



Item:

File: 351/12/048

Ref: IK

Date: 14 March 2017

## **Proposed Plan Change 43 to the Upper Hutt City Council District Plan (2004) Introductory Chapters**

### **1.0 Purpose of Report**

- 1.1. This report proposes a change to the Upper Hutt District Plan 2004 (the Plan) and seeks Council's endorsement to proceed with the preparation and notification of proposed Plan Change 43 ['the Plan Change'].
- 1.2. Attached as appendices to this report are:
  - **Appendix 1:** Section 32 Evaluation Report
  - **Appendix 2:** Amended Plan Chapters

### **2.0 Background to the Proposed Plan Change**

- 2.1. Proposed Plan Change 43 will update and simplify the introductory chapters of the District Plan to meet today's best practice standards. Plan Change 43 is required under Section 79 of the Resource Management Act 1991.
- 2.2. Section 79 of the Act requires the Plan to be reviewed within every 10 years. While sections within the introductory chapters have been reviewed within this period, a comprehensive review has not been completed since the Plan was notified in 2004. Schedule 1 of the Act describes the process required for a plan change and the need to publicly notify the Plan Change should the local authority adopt the proposal.
- 2.3. The proposed change is intended to provide a platform to update the general structure and format of the District Plan, with the intent of improving its usability and functionality. The Introductory Chapters set out the structure of the Plan and are therefore an important first step in this process. A detailed discussion on the proposed changes and the reasons for them is contained in the Section 32 report, attached as Appendix 1.

### 3.0 Proposed Changes

- 3.1. The proposed amendments to the District Plan are summarised in Appendix 1 and set out in Appendix 2.
- 3.2. The Plan Change updates the following parts of the District Plan:
- Chapter 1: Introduction to the Plan
    - Update from 2004 standards; adding tangata whenua section; adding and updating sections from Chapter 2 on resource consenting procedure and information requirements; removing irrelevant or outdated sections
  - Chapter 2: General Procedures
    - Complete removal of text and direct insertion of *Chapter 3 – Definitions*
  - Chapter 3: Zoning
    - Complete removal
  - Chapter 35: Definitions
    - Complete removal and insertion into Chapter 2
- 3.3. The proposed changes are largely structural. A limited amount of new content will be added. The policy direction of the Plan, and resource consenting processes will remain unchanged.
- 3.4. The proposed changes are part of the 'Rolling Review' currently being undertaken by the Upper Hutt City Council Planning Policy team. The Rolling Review seeks to review the District Plan on a chapter-by-chapter basis and update the overall structure and format of the Plan. The introduction chapter sets the scene for the District Plan and establishes the foundation for subsequent updates to the Plan. Therefore, this Plan Change is important in ensuring this new structure and format is clearly established so that it is carried on throughout the Rolling Review.

### 4.0 Statutory Provisions

- 4.1. Section 74(1) of the Resource Management Act 1991 requires Council to prepare and undertake changes to the District Plan. This states that:
- "A territorial authority must prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, and a direction given under section 25A(2), its obligation (if any) to prepare an evaluation report in accordance with section 32, its obligation to have particular regard to an evaluation report prepared in accordance with section 32 and any regulations."*
- 4.2. Section 32 of the Resource Management Act 1991 (RMA) requires consideration of alternatives and an assessment of the benefits and costs of adopting any objective, policy, rule or method in the District Plan.
- 4.3. The section 32 evaluation must consider, amongst other matters:
- An examination of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the act;
  - An examination of whether the provisions in the proposal are the most appropriate way to achieve the purpose of the Act by identifying other

reasonably practical options for achieving the objectives of the plan change, assessing the effectiveness and efficiency of the provisions in achieving the objectives and; summarising the reasons for deciding on the provisions;

- An assessment of the benefits and costs of the environmental, economic, social and cultural effects that are anticipated including the opportunities for economic growth and employment anticipated to be provided or reduced; and
- Where practical, this needs to quantify these benefits and costs and assess the risks of acting or not acting if there is uncertain or insufficient information.

4.4. A section 32 evaluation report separate to the main body of this report has been undertaken and is attached in Appendix 1.

4.5. The level of detail in the section 32 is in proportion to the scale and significance of the proposal, which is considered to be smaller in scale to other plan changes.

## **5.0 Consultation**

5.1. Pre-notification consultation has been undertaken on the proposed Plan Change as required by Clause 3 of the first Schedule of the RMA. A letter was sent to those parties required under Clause 3 of the Act in December 2016 that informed parties of the proposed Plan Change and its purpose. Feedback was invited, however no responses were received.

5.2. No other consultation is required, aside from the public notification and submission process, mandated through RMA Schedule 1 process.

## **6.0 Legal and Financial Implications**

6.1. As with any change to the District Plan, the proposed plan change will be open to appeal to the Environment Court, which would have financial implications for Council.

## **7.0 Conclusion**

7.1. Plan Change 43 seeks to provide a structural change to the introductory chapters of the Upper Hutt District Plan 2004 to increase its usability and functionality, to meet resource management best practice and to fulfil the Council's statutory obligations to review the District Plan.

## **8.0 Recommendations**

8.1. **THAT** proposed Plan Change 43 to the Upper Hutt District Plan 2004 is publicly notified as soon as practicable in accordance with the requirements of the First Schedule of the Resource Management Act 1991.

8.2. **THAT** Council authorise Officers to make any minor non-policy changes to the details of proposed Plan Change 43 should the need arise.

Report prepared by:

Report reviewed by:

Ike Kleynbos  
**Policy Planner**

Angela Bell  
**Planning Policy Manager**

Report approved for submission by:

Richard Harbord  
**Director Planning and Regulatory Services**