

REPORT 1
(1215/11/IM)

APPROVAL OF DISTRICT PLAN CHANGE 43: HERITAGE PROVISIONS AND VARIATIONS 4 AND 7

1. Purpose of report

To request Council approval of District Plan Change 43: Heritage Provisions and the related Variations 4 and 7.

2. Recommendations

Officers recommend that the Council:

- 1. Receive the information.*
- 2. Agree to approve District Plan Change 43: Heritage Provisions and Variations 4 and 7 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 11 July 2012.*

3. Discussion

The Council's decision on District Plan Change 43: Heritage Provisions was notified on 18 October 2007. Six Environment Court appeals were received. All of the appeals have now been resolved through negotiation and/or mediation. One appeal resulted in changes to the policies and rules. Of the remaining appeals, three related to defining a specific curtilage around heritage listed buildings, one related to heritage orders and heritage protection authorities, and one was withdrawn following the satisfactory resolution of a related appeal on Plan Change 48.

Variations 4 and 7 made minor amendments to Plan Change 43, to ensure consistency with other plan changes. There were no submissions on these variations.

Under clause 17 of the Schedule 1 of the Resource Management Act 1991, the Council is now required to approve these changes 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 3 July, and the operative date will be Wednesday 11 July 2012.

The operative provisions of Plan Change 43 are significant for the city. They are, however, likely to be subject to future review in light of the recommendations and legislative changes arising from the Christchurch earthquake.

4. Conclusion

It is recommended that the District Plan Change 43: Heritage Provisions and Variations 4 and 7 be approved as required under the Resource Management Act 1991.

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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) LTP/Annual Plan reference and long term financial impact

The recommendation in this report has not 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 reflects Council Policy.