



Report 08.159
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Committee Council
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Adoption of Plan Change 1 to the Regional Coastal Plan (port noise provisions)

1. Purpose

To seek adoption by the Council of Plan Change 1 to the Regional Coastal Plan (the plan change).

2. Significance of the decision

The matters for decision in this report **do not** trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

The Regional Coastal Plan for the Wellington region was made operative in June 2000. At the time, appeals to the Environment Court on port noise matters were settled on the understanding that provisions based on the New Zealand Standard for port noise would be introduced into the Regional Coastal Plan in the future, if necessary.

New provisions on port noise have been developed in partnership with Wellington City Council, with the intention of developing a consistent approach to managing the effects of noise from port activities in both the Wellington City Council District Plan and Regional Coastal Plan.

The plan change amends the permitted noise levels from port related activities in the Commercial Port Area in line with those recommended in *New Zealand Standard 6809:1999 Acoustics – Port Noise Management and Land Use Planning*. It also includes the requirement for noise sensitive activities within port noise affected areas to acoustically insulate all new habitable rooms.

The plan change was notified in December 2006. Seven people made submissions and there were two further submissions. Submissions were heard in June 2007 at a joint hearing that also considered submissions on District

Plan Change 49 and Variation 3 to the Wellington City District Plan, as they all deal with issues relating to noise from port related activities.

Decisions on submissions were made at the 27 September 2007 Policy, Finance and Strategy Committee meeting (Report 07.567) and the decisions were publicly notified on 6 October 2007. There was one appeal to the Environment Court from Wellington International Airport Limited and the appeal was joined by Centreport.

4. The plan change can now be adopted

The appeal to the Environment Court on the plan change by Wellington International Airport Limited was withdrawn on 10 March 2008. This means that the plan change can now be adopted by the Council.

Attachment 1 is a full copy of the plan change. Because the appeal was withdrawn, no amendments have been made to the plan change following the Council decisions on submissions in September 2007.

5. Ministerial approval of Plan Change 1

The process for preparing and changing regional plans is set out in the First Schedule of the Resource Management Act. The process for a regional coastal plan differs from other regional plans. The Council is responsible for approving other regional plans, whereas the Regional Coastal Plan is 'adopted' by the Council and then approved by the Minister of Conservation.

As soon as practicable after adopting the plan change, the Council must send it to the Minister of Conservation for approval. Prior to approval, the Minister of Conservation may require the Council to amend the plan change. Should the Minister require the Council to make any changes, the reasons must be given. The Minister of Conservation made a submission on this plan change and asked that it be adopted.

6. Making the Plan change operative

The date on which the approved plan change becomes operative must be publicly notified. Public notification must be at least five working days before the operative date. Staff will notify an operative date for the plan change once it is approved by the Minister of Conservation.

7. Communication

A thorough process for preparing the plan change means that the interested parties are aware of it, or have been involved in its preparation. The public process of consultation, notification, submissions, further submissions, hearings, and appeals has provided plenty of opportunities to communicate the plan change. All submitters will be advised when it becomes operative and copies will be sent to all people that the First Schedule instructs. The plan change will be available on the Council's internet site from the date it becomes operative.

8. Recommendations

That the Council:

1. ***Adopts*** Plan Change 1 to the Regional Coastal Plan.
2. ***Authorises*** the affixing of the seal of the Council to Plan Change 1 to the Regional Coastal Plan
3. ***Sends*** Plan Change 1 to the Regional Coastal Plan to the Minister of Conservation for her approval.
4. ***Notes*** that the operative date for Plan Change 1 to the Regional Coastal Plan will be publicly notified at least five working days in advance.

Report prepared by:

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Attachment 1: Plan Change 1 to the Regional Coastal Plan