
REPORT 1
(1215/11/IM)

DECISION ON PROPOSED DISTRICT PLAN CHANGE 69 AND PROPOSED VARIATIONS 8, 9 AND 10: CONTAMINATED LAND.

1. Purpose of Report

To report to Council the recommendations of the District Plan Hearings Commissioner concerning Proposed District Plan Change 69 and Proposed Variations 8, 9 and 10 relating to contaminated land.

2. Recommendations

It is recommended that the Council:

1. *Receive the information.*
2. *Approve proposed District Plan Change 69 and Proposed Variations 8, 9 and 10 including the amendments arising from the hearing of submissions as detailed in the Hearing Report and associated Appendices 1, 2, 3 and 4 attached to this report.*
3. *Note that the Director of Property, Housing and Consents will request that the Greater Wellington Regional Council review their standard letter of response to enquiries and other procedures for the Select Land Use Register (SLUR) entries relating to the 'Contamination acceptable/managed remedied' classification once the Plan Change becomes operative.*

3. Background

District Plan Change 69 and Variations 8, 9 and 10 were prepared to amend the way contaminated land is managed under the District Plan. Plan Change 69 includes:

- a stand-alone chapter including specific objectives, policies and rules for contaminated land
- new and amended definitions in accordance with national legislation
- permitted activity status for investigations of potentially contaminated land and use, redevelopment, or subdivision of land confirmed as not being contaminated
- a discretionary (restricted) status for any use, redevelopment, or subdivision of contaminated and potentially contaminated land

Proposed Variations 8, 9 and 10 amend three existing plan changes to make them consistent with Plan Change 69. Variations 8 and 9 align the new contaminated land provisions with the latest proposed amendments to the Rural Area (Plan Change 33) and the Central Area (Plan Change 48) chapters of the District Plan. Variation 10 makes minor amendments to terminology used in the Airport provisions in Plan Change 57 and inserts relevant assessment criteria from Plan Change 69.

The Plan Change and Variations were notified on 14 May 2009 and generated five main submissions and two further submissions. The hearing of submissions was held on 14 August 2009. Six of the submitters appeared at the hearing and presented evidence.

4. Discussion

All of the submissions generally supported the Plan Change and Variations although various amendments were requested. The submissions were primarily directed at process issues or sought further clarification of definitions. The resulting amendments are detailed in the appendices attached to the decision.

The most significant addition has been the inclusion of a new Rule to permit the removal of underground petrol tanks subject to conditions.

Arising from a discussion on the change of land use in respect of contaminated sites it emerged that the Regional Council's standard letter of response about the classification of sites on their Selected Land Use Register required some amendment. Although not related directly to the Plan Change a recommendation has been included for contact to be made with the Regional Council so that this matter is addressed.

Once approved by Council the decision will be publicly notified and served on the parties. They have the option of appealing the matter to the Environment Court within 30 working days. If no appeals are made, Plan Change 69 and Variations 8, 9 and 10 will be approved by Council and become fully operative.

Report from: Brian Hasell Resource Management Commissioner (Chair)