

North Shore City District Plan

Schedule A, FINAL : Revision 8 (November 2009)

SCHEDULE OF OUTSTANDING MATTERS - COMPLETED

This schedule has served its purpose and no longer lists 'outstanding matters' as all the matters originally listed have now been resolved or determined, and the District Plan is 'fully operative'. Note however that the North Shore City District Plan is still subject to change, arising from proposed Plan Changes and Notices of Requirement (see 'Schedule of Modifications')

This schedule, in its previous versions ('Revisions') listed the items that were unresolved in the 2002 'part operative' District Plan for North Shore City, and recorded the details of the resolution of the matters as they occurred (2003 through to 2009). The outstanding matters were set out in three tables: Table 1 – references (appeals); Table 2 – designations; Table 3 – variations.

All affected District Plan provisions (text, tables, diagrams, appendices), including those pertaining to specific land areas or sites (as shown on the District Plan Maps), were annotated to indicate that they were 'not operative'. The affected provisions of the Plan remained in a proposed state until resolved. Those annotations no longer appear in the District Plan.

History:

Various 'items' were resolved as at the time of the Council's original application to the Environment Court for 'part approval' of the District Plan in 2002: As at 28 June 2002 (part operative date of Plan) items 2, 3, 5, 8 and 13 were resolved and were therefore absent from the original Schedule (as it first appeared in the published District Plan).

The following list details the changes that occurred to the Schedule after 28 June 2002:

- Items 11 and 17 were deleted from the Schedule in 2003, following a decision of the Court dated 28 April 2003 - *Revision 1 of this Schedule*
- Items 1 (Okura), 9 (Anzac Street), 10 (Browns Bay height), and parts of item 19 (Bayswater & Milford) were deleted following a decision of the Court dated 19 November 2004 - *Revision 2 of this Schedule*
- Item 4 (Financial contributions) and item 7 (Chelsea Estate) were deleted following Council resolutions of 14 December 2005 and 8 March 2006 - *Revision 3 of this Schedule*
- Item 18 (Long Bay zoning, Variation 66) was deleted 28 June 2007 when the 'Residential Expansion' zoning became operative. At this time Variation 66 merged with Plan Change 6 (Long Bay Structure Plan) – *Revision 4 of this Schedule*
- Item 15 (Designated Defence land, Devonport) was deleted in May 2008 following the resolution of and inclusion in the District Plan Maps and text (May 2008) of the relevant designations (in their revised form following the resolution of an appeal). *Revision 5 of this Schedule*.
- Item 12 (Albany Centre) was deleted in May 2008 following the approval of Plan Change 9 and Variation 67 (superceded Variation 53): These provisions became operative May 1, 2008. *Revision 5 of this Schedule*.
- Item 14 (Defence land, underlying zonings, Devonport) was deleted in August 2009 following the withdrawal of references, RMA 979/01, RMA 983/01. The withdrawal of these references was conditional on Council notifying Proposed Plan Change 29. *Revision 6 of this Schedule*.
- Item 16 (Designated Defence land, Kauri Point) was deleted in October 2009 following the Minister of Defence's decision dated 24 July 2009 to accept the council's Recommendation of 15 June 2009 to confirm Designation 90-RNZAD-Kauri Point, Birkenhead in the Operative North Shore City District Plan (2002). *Revision 7 of this Schedule*.
- Items 6 and 19 – the last of the 'outstanding' items - were deleted in November 2009. Item 6 was resolved in August 2006 by withdrawal of references ENV-2006-AKL-000369 and ENV-2006-AKL-000370 (formerly RMA 272/97, 273/97) and ENV-2006-AKL-000397 (formerly RMA 506/01) to Variation 57: Coastal Controls: Foreshore Yard & Esplanade Reserves. Item 19 was resolved in September 2009, by High Court decision CIV 2009-404-1730 on Variation 65: Bayswater Marina Land. The provisions of Variation 65 became operative in November 2009. *Revision 8 of this Schedule*.

Note: See the 'Schedule of Modifications' in the Modifications folder for the current status of requirements, plan changes and other 'modifications'.

