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**REPORT 4**  
*(1215/11/IM)*

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**APPROVAL OF DISTRICT PLAN CHANGES 32, 47, 50,  
56, 64 AND PLAN CHANGES 33, 53 AND 58 IN PART**

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**1. Purpose of Report**

To seek Council approval of District Plan Changes 32, 47, 50, 56, 64 and changes 33, 53 and 58 (in part) under clause 17 (2) 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 Changes 32, 47, 50, 56 and 64 in accordance with clause 17 of Schedule 1 to the Resource Management Act 1991.*
3. *Agree to approve District Plan Change 33 in accordance with clause 17(2) of Schedule 1 to the Resource Management Act 1991 with the exception of the Ridgeline and Hilltop overlay line on the property in Stebbings Valley subject to the outstanding appeal from Best Farms Limited.*
4. *Agree to approve District Plan Changes 53 and 58 in accordance with clause 17 (2) of Schedule 1 to the Resource Management Act 1991 with the exception of the listed items covered in the outstanding appeals from the Baptist Union of New Zealand, S Moran, Braemar Holdings and P Cullen.*
5. *Agree that the Plan Changes shall become operative on Friday 10 July 2009.*

**3. Discussion**

As part of the ongoing rolling review of the District Plan the following District Plan changes have past the Council hearing stage with no appeals or have otherwise been resolved through Environment Court processes:

**DPC 32** - Renewable Energy (resolved by the Environment Court - Decision W31/2009)

**DPC 33** - Ridgelines and Hilltops (Visual Amenity) and Rural Area (resolved by the Environment Court - Decision W31/2009). The only outstanding matter is the appeal from Best Farms Limited relating to the alignment of the Ridgeline and Hilltop overlay line on the appellants property in Stebbings Valley.

**DPC 47** – Takapu Island Rezoning (resolved by consent order)

**DPC 50** -Aro Valley Boundary Adjustments and Pre-1930's Demolition Rule (resolved by consent order)

**DPC 56** – Managing Infill Housing Development (decision approved by Council and one appeal was subsequently withdrawn)

**DPC 64** – Amendments to Kiwi Point Quarry Provisions (decision approved by Council – no appeals)

**DPC 53 and 58** – Additions to Current Heritage Listings (with regard to Plan Changes 53 and 58 it is proposed to make operative the 59 listings which have not been subject to appeal. A total of 5 items remain under appeal and are at various stages of mediation).

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. With regard to Plan Changes 33, 53 and 58 the Council, under clause 17 (2) may approve part of a plan, if all submissions have been disposed of and there are no outstanding appeals.

All of the changes have now been collated and prepared for sealing but because of their bulk they have not been appended to this report. There are significant pages of text and A3 sized maps. However, they are available for inspection through Democratic Services if required.

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

In addition, under clause 20 of Schedule 1 the Council is required to publicly notify the date on which the Plan changes become operative which must be at least 5 working days before the date on which it becomes operative. In this case the public notice will be included in the 'Our Wellington' page on Thursday 2 July and the operative date will be Friday 10 July.

#### **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: *Brett McKay, Chief Planner*

## **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.**