
RECOMMENDATIONS OF THE HEARING COMMISSIONERS ON PROPOSED PLAN CHANGE 32 (RENEWABLE ENERGY) AND PLAN CHANGE 33 (RIDGELINES AND HILLTOPS AND RURAL AREA)

1. Purpose of Report

To report to the Council the recommendations of the Commissioners appointed to hear submissions on Proposed District Plan Changes 32 and 33.

2. Recommendations

It is recommended that the Council:

- 1. Receive the information.*
- 2. Agree to confirm the recommendations of the Hearings Commissioners in respect of Proposed District Plan Changes 32 and 33 as detailed in the Commissioners report dated 18 April 2005.*

3. Discussion

Proposed District Plan Changes 32 and 33 were publicly notified on 26 May 2004. The changes attracted a total of 1308 main submissions and 223 further submissions.

The purpose of Plan Change 32 was to up date the Plan to give effect to recent changes to the Resource Management Act which stated that the benefits from the development and use of renewable energy was a matter that Councils should have particular regard to when exercising their functions under the Act. Proposed Plan Change 32 introduced specific objectives and policies to give effect to that obligation. The plan change also specified rules for assessing wind energy facility developments in Wellington. This plan change attracted 631 main submissions and 106 further submissions.

Plan Change 33 included provisions for the control of visual effects from identified ridgelines and hilltops across Wellington. The Plan Change also included a number of changes to the Rural Area provisions, specifically the management of subdivision and land use activities in the rural environment. This plan change attracted 677 main submissions and 117 further submissions. Ninety percent of submissions on this plan change related to the ridgelines and hilltops provisions.

Commissioners were appointed to hear the submissions pursuant to section 34 of the Resource Management Act. The hearings were held over 10 full days and two part days between 25 January 2005 and 15 February 2005 and totalled approximately 92 hours. Some 90 submitters were heard.

The Commissioners report dated 18 April 2005 is attached. Also attached is an annotated copy of the relevant District Plan chapters showing the Plan Change 32 and 33 proposals, updated with the additions and amendments recommended by the Commissioners (Appendices A and B to the Commissioners Report respectively).

Process

The Council is now obliged to confirm the Commissioners recommendations. If the recommendations are not accepted in whole or in part it would be necessary for the Plan Changes to be heard anew or a fresh Plan Change process initiated. Phillips Fox, Council's legal advisors for these Plan Changes have confirmed this.

If the Council accepts the recommendations of the Commissioners, the decision will be released. The submitters will have 30 working days to lodge an appeal with the Environment Court. If no appeals are lodged, Plan Changes 32 and 33 will be made operative soon after.

6. Conclusion

It is recommended that the Council confirm the recommendations in the attached Hearing Commissioners report on Plan Changes 32 and 33.

Euan McQueen
Chairman, Panel of Commissioners

Supporting Information

1) Strategic Fit / Strategic Outcome

The proposed District Plan Changes assists the smooth functioning of the District Plan.

2) LTCCP/Annual Plan reference and long term financial impact

The project is contained in the Council Project C533 – District Plan. There are no long-term financial obligations arising from these plan changes.

3) Treaty of Waitangi considerations

Tangata Whenua have been closely consulted through out the plan change process.

4) Decision-Making

This is not a significant decision. Council is required to accept or reject the recommendations of the Hearing Commissioners.

5) Consultation

a) General Consultation

All affected parties have been identified and consulted with.

b) Consultation with Maori

Consultation occurred in accordance with the RMA statutory obligations.

6) Legal Implications

There are no significant legal issues.

7) Consistency with existing policy

These plan change seek to enhance the Council's current policies in relation to ridgelines and hilltops and the Rural Area and introduces new policies and rules in relation to renewable energy to meet obligations under the RMA.