

Proposed District Plan Change 28

Summary of Submissions

<i>Submission Number</i>	<i>Name</i>	<i>Address for Service</i>	<i>Wishes to be heard</i>
1	Connell Wagner	P O Box 1591 Wellington	Yes

Support the proposed plan change.

The operation of the non-notification clauses of the District Plan, prior to the Amendment Act, worked well, giving greater clarity to applicants, reducing the time taken for resource consents to be processed, and thereby reducing consents costs.

We seek the following decision:

- The approval of the proposed plan change No. 28.
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2

New Zealand Institute of Surveyors
Wellington Branch

C/- David Gibson
3 Angus Avenue
Berhampore
Wellington 6003

No

Supports all the proposed changes ... in the respective chapters of the District Plan. ... these changes are necessary as a consequence of changes to the Resource Management Act resulting from the recent legislative amendments.
We consider that the changes are consistent with the original intentions and the adopted policies of the District Plan.
... these are necessary to ensure the efficient administration of the District Plan and the efficient processing and preparation of resource consent applications.

We seek the following decision:

That Council approves the Proposed District Plan Change 28 as notified.

3

Howard Rait

7 Newport Terrace
Seatoun
Wellington

Yes

My submission relates to the Amendment Act 94D(3) and Councils intention to insert 'notice of applications need not be served on affected persons'.
The Council should widen its criteria as to who are affected parties of planned developments, and that a wider and/or more in depth investigation by Council ..., considering more information gathered from wider sources needs to take place.
... local opinions and concerns about developments need to be considered more ...

That Council be more careful and take into account issues of safety and the effects of new developments on existing adjacent property owners and the public at large (especially local).
Council needs to widen its interpretation of the RMA to better take into account the needs and welfare of existing communities.

I seek the following decision:

That Council does not make 'non-notification' broader and more wide reaching.
That Council not alter the non-notification statements in the District Plan making it harder for objections from affected parties.
That Council give more weight to concerns addressed by affected parties and reassess its analysis of option 1.
That Council widen its definition of 'affected parties'.

4

Ian Pannett

Flat 106 / 320
The Terrace
Wellington

Yes

My submission relates to Rule 21.2.1 (signs on heritage items) and Rule 21.2.2 (additions and alterations to heritage buildings).

I am supportive of the new regime for notifying resource consents under the Resource Management Amendment Act 2004 which allows for limited notification. ... Stress should be placed on notifying a resource consent where there is doubt whether there is a need to notify or not. ... Views of affected persons should be taken into account.

I believe it is critical that a wide range of interest groups are notified about any large-scale alterations or additions (to heritage buildings under Rule 21.2.2). The submission gives two reasons.

I recognise that implementing such a provision (*limited notification*) as dictated by the RMAA is not ideal as it is likely to increase the workload of the Council and strongly support the idea that a plan change is introduced ensuring that making additions or alterations or putting up signs becomes a discretionary activity.

I seek the following decision:

Decline the Plan Change with respect to the proposed changes to Rule 21.2.1 and 21.2.2.

Support the adoption of two changes to the District Plan; major alterations and additions to listed heritage items, and signs on heritage items that do not meet the rules, would become discretionary activities.

5

Waterfront Watch

P O Box 19045
Courtenay Place
Wellington

No

We note that the proposed change does not affect Rule 13.3.6 relating to buildings in the Lambton Harbour area that would be introduced to the Plan by Variation 22.

We would oppose any future proposal by the Council to amend Rule 13.3.6 to remove the option of limited notification of resource consent applications.

We do not accept the portrayal of the effect of the provision for limited notification of resource consent applications introduced by the Resource Management Amendment Act 2003 as a 'technical anomaly'. The new procedure would be appropriate for use in many situations where full notification is currently not required under the Plan, including the provision to be introduced by Variation 22.

I seek the following decision:

- We ask that the submission be noted, and that no similar change be proposed in future for Rule 13.3.6.

6

FBN Fox

3 / 17 Brougham Street
Mt. Victoria
Wellington

No

I endorse without qualification the submission hereon of the Mt. Victoria Residents Association dated 15 February 2004.
I submit that the implementation of the proposed change would be a breach of natural justice.
I seek the same decision from the Council as is sought by the above Association.

7

Federation of Wellington Progressive
and Residents Associations

P O Box 5390
Wellington
Attn: Peter Graham

No

... our concerns are Rules 5.2.3 and 5.3.10 and the various provisions relating to a 'Residential Area'.
We are concerned ... that all consents are publicly notified.
We believe that this process affords Wellington City Council District Plan Team the opportunity to clarify in simple language the various levels of 'consent' with emphasis placed on the fact that the descriptions relate to the 'enforcer', i.e. the Wellington City Council, and need to be read and understood from that point.

We seek the following decision:

- That the Council notify the following district plan change:

Insert the phrase 'notice of applications **must be served** on affected persons' to 'existing non-notification' statements in the operative District Plan, to over-rule the 'original notification processes'.

Insert the same phrase to 'non-notification' statements in the proposed district plan variations / changes that are currently underway.

Make the operative District Plan consistent throughout with this requirement.

8

Mt. Victoria Residents Association

P O Box 19056
Courtenay Place
Wellington
Attn: Rosamund Averton

No

... the specific provisions ... directly related to Mount Victoria are Rules 5.2.3 and 5.3.10 and the various provisions relating to a 'Residential Area'.

We note that there was public consultation prior to the review of the whole District Plan prior to the most recent changes. We indicated during that process and subsequently as part of the 'Demolition Protocol' our wish that all consents be publicly notified.

We believe that this process affords Wellington City Council District Plan Team the opportunity to clarify in simple language the various levels of 'consent' with emphasis placed on the fact that the descriptions relate to the 'enforcer', i.e. the Wellington City Council, and need to be read and understood from that point.

We seek the following decision:

- That the Council notify the following district plan change:

Insert the phrase 'notice of applications **must be served** on affected persons' to 'existing non-notification' statements in the operative District Plan, to over-rule the 'original notification processes'.

Insert the same phrase to 'non-notification' statements in the proposed district plan variations / changes that are currently underway.

Make the operative District Plan consistent throughout with this requirement.

Apply this plan change to the whole District Plan.

9

Jack Ruben

8 Pine Terrace
Karori
Wellington

No

Council should consider whether or not the option now provided by the amendment to the Resource Management Act should be adopted in respect of any of the rules covered by non-notification statements in the District Plan. The Council has opted for a plan change that would opt out of use of the provisions for all but one of those rules covered by those statements.

The point is made in the explanation to the proposed plan change that ... the rules had been 'thoroughly debated during the development of the District Plan'. ... the situation is now changed. There is now another option not available at the time of that debate.

The general public will be reluctant to engage in the plan amendment process ... That is why a more thorough and more open debate needs to be engendered.

The submission gives opinions on Council's decision making processes for resource consents.

I seek the following decision:

The withdrawal of Plan Change 28 in favour of a publicly notified review by the Council of all non-notification statements in the District Plan including the appropriateness or otherwise of using the new mechanism of limited notification as provided in the Resource Management Act 2003.

10

Action for Environment

P O Box 10 030
Wellington

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We would greatly appreciate receiving a copy of the plan change ... when we can be more specific as to the provisions we object to.

We certainly object to the intent of the Council to nullify or defeat the effect of the amendment to the Resource Management Amendment Act as we make clear in our letter of 2 February 2004 to the Chief Executive ...

We seek the following decision:

We wish the Council to cancel the Proposed District Plan Change 28 so that the Amendment Act operates as it should.

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Save Erskine College Trust

5 McKinley Crescent
Brooklyn
Wellington

Yes

Save Erskine College Trust strongly opposes the proposed amendments to non-notification statements (Plan Change 28) in:

Heritage Rules 21.2.1, 21.2.2

Residential Area Rules 5.2.1, 5.2.2, 5.2.4, 5.2.5, 5.3.1, 5.3.2, 5.3.4, 5.3.5, 5.3.6, 5.3.7, 5.3.8.

Plan Change 28 ... is entirely inconsistent with the Resource Management Amendment Act 2003 stated purpose and the 'aspirations' of the Wellington City Council. - A detailed argument supports this statement.

Proposed amendments to Heritage Rules 21.2.1; 21.2.2 severely inhibit SECT's ability to carry out its responsibilities as a Heritage Protection Authority. - A detailed argument supports this statement.

Proposed amendments to Residential Area Rules: 5.2.1, 5.2.2, 5.2.4, 5.2.5, 5.3.1, 5.3.2, 5.3.4, 5.3.5, 5.3.6, 5.3.7, 5.3.8 undermine both SECT and the surrounding residential community's ability to access controlled activity resource consent applications. - A detailed argument supports this statement.

SECT seeks the following decision:

- That the proposed amendments to non-notification statements in Heritage Rules: 21.2.1, 21.2.2; and Residential Area Rules: 5.2.1, 5.2.2, 5.2.4, 5.2.5, 5.3.1, 5.3.2, 5.3.4, 5.3.5, 5.3.6, 5.3.7, 5.3.8 - that is, insertion of 'notice of applications need not be served on affected persons' be struck out.
- That the entire non-notification statements in all 79 rules being considered for amendment be struck out of the District Plan, allowing for either public or limited notification for controlled activity resource consent applications.

12

New Zealand Historic Places Trust

P O Box 2629
Wellington

Yes

The Trust opposes the proposed plan change with respect to Rule 21.2.1 (signs on heritage items) and Rule 21.2.2 (additions and alterations to heritage buildings).

The submission provides a detailed analysis of the new provisions of the Amendment Act, case law, the District Plan heritage rules and the Trust's perspective and past submissions on heritage rules.

The Trust ... cannot support a plan change which removes the need for Council to serve notice of the application on all affected parties. This process introduced by the RMAA, provides a method for altering affected parties to alterations and additions that may have high adverse effects on heritage values.

A range of public groups and private individuals have strong interests in heritage conservation and these groups and individuals should be given the opportunity to comment and submit on resource consents ...

It is not appropriate that in the case of a large sign on a heritage building, which has more than minor adverse effects, to be treated as a non-notified application and without the need for limited notification.

We seek the following decision:

That Council decline this proposed plan change with respect to the proposed changes to Rule 21.2.1 (signs on heritage items) and Rule 21.2.2 (additions and alterations to heritage buildings).

13	Margaret Culy	147 Marine Parade Seatoun Wellington	Yes
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I oppose the whole of Plan Change 28 and specifically 5.2.5, 5.3.5 and 5.3.6., which apply to me personally.
I feel that the Council already restricts the notification process, by arbitrarily deciding who is considered 'adversely affected' – both the individuals and general public ... removing the limited notification process will also remove one of the last remaining opportunities for those who disagree, or have special knowledge, to have input into Council resource consent decisions.

I seek to have the proposed amendment changes to the District Plan refused.

14	Joanna Graham	141 Marine Parade Seatoun Wellington	No
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I oppose the whole of Plan Change 28 and especially 5.2.5, 5.3.5 and 5.3.6.
I feel that it is not up to the Council to decide who is 'adversely affected' ... I should have the chance to make this decision considering I have property that may be adversely affected. I would like the opportunity to be able to decide.

I seek to have the proposed amendment changes to the District Plan refused.

15	Allan Hicks	155 Marine Parade Seatoun Wellington	No
<p>I oppose the whole of Plan Change 28 and specifically 5.2.5, 5.3.5 and 5.3.6. It gives absolute power to the Council as to 'who' is adversely affected by any new developments. All people living near a proposed development or beneath them (as in my case) should have the right to know what is going on with proposed developments.</p> <p>I seek to have the proposed amendment changes to the District Plan refused.</p>			
16	Maggie Kennedy	5 McKinley Crescent Brooklyn Wellington	Yes
<p>I strongly opposes the non-notification amendments to Residential Area Rules 5.2.1, 5.2.2, 5.2.4, 5.2.5, 5.3.1, 5.3.2, 5.3.4, 5.3.5, 5.3.6, 5.3.7, 5.3.8.</p> <p>... I feel the proposed plan change takes away the opportunity for any resident to know if a controlled activity is likely to directly affect them.</p> <p>My second reason is related to the Council overall purpose, as consistent with the Resource Management Act 1991. The Act's first alternative is a requirement for public participation. Plan Change 28 effectively takes this alternative out.</p> <p>I seeks the following decision:</p> <ul style="list-style-type: none"> - That the proposed amendments to non-notification statements in Residential Area Rules: 5.2.1, 5.2.2, 5.2.4, 5.2.5, 5.3.1, 5.3.2, 5.3.4, 5.3.5, 5.3.6, 5.3.7, 5.3.8 - that is, insertion of 'notice of applications need not be served on affected persons' be struck out. 			