

8. MAKING PARTS OF THE CITY PLAN OPERATIVE

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Environmental Policy and Approvals Manager
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PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council make amendments to the City Plan to give effect to a decision of the Environment Court and approve the new plan provisions introduced by the decision that are now beyond challenge.

EXECUTIVE SUMMARY

2. On 21 August 2006 the Environment Court issued its final decision on proceedings brought by various parties against the Council's decision on the zoning of the land bounded by Yaldhurst and Buchanans Road, the Living 1 Zone west of Masham Road, Broomfield Common, and the 50 dBA air noise contour. The Court's decision rezoned this land as Living G (Yaldhurst) and introduced a package of rules and other provisions for this new zone.
3. As a consequence of the Court's decision a number of provisions in the plan that refer to the previous Living 1A or Living 1A (Deferred) zoning of this land are now redundant and need to be amended or deleted. These provisions are set out in Table A attached to this report.
4. The new provisions introduced by the Court decision are beyond challenge and the Council should now approve the modifications under clause 17(2) of the First Schedule to the Resource Management Act 1991. The provisions that require the Council's approval are set out in Table B attached to this report.

FINANCIAL AND LEGAL CONSIDERATIONS

5. The Resource Management Act 1991 allows the Council to make amendments to its Plan to give effect to decisions of the Court or to correct minor errors. Approving provisions in the Plan is a procedural step required by the Resource Management Act 1991 before those provisions can be made operative.
6. There are no financial implications.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Without further formality, and pursuant to Clause 16 of the First Schedule to the Resource Management Act 1991, make the amendments to the City Plan set out in the table marked "A" attached to this report for the purpose of giving effect to the Court's decision.
- (b) Approve, pursuant to clause 17(2) of the First Schedule to the Resource Management Act 1991, the provisions of the City Plan set out in the table attached to this report and marked "B".
- (c) Delegate to the General Manager Regulation and Democracy Services the authority to determine the date on which the provisions shall become operative.