conjunction with Plan Change 43. In particular it was anticipated that there would be an interrelationship between the heritage area provisions in both the Heritage and Central Area Chapters.

Under Plan Change 43, a new rule 21B.3.1 was introduced to control the demolition or relocation of what were defined as “identifying contributing” buildings or structures in heritage areas. At this stage the detailed rule drafting for the proposed heritage areas within the Central Area had not been completed.

The subsequent finalisation of the heritage area provisions for the Central Area under Plan Change 48 focused on the identification of non-heritage buildings or structures that may be subject to demolition or removal.

This has necessitated some minor amendments to Plan Change 43 to bring the two provisions into alignment. The proposed changes are detailed in Appendix 1, attached to this report.

4. Discussion

The proposed amendments are of a minor nature and are necessary to achieve consistency between the heritage area provisions under proposed District Plan Change 43 and proposed District Plan Change 48.

The Council’s legal advisors have advised that to give all parties the opportunity to fully consider the implications of the heritage area provisions under both plan changes, the amendments to Plan Change 43 should be undertaken by way of a formal variation to Plan Change 43. This will ensure that all parties who may wish to make submissions are notified.

An alternative process would be for the Council to make a submission to Plan Change 43 requesting that the proposed amendments be made. However, this process would not be as transparent. Prospective submitters would not be notified and would have to rely on the further submission to counter the Council’s submission. This process is not recommended.

The heritage area proposals under Plan Change 48 are a significant new direction for planning in the Central Area and will likely be the subject of considerable debate through the submission process. For this reason, it is important that all District Plan matters relevant to the management of development in heritage areas are brought to the attention of interested parties. This will be facilitated by the notification of a variation.

It is noted that the submission period for Plan Change 43 closes on 6 November 2006. At the time of preparing this report it is intended that the submission period for Plan Change 48 will end on 27 November 2006. It is recommended

that the later date of 27 November be the closing date for submissions to Variation 4.

5. Conclusion

Proposed Variation 4 makes minor amendments to the heritage area provisions under Plan Change 43 to align this plan change with the heritage area proposals under Plan Change 48. It is important that the provisions are consistent, and Variation 4 is recommended for public notification.

Contact Officer: *Brett McKay, Manager, Planning Policy, Planning and Urban Design.*

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| <p>1) Strategic Fit / Strategic Outcome</p> <p>The Proposed Variation is relevant to the implementation of the Urban Development Strategy, the District Plan and the Built Heritage Policy and support all the outcomes and goals set out in those documents.</p> |
| <p>2) LTCCP/Annual Plan reference and long term financial impact</p> <p>Project C533 – District Plan</p> |
| <p>3) Treaty of Waitangi considerations</p> <p>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).</p> |
| <p>4) Decision-Making</p> <p>The proposals are in accordance with Council policy as expressed through the Urban Development Strategy, the District Plan and the Built Heritage Policy.</p> |
| <p>5) Consultation</p> <p>a) General Consultation As required under clause 3 of Schedule 1 of the RMA.</p> <p>b) Consultation with Maori Consultation has been undertaken with Nga Runanga O Ngati Toa and the Wellington Tenth Trust</p> |
| <p>6) Legal Implications</p> <p>The Council’s legal advisers have advised on the variation.</p> |
| <p>7) Consistency with existing policy</p> <p>The proposals are in accordance with Council policy expressed through the Urban Development Strategy, the District Plan and the Built Heritage Policy.</p> |