
2. General Business

APPROVAL OF DISTRICT PLAN CHANGE 82

Purpose

1. This report seeks the Council's final approval of District Plan Change 82 (DPC 82) (minor zone changes and associated text changes).

Summary

2. The process for District Plan changes is outlined in Schedule 1 of the Resource Management Act 1991 (RMA). DPC 82 has followed this process, which includes consultation, public notification, submission and further submission periods, a hearing, notification of decisions, and an appeal period. Full details of these items can be viewed on the Council's website via: wellington.govt.nz/district-plan-change-82.
3. The Council adopted the Hearing Commissioner's recommendation to approve DPC 82 as notified on 30 May 2018.
4. On 4 July 2018 a 30 day appeal period was publicly notified and closed on the 15 August 2018. No appeals were received for DPC 82.
5. The approval of this plan change is now an administrative formality in order to make it operative in the Wellington City Council District Plan.

Recommendation/s

That the Council:

1. Receives the information.
2. Agrees to approve District Plan Change 82 in accordance with clause 17 of Schedule 1 of the Resource Management Act 1991.
3. Agrees for District Plan Change 82 to be made operative in the Wellington City Council District Plan in accordance with clause 20 of Schedule 1 of the Resource Management Act 1991.

Background

6. The City Strategy Committee agreed to publicly notify DPC 82 on 16 November 2017. Formal public notification occurred on 11 December 2017. Council received 13 original submissions. A summary of submissions was prepared, and the opportunity to make further submissions was publicly notified on 2 March 2018. Two further submissions were received. A hearing followed in 5 April 2018, where six submitters attended and presented in support of their written submissions. Jane Black acted for the Council as an independent hearing commissioner.
7. DPC 82 involves seven minor zone changes and associated changes to the maps and text of the Wellington City Council District Plan. The purpose of the plan change is to ensure the efficient functioning of the District Plan by providing appropriate zoning for the future use and development of the properties involved.

Changes Proposed – Zone Changes:

Zone and map changes involving Council Land

Location	Current Zoning	Proposed Zoning	Ownership	Reason for Rezoning
142 Tauhinu Road, Miramar	Open Space B	Outer Residential	Council owned housing	Rezone to reflect the actual and intended residential use
16 Terrace Gardens (Flagstaff Hill Park), CBD	Inner Residential	Open Space A	Council owned Open Space	Rezone to reflect the actual and intended use of the land for open space use
6 Campbell Street, Karori	Outer Residential	Centres	Recently purchased property	Rezone to support proposed use

Zone and map changes involving Council Reserves (land exchanges)

Location	Current Zoning	Proposed Zoning	Reason for Rezoning
Part of 43 Peppertree Lane, Woodridge	Outer Residential	Open Space B	To assist with approved land exchange
Part of adjacent Council Reserve	Open Space B	Outer Residential	
Part of 73 Hawker Street (St Gerard's Monastery)	Inner Residential	Open Space B	To assist with approved land exchange
Part of 52 McFarlane Street (adjacent council reserve)	Open Space B	Inner Residential	

Zone and map changes involving private land

Location	Current Zoning	Proposed Zoning	Reason for Rezoning
2A Myrtle Crescent, Mt Cook	Inner Residential	Centres	To resolve a subdivision related irregularity so it is consistent with the rest of the property and adjoining sites

Changes Proposed – Text Changes:

Minor amendments to Volume I of the District Plan were proposed to provide more specific references to the Design Guides for the Mount Victoria and Thorndon Character Areas.

- Chapter 4 – Residential Objectives and Policies – Policy 4.2.2.1
- Chapter 5 – Residential Rules – Rule 5.3.5 side note and non-notification clause

Discussion

8. After the hearing, a report was presented to the Council to accept the recommendation of the Hearing Commissioner's decision to approve DPC 82 as notified. The Council approved the plan change at the Council meeting on 30 May 2018.
9. The Council's decision to approve the plan change was notified on 4 July 2018 and allowed for a 30 day appeal period, in which no appeals were received.
10. The Council is required to approve the provisions pursuant to Clause 17 of Schedule 1 of the RMA 1991. These final provisions reflect the proposed changes that have been approved by the Council. As the approval process under Schedule 1 is purely procedural, there is no ability to make any further amendments at this stage. The operative provisions will be given to by official sealing. The sealed changes will reflect what has already been determined.

Next Actions

11. Clause 20 of Schedule 1 of the RMA 1991 requires the Council to publicly notify the date on which a plan change becomes operative. The operative date must be at least five working days after the date on which the Council publicly notified its intention to make the plan change operative.
12. If DPC 82 is approved by Council, the public notice will be included in the Dominion Post and made available on the Wellington City Council website.

Attachments

Nil

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SUPPORTING INFORMATION

Engagement and Consultation

Statutory consultation has been carried out for both the proposed District Plan Change (DPC 82) in accordance with Schedule 1 of the Resource Management Act 1991.

Treaty of Waitangi considerations

Local iwi were consulted on the plan change. No submissions or concerns were received from iwi in relation to the proposed plan change (DPC 82).

Financial implications

The recommendations in this report have no financial implications.

Policy and legislative implications

There are no policy and legislative implications to note for this plan change. DPC 82 proposes minor amendments to the Wellington City District Plan and are only intended to aid in the efficient functioning of the plan. The report is simply procedural and is guided by the statutory framework and requirements set out in the Resource Management Act 1991.

Risks / legal

The plan change (DPC 82) has been undertaken in accordance with the Resource Management Act 1991. The Council's legal counsel have been involved (as necessary) on all relevant matters pertaining to the plan change.

Climate Change impact and considerations

There are no climate change impacts or considerations to note for this plan change (DPC 82).

Communications Plan

Statutory consultation has been carried out for the plan change (DPC 82) in accordance with Schedule 1 of the Resource Management Act 1991.

Health and Safety Impact considered

There are no health and safety impacts or considerations to note for this plan change (DPC 82).