

ENVIRONMENTAL SERVICES COMMITTEE

FOR THE MEETING OF 8 MAY 2018

Report for Agenda Item No 8

Prepared by **Alex Wakefield**
Senior Planner

Mark Geddes
District Planning Manager

Consultation Programme for the District Plan Review

Purpose of Report

1. The purpose of this report is for the Committee to determine the:
 - a. General approach to consultation for the next phase of the District Plan Review (DPR) up until public notification of a proposed district plan.
 - b. Approach to the consultation on the landscape and significant trees topics.
 - c. An amendment to the agreed approach to consultation on the heritage topic.
 - d. Terms of reference for the heritage steering group.

Background

2. On 28 October 2014 the Council agreed to undertake a full district plan review. Since then the following major steps in the process have been completed:
 - a. March to August 2015
Public open days, meetings and communications with stakeholders and background research were conducted. The results of this work was collated into a scoping report, dated 2016. That report identified discussion paper topics for further consultation.
 - b. November and December 2016
Discussion documents by topic were released to the public for feedback. The feedback was collated and summarised.
 - c. 6 September 2017
Initial committee direction on the discussion documents was provided and summaries for each topic were published.
3. The DPR is currently in the early part of the drafting phase that includes research on topics.

General Approach to Consultation

4. The Environmental Services Committee have been provided background information on the general approach to the consultation on the next phase of the District Plan was conducted. A 'special' or a 'standard' approach is recommended for consultation, as illustrated in table below:

DPR Topic		Pre-Draft Plan Consultation			Consult Public on DRAFT PLAN
		Public	Stakeholders	Landowners	
		Input into research	Group Recommendations	Input into research	
Special	Ecosystems & Biodiversity		X	X	X
	Iwi		X	TBC	X
	Heritage	X	X	X	X
	Landscapes	X		X	X
	Significant Trees	X		X	X
Standard	All other Topics				X

- The 'special' topics require targeted consultation and in some cases further research to obtain the necessary information to inform the Draft Plan. The 'standard' topics would be consulted on with all topics when a Draft Plan is released for public feedback.
- It should be noted that the Resource Management Act 1991 (RMA) does not require consultation on a Draft Plan. However, consulting on Draft Plan has merit in that it effectively provides a test run before the Proposed District Plan is formally notified. Not all Council's consult on a Draft Plan, and there are no rules for what should be in a Draft Plan. Consulting on a draft district plan has the following advantages and disadvantages:

Advantages	Disadvantages
Provides an additional opportunity for the public to engage in district plan making process	Risk of confusion, occurring from consulting more than once on some topics
Council can identify and fix major flaws in draft plan provisions before the proposed plan is notified. This can result in less submissions and a faster statutory process after notification of the proposed district plan	Increased cost and time. Approx. 6 – 12 months. Approx. \$10,000 – 40,000. These costs are already included in DPR budget for 2018/19 and 2019/20. However, note that these costs will still likely occur and be greater if a Draft Plan is not used as there will be a greater number of submissions and appeals in the statutory process.
Council can respond to feedback using a draft plan faster and at less cost than during the submission and appeal processes that start after a proposed plan is notified	
A draft plan inclusive of all topics allows for the linkages between topics to be understood	
Seeing an online draft plan built with E-Plan will assist the public to understand how the district plan will affect their property	
Will allow for testing of the E-Plan, to fix problems, before notification of a proposed district plan	
Helps ensure the quality of the proposed district plan is better.	

- With the above in mind, the Committee is now requested to determine whether they agree with this approach or whether an alternative may be more suitable. The specific details of how the consultation on the Draft Plan would occur will be determined by the Committee after the Draft Plan is complete.

Approach Consultation: Landscape

8. Section 6 RMA requires outstanding natural features and landscapes to be protected as a matter of national importance, while landscapes with high amenity values can be protected under Section 7 RMA.
9. As landscape classification methodology has changed since the District Plan was made operative, a district landscape study was conducted and a report drafted. However, it requires public input to complete to ensure the value the community places on particular landscapes is considered in the assessment. Further, landowners need to be consulted on the values they place on the landscape; check for errors; and to discuss landscape boundaries. Accordingly, the following consultation is proposed in respect of the landscape topic:
 - a. Public notification¹ of the draft landscape study
 - b. Online feedback opportunity on landscape values
 - c. Letter to landowners effected by significant changes, with an offer to meet Council staff either individually or at a public open day.
10. Consultation on the District Plan landscape provisions will occur at Draft Plan stage. The reason for this is that it will be useful for rural landowners to understand the full suite of District Plan provisions that effect their property.

Approach to Consultation: Significant Trees

11. A tree or group of trees can be protected by a District Plan if tree(s) have historic heritage value² or have significant amenity value³.
12. Any tree(s) protected by a District Plan must be accurately described; identified on an allotment; and to have passed a significance and health assessment.
13. Public consultation on significant trees is required as Council is not aware of all significant trees the public value. Accordingly, the following consultation is proposed in relation to the significant tree topic:
 - a. Public notification will be given for a period in which the public can nominate significant trees.
 - b. Landowner approval for the nomination of the tree will be sought in writing. Nominated trees that do not have landowner approval will not progress further.
 - c. If landowners approve the nomination, the significance and health of the tree will be assessed by a suitably qualified person using one of two nationally accepted assessment criteria.
 - d. Landowners and the person nominating the tree will then be informed of the assessment results.
 - e. A final significant tree list, along with draft provisions will form part of the Draft Plan that the Committee will approval.

Approach to Consultation: Heritage

14. Protection of historic heritage is required by section 6 RMA as a matter of national importance.
15. In the Meeting of 30 January 2018 the Environmental Services Committee resolved *“that the process for the identification of heritage items for the District Plan Review generally accords with the process outlined in this report.*

¹ Public notice in newspaper, website, Facebook notifications, DPR email list notification, press release, radio advertisements

² Section 6 (f) RMA

³ Section 7(c) RMA

Any deviations to that process are to be agreed by the Chairperson of the Environmental Services Committee and report back to the Committee". The report outlined the following process:

- *"The process proposed to identify heritage items in the DPR is summarised as follows:*
 - *Historian to conduct an historical overview of the district.*
 - *Environmental Services Committee to request the public and stakeholders (including community boards) to identify heritage items for consideration in the DPR.*
 - *Heritage consultant to conduct an initial desktop screening assessment of items of known or documented heritage value and items suggested by the public and stakeholders.*
 - *Steering group to approve heritage items to be subject to a detailed assessment and also heritage items that will not be considered further. Environmental Services Committee to be updated.*
 - *Consultant to conduct detailed assessment of heritage items in accordance with the agreed criteria and significant assessment.*
 - *Consultant to discuss assessment with landowner and summarise landowner comments.*
 - *Steering group to make recommendations to the Environmental Services Committee regarding the heritage items to be included in the draft / proposed District Plan and also to draft District Plan provisions in relation to heritage.*
 - *Environmental Services Committee considers steering group recommendations.*
 - *The owners of heritage items, the public and relevant stakeholders are to be updated at each stage of the process. Landowners with heritage items will be consulted individually at stage (f.) above. They will also have an opportunity to make a submission through the draft plan stage (if the Environmental Services Committee agrees to release of a draft) and the proposed plan stage. Landowners can also make further submissions and have an opportunity to be heard at the hearing stage of the Proposed District Plan. The RMA also provides an opportunity for submitters to appeal the listing of heritage items in a District Plan to the Environment Court."*
16. The only change proposed to the approved process is to undertake a risk assessment of the draft heritage schedule before including that schedule in the Draft Plan. The risk with issuing a Draft Plan with the heritage schedule is that any heritage items not already protected by the operative District Plan could potentially be demolished or significantly altered without a resource consents when landowners realise Council intends to protect their building. Therefore in order to protect historic heritage it will be prudent to conduct a risk assessment. The Committee will make any decisions following the results of the risk assessment.
17. A draft terms of reference for the Heritage Steering Group is provided in Appendix A for the committee's consideration and determination.

Changes to Consultations

18. The effectiveness and efficiency of the consultation will be evaluated throughout the consultation by the District Planning Manager. Any alternation to the consultation plan will be agreed to in writing with the Chairperson of the Environmental Services Committee.

Options

19. The main options in relation to these matters are:
 - a. Approve the recommended approach;
 - b. Not approve the recommended approach;
 - c. Approve an alternative approach.

Identification of Relevant Legislation, Council Policy and Plans

- Resource Management Act 1991
- Timaru District Plan
- Long Term Plan.

Consultation

20. This matter was workshopped with the Committee on 13 March 2018.

Other Considerations

21. There are no other relevant matters.

Funding Implications

22. There is a budget of \$145,000 for consultation and advertising included in the multi-year DPR budget.

Conclusion

23. The proposed consultation programme is considered a robust method to consult the public and stakeholders and to provide a fit for purpose proposed district plan.

Recommendations

- a) **That the report be received.**
- b) **That the Committee approves the 'special' and 'standard' approach to consultation stated in this report including consulting on a Draft Plan.**
- c) **That the Committee approves the approach to consultation stated in this report on the Landscapes and Significant Trees District Plan Review topics.**
- d) **That the Committee approves the amendment proposed in this report to the previously approved approach to consultation on the heritage District Plan Review topic.**
- e) **That the terms of reference for the heritage steering group attached as Appendix A is approved, with members of that group to be confirmed by the Committee at a later date.**

APPENDIX A:

DRAFT TERMS OF REFERENCE FOR HERITAGE STEERING GROUP

1. The Heritage Steering Group will report to the Environmental Services Committee. It is recommended that the Chair of the Steering Group be an elected member of the Environmental Services Committee. Specialist assistance will be provided by the Heritage consultant and Council staff.

Membership of Steering Group

2. The steering group will be made up of the following:
 - a. A Timaru District Council elected member (chair).
 - b. An iwi representative.
 - c. A senior Timaru District Council officer.
 - d. A representative from Heritage NZ.
 - e. A representative from a local heritage conservation group, or a member of the community with a known interest in heritage.
 - f. A developer experienced in developing heritage buildings.
 - g. An architect experienced in developing heritage buildings.

Steering Group Role

3. The Heritage Steering Group will make recommendations to Timaru District Council's Environmental Services Committee regarding:
 - a. Selection of heritage items for the new district plan.
 - b. Draft district plan provisions for heritage.
 - c. Any non-regulatory actions that could assist Timaru District Council in meeting its statutory obligations concerning heritage.
 - d. Providing informal advice to staff regarding communication/consultation with landowners that are impacted by provisions for heritage in the district plan

Steering Group Operation Principles

4. Members of the Steering group agree to:
 - a. Be collaborative with one another.
 - b. Be outcome focused.
 - c. Be mindful of the District Plan Review work programme, when setting meeting dates, and making decisions.
 - d. Make decisions by consensus. If consensus cannot be reached, a report on the points of disagreement will be provided to the Environmental Services Committee, along with the points of major agreement.
 - e. Agree to recommend provisions that:
 - i. Give effect to the Resource Management Act 1991 and any applicable National Planning Standard, National Policy Statement, Regional Policy Statement; and
 - ii. Are not inconsistent with any relevant Regional Plan.
 - f. Ensure recommendations are practical and capable of being implemented.
 - g. In making recommendations, be aware of limited agency resources and the need to budget for actions.
 - h. Members shall make known any conflict of interest, and excuse themselves from decisions, in which they have an ownership interest in any building or place that is nominated for protection.