

**REPORT 1**  
**(1215/11/IM)**

## **APPROVAL OF DISTRICT PLAN CHANGES AND VARIATION**

- **Plan Change 36: Northern Growth Management Framework Reference**
- **Plan Change 45: Urban Development Area and Structure Plans**
- **Plan Change 46: Subdivision Design Guide Review**
- **Plan Change 48: Central Area Review**
- **Plan Change 53: Proposed Additions and Deletions to Heritage Buildings, Objects and Areas**
- **Plan Change 74: Telecommunications Structures**
- **Variation 2: Amendments and Deletions to Proposed District Plan Change 33 (Ridgelines and Hilltops (Visual Amenity) and Rural Area)**

### **1. Purpose of report**

This report seeks approval in full of the following District Plan Changes and Variation:

- **Plan Change 36: Northern Growth Management Framework Reference**
- **Plan Change 45: Urban Development Area and Structure Plans**
- **Plan Change 46: Subdivision Design Guide Review**
- **Plan Change 48: Central Area Review**
- **Plan Change 53: Proposed Additions and Deletions to Heritage Buildings, Objects and Areas**
- **Plan Change 74: Telecommunications Structures**
- **Variation 2: Amendments and Deletions to Proposed District Plan Change 33 (Ridgelines and Hilltops (Visual Amenity) and Rural Area)**

These plan changes and variation have been recently finalised by appeal mediation and Environment Court hearings. The current report is the final step in the process and will allow the Plan Changes and Variation to become fully operative.

The final provisions mirror changes already approved by the Council and the Environment Court, and there is no ability to make any further amendments. The approval process under Schedule 1 is purely procedural and the sealed changes will reflect what has already been determined.

## **2. Recommendations**

Officers recommend that the Council:

1. *Receive the information.*
2. *Agree to approve the following Plan Changes and Variation in full, in accordance with clause 17 of Schedule 1 to the Resource Management Act 1991:*
  - *Plan Change 36: Northern Growth Management Framework Reference*
  - *Plan Change 45: Urban Development Area and Structure Plans*
  - *Plan Change 46: Subdivision Design Guide Review*
  - *Plan Change 48: Central Area Review*
  - *Plan Change 53: Proposed Additions and Deletions to Heritage Buildings, Objects and Areas*
  - *Plan Change 74: Telecommunications Structures*
  - *Variation 2: Amendments and Deletions to Proposed District Plan Change 33 (Ridgelines and Hilltops (Visual Amenity) and Rural Area)*
3. *Agree that the Plan Changes and Variation will become operative on Wednesday 16 October 2013.*

## **3. Process**

Under clause 17 of the Schedule 1 of the Resource Management Act 1991, the Council is now required to approve the operative provisions 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 any further 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 Changes and Variation 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 8 October 2013 and the operative date will be Wednesday 16 October 2013.

## **4. Discussion**

### **4.1. Plan Change 36: Northern Growth Management Framework Reference**

Plan Change 36 was notified in June 2005, with the aim of incorporating the Northern Growth Management Framework (NGMF) into the Residential and Rural Area policies of the District Plan. The NGMF is a strategic document to guide the future development of the northern suburbs of Wellington City. It establishes a set of growth management principles, identifies areas generally suitable for development, and proposes an implementation programme for planned urban expansion.

11 submissions and 4 further submissions were received. A hearing was undertaken in October 2005 and the Council's decision was notified in February 2006. It was subsequently discovered that some of the recommended wording changes in the explanatory statement to Policy 14.2.1.1(a) were in error. This led to the original decision being revoked by Council and replaced by a decision which was notified on 20 September 2006. Subsequent to this, an appeal was lodged by T B Wood, N E Wood and P J Willis, which intermingled with appeals against Plan Changes 36 and 45, as well as Variation 2 to Plan Change 33 and Resource Consent SR162973. These appeals were resolved by a Consent Order on 5 September 2011, which resulted in a reversal of the Resource Consent decision, but no alterations to any Plan Changes.

### **4.2. Plan Change 45: Urban Development Area and Structure Plans**

Plan Change 45 was notified in September 2006 to manage land identified as an Urban Development Area and assist the implementation of the Northern Growth Management Framework. It introduces new Chapters 27 & 28 into the District Plan with provisions for the Urban Development Area, as well as a Structure Plan for Lincolnshire Farm.

Submissions were heard in August 2007 in conjunction with Plan Change 46 and Variation 2 (Amendments and Deletions to Proposed District Plan Change 33 (Ridgelines and Hilltops (Visual Amenity) and Rural Area). 21 submissions and 4 further submissions were received. The Council's decision was notified in March 2008. Five appeals were lodged. All appeals have now been resolved by consent orders through negotiation and/or mediation. Four appeals resulted in changes to zoning and a range of provisions.

### **4.3. Plan Change 46: Subdivision Design Guide Review**

Plan Change 46 was notified in September 2006 and revised the Subdivision Design Guide to bring it in line with more recent thinking on subdivision design and development. The Subdivision Design Guide will be used in conjunction with structure plans for large greenfield subdivisions in the northern suburbs, but will also be applied to large infill subdivisions elsewhere in the city.

14 submissions and 2 further submissions were received. As mentioned above, a hearing was held in August 2007 in conjunction with Plan Change 45 and Variation 2. The Council's decision was notified in March 2008 and appealed by Lincolnshire Farms Limited and Woodridge Estate Limited. These appeals were resolved by a consent order in May 2011, with amendments to two guidelines.

#### **4.4. Plan Change 48: Central Area Review**

Plan Change 48 was notified in September 2006 and received 91 submissions and 19 further submissions. Decisions on submissions were made in October 2007. Plan Change 48 replaces operative Chapters 12 and 13 in the District Plan. The basic philosophy underpinning the management of the Central Area environment remains unchanged. However, a number of significant changes to the Central Area provisions have been made to improve the effectiveness of the District Plan.

Eleven appeals were received on Plan Change 48. By September 2012, eight appeals had been withdrawn or resolved through negotiation and/or mediation. At this stage, Plan Change 48 was made partially operative in order to give full effect to the undisputed parts of the proposed chapters. The remaining three appeals have subsequently been resolved by consent orders.

#### **4.5. Plan Change 53: Listed Heritage Buildings**

Plan Change 53 was notified in December 2006 and received 21 submissions and six further submissions. The Plan Change proposed the addition of 50 buildings and objects to the District Plan Heritage List. Decisions on submissions were made in October 2007 and were subsequently appealed. On 10 July 2009, Council made Plan Change 53 partially operative. This finalised the majority of the Plan Change, with the exception of 234 and 240 Oriental Parade, which were still subject to appeal. This appeal was resolved by a consent order in October 2012 and the Plan Change is now ready to be made fully operative.

#### **4.6. Plan Change 74: Telecommunications Structures**

Plan Change 74 was notified in September 2009 to amend District Plan rules managing telecommunication structures (e.g. masts, antennas and cabinets). This includes rules on where structures can and cannot go and how tall they can be. These changes will bring the Plan's rules more in line with the national environmental standard for telecommunication structures. The changes also increase protection for residential communities from the potential visual effects of these structures.

14 submissions and 33 further submissions were received on the Plan Change. A hearing was held in February 2010 and Council's decision was notified in May 2010. Appeals were lodged by the New Zealand Transport Agency (NZTA), Telecom NZ Ltd and a group of organisations with an interest in amateur radio. The appeals by NZTA and Telecom were resolved by consent orders through negotiation and/or mediation. The appeal by the amateur radio groups went to Environment Court hearings. The final decision was released in March 2013 and declined the appeal, with the exception of minor amendments which had been agreed during negotiations.

#### **4.7. Variation 2: Amendments and Deletions to Proposed District Plan Change 33 (Ridgelines and Hilltops (Visual Amenity) and Rural Area)**

Variation 2 to Plan Change 33 was notified in September 2006. This arose from the introduction of Plan Change 45, which identified the need to make a number of consequential alterations to the Rural Area provisions, which were then being amended by Plan Change 33. Six submissions were received on Variation 2, in

addition to one further submission which was not accepted, as it was a copy of an original submission and did not support or oppose any other submission. A hearing was held August-September 2007. The Variation was appealed by T B Wood, N E Wood and P J Willis alongside their appeals against Plan Change 45, which has subsequently been resolved via consent order.

## **5. Conclusion**

It is recommended that the following District Plan Changes and Variation are made fully operative, in accordance with clause 17 of Schedule 1 to the Resource Management Act 1991:

- Plan Change 36: Northern Growth Management Framework Reference
- Plan Change 45: Urban Development Area and Structure Plans
- Plan Change 46: Subdivision Design Guide Review
- Plan Change 48: Central Area Review
- Plan Change 53: Proposed Additions and Deletions to Heritage Buildings, Objects and Areas
- Plan Change 74: Telecommunications Structures
- Variation 2: Amendments and Deletions to Proposed District Plan Change 33 (Ridgelines and Hilltops (Visual Amenity) and Rural Area)

There is no scope for change at this stage, as this process is purely procedural and reflects previous Council and Environment Court decisions.

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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 recommendations in this report have 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 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 these Plan Changes and Variation.*

### **7) Consistency with existing policy**

*The Plan Changes and Variation reflect and constitute Council policy.*