

DISTRICT PLAN REVIEW 2015

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 WARD/COMMUNITY: District-wide
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PURPOSE

The purpose of this report is to outline the strategy for the District Plan Review. The report discusses the context for the review and provides an outline project plan that identifies the timing of key phases.

EXECUTIVE SUMMARY

This report outlines the strategy for the District Plan Review, as required by the Resource Management Act 1991. The review will be delivered in a way that is efficient and effective while ensuring appropriate engagement with the communities of interest. The review will focus on testing key planning issues with the community while ensuring an understandable and effective planning framework. The key outcome from the review will be a District Plan for the district.

RECOMMENDATION

That having considered all matters raised in the report that;

- a) **the full review of the District Plan be initiated;**
- b) **a progress report on the District Plan Review be made to the Regulatory Committee in December 2014.**

SIGNIFICANCE ASSESSMENT

In terms of the Council's Significance Policy this matter is of:

Low significance Medium significance High significance

This matter has been assessed as of low significance because this report outlines the process for the District Plan. Many of the issues discussed throughout the review process will be of medium/high significance for the Council.

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ITEM FOR DECISION

BACKGROUND

The New Plymouth District Plan (District Plan) is a statutory document required under the Resource Management Act (RMA) that provides guidance and rules about how land can be used and developed. The District Plan contributes to the strategic framework of the Council alongside other key strategies, policies and plans.

The District Plan was made operative on the 15 August 2005. In accordance with RMA requirements the provisions of the District Plan must be reviewed every ten years. It is a statutory requirement that the Council must initiate a review of the District Plan by 2015.

A high level District Plan Review stocktake has been undertaken to identify key framework and resource management issues that will be worked into the review programme. Issues have evolved for varying reason ranging from intensification of particular activities (eg: petroleum activity), changing environmental issues (eg: catchment management) and development of best practise (eg: new noise standards, urban design and the development of new strategies). These issues will be tested with the community through the review process.

The review of the Resource Management Act (RMA – Phase II) contains proposals that could impact the District Plan Review process. A Bill is not expected until after the general election and therefore it is difficult to assess impact on the review process.

Key issues signalled for the Phase II review include.

- Fewer resource management plans and have greater national consistency across those plans (template plans).
- Efficient and effective consenting.
- Better natural hazard management.
- Effective and meaningful Maori participation.
- Assist housing affordability.

The introduction of template District Plan could have significant impacts on the review process. Officers will work closely with the Ministry for the Environment to ensure the outcomes of the review are current and relative to the changes being considered.

DISCUSSION

The District Plan review process will ensure that the District Plan review is delivered in a way that is:

- efficient and effective and focused on key issues;
- engages with the communities of interest and responds to community input;
- is simple for the community to input into and to determine if they are affected

The review will be branded and utilise best practise technology. The new District Plan will have greater on-line functionality providing higher levels of functionality for customers.

The District Plan stocktake has highlighted a number of areas of focus including but not limited to:

- Petroleum activity and industry in the rural environment
- Facilitating improved liveability through good urban design and better connectivity.
- Catchment Management and water management and the implications of higher intensity rain falls and long dry periods, sea level rise, coastal inundation
- Responding to identified liquefaction and hazard risks
- Development in Coastal areas and sensitive landscapes
- Opportunities to promote renewable energy use
- Opportunities for mixed use, affordable housing and medium density housing.
- Facilitating opportunities for the Central Area.

These issues will be worked into the review process, and tested with the community. There will be the opportunity for open engagement and for other issues to be brought forward by the community.

Review phases

A number of phases have been identified for the district plan review. Timelines are indicative but officers will have a key focus on early delivery.

Phase 1: Review preparation: Focus on gathering information and filling information gaps. It is important that there is sufficient information so that informed and robust decisions can be made on planning issues. (June 2014-December 2014).

Phase 2: Strategic Alignment: To ensure a broader context to the District Plan review officers are currently shaping work on strategic alignment. Work on particular issues for review will be considered later in this phase. (June 2014- July 2015).

Phase 3: Draft Plan: A draft plan will be developed for consideration by the community. This will allow for issues to be openly discussed and for issues to be resolved before the release of the full District Plan. (August 2015-April 2016).

Phase 4: Proposed Plan: The release of the Proposed District Plan will be public notified in accordance with RMA requirements and will involve submissions, hearings, decisions and the opportunity for the submitter to appeal to the Environment Court. (notification May 2016).

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An indicative timeline for this is as follows:

ID	Task Name	2014												2015												2016											
		M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A								
1	Phase 1: Review preparation	[Blue bar from Jan to Dec]																																			
2	Phase 2: Strategic alignment	[Blue bar from Jan to Dec]												[Blue bar from Jan to Dec]																							
3	Phase 3: Draft Plan													[Blue bar from Jan to Dec]																							
4	Phase 4: Proposed Plan																									[Blue bar from Jan to Dec]											

I Notify

OPTIONS

Reviewing the District Plan is a statutory requirement so there is no other reasonable practical option available to the Council.

There are two main options to consider when considering the process for reviewing the District Plan.

Option 1: To undertake a review by provision. This would involve reviewing the District Plan by provision or by issue. This would result in plan changes being developed by issue area and notified at different times.

Option 2: To undertake a full review of the District Plan. This involves notifying the full District Plan at one time (recommended option)

A key disadvantage of a provisional review is that it can result in piecemeal changes when parts of the District Plan are reviewed in isolation from each other. This is a particular issue for the New Plymouth District Plan which is effects based with a number of controls running across the plan. Multiple plan changes can also be difficult for the community to comment on as there is limited integration.

A key advantage of the full review process is that it allows for consideration of the position of the District Plan in relation to Councils strategic direction. The process also allows for focused consultation as key stakeholders, landowners and communities of interest will be able to engage on the review in its entirety and will not be subjected to multiple consultation processes.

A full review will best meet the needs of the communities for performance of Councils regulatory functions in a way that is most cost-effective for households and businesses and will best achieve the community outcomes that the Council aims to achieve.

IMPLICATIONS ASSESSMENT**Local Government Purpose**

The matter comes within the scope of the Council's lawful powers, including satisfying the purpose statement in section 10 of the Local Government Act 2002. The matter will enable the Council to meet the current and future needs of communities for good quality (i.e. efficient, effective and appropriate to present and anticipated future circumstances):

Local Infrastructure Local public services Performance of regulatory function

As discussed under 'Options' above, the matter will be delivered in the way that is most cost-effective for households and businesses.

Community Outcomes

This matter contributes to the following community outcomes:

Connected Skilled Prosperous Secure and Healthy
 Together Vibrant Sustainable

Community outcomes are the outcomes that the Council aims to achieve in meeting the current and future needs of communities for good-quality local infrastructure, local public services and performance of regulatory functions.

The consideration of community outcomes under section 77(1)(b)(ii) of the Local Government Act 2002 is addressed under 'Options' in this report.

LTP / Annual Plan

Is this matter currently budgeted for? Yes No

The District Plan Review will be undertaken within existing budgets.

Consistency with Policy and Plans

The review process will consider existing strategies, plans and policies including, but not limited to the Long Term Plan, the Coastal and Heritage Strategy, the Central Area Framework, Asset Management Plans etc.

There are existing District Plan Changes that are currently in development or action that will continue to be progressed including rezonings to implement the Framework for Growth and the waahi tapu review. Other pieces of work that have not been started will be considered in the District Plan review.

ITEM A9**ITEM FOR DECISION****Legal**

The Council must review its District Plan in accordance with Section 79 of the RMA. Key legal requirements for the review include:

- To be commenced within 10 years of a provision becoming operative, can be a full review or a review by provision
- A review is ‘commenced’ by deliberately undertaking a review (eg: launch and undertake a review programme). It is not a requirement to publicly notify changes by 2015.
- Requirements for consultation on the review and on the decisions to promote changes or to maintain the status quo;
- Requirements for new designations.
- Monitoring responsibilities under section 35.
- Requirement to assess in accordance with section 32.
- A decision must be made no more than 2 years from the date of public notification.

Tangata Whenua Maori

The management of land is important for Tangata Whenua Māori who will be an active participant in the District Plan review process. Discussions will be initiated with relevant groups to ensure appropriate engagement. There are specific requirements for consultation with Tangata Whenua and iwi authorities when developing District Plans.

Community Views and Preferences

The District Plan Review will engage with the wider community and key communities of interest. A communications and consultation plan will be developed for the review process that ensures appropriate engagement with relevant communities of interest and appropriate response to community input. Focused community consultation techniques utilising focus groups, social media, and web based interaction will be utilised alongside other traditional consultation methods.

Risk Analysis

It is important that the review preparation is undertaken to inform the draft District Plan process. If the Council does not review its District Plan it will not be meeting its statutory obligations under the Resource Management Act (1991).