

**TIMARU DISTRICT COUNCIL**  
**FOR THE MEETING OF 28 OCTOBER 2014**

**Report for Agenda Item No**

**Prepared by - Mark Geddes**  
**District Planning Manager**

**District Plan Review**

---

**Report Purpose**

The purpose of the report is to obtain Council approval on several matters relating to the pending Timaru District Plan Review (DPR).

**Background**

The provisions of a District Plan (DP) are required by the Resource Management Act 1991 (RMA) to be reviewed every 10 years. As the current DP became operative in 2005, a review of the majority of its provisions is required to commence by 2015. DPRs are significant projects and therefore it is important that Council carefully plans for the review to ensure it goes as smoothly as possible. All Councillors attended a workshop on 10 September 2014 in respect of the DPR. Each topic discussed at the workshop is addressed in turn below.

The Resource Planning and Regulatory (RP&R) Committee does not have power to determine all the matters that are the subject of this report and therefore this report has been referred to the full Council.

Commencement

As the DP was made operative on 8 March 2005, Council is required by Section 79 of the RMA to commence the review of any provision of the District Plan, if it has not been subject to a review or change during the previous 10 years. As the majority of the provisions of the DP have not been reviewed or changed in the previous 10 years, Council must commence the review of the majority of the DP's provisions before 8 March 2015.

Although the RMA does not provide a definition as to what constitutes the commencement of a review, reasonable progress should be made by 8 March 2015 to ensure statutory compliance. Accordingly, it is recommended that Council resolves to commence the review in accordance with Section 79 RMA.

Review Type

There are two different types of DPRs Council can undertake. The first option is a full review, which means every provision of the plan is reviewed. The second option is to review all provisions simultaneously with the exception of certain provisions, which are not due for review. There are a number of provisions in the DP that are not due for review. This includes all the provisions of the 18 plan changes which have been processed since the DP became operative. It is likely that many of the provisions of recent plan changes will not require amending. For instance, it is unlikely that the

provisions of Plan Change No. 17 (Geraldine Downs) will require amendment. The first stage of the DPR (scoping what needs to be changed) will make it clearer which provisions of recent plan changes will remain unchanged or otherwise. However, it should be noted that the extent of the review and the type of review required will not be finalised until Council's agreement on the Proposed DP. This will likely be post the 2016 elections. Only at this stage will it be certain what provisions will change and what will not. Accordingly, the review type, whether it be a full review, or whether it will exclude certain provisions, will be finalised by the Council at the stage of notifying the Proposed DP.

Note that a rolling or sectional review of the DP cannot be carried out as most provisions are due to expire shortly. Legal advice has confirmed this matter.

### Representation

Council passed a resolution on 12 August 2014 that confirmed the representation model for the DPR. Amongst other things this required Council to engage a consultant acceptable to iwi who specialises in Maori resource management to liaise with local iwi on behalf of Council. Following this, the Mayor and Chief Executive met with Te Runanga o Arowhenua representatives at the Marae on the 18 September where numerous topics, including DPR representation were discussed. The Runanga representatives made it clear the recommended approach of using a consultant was not acceptable to them. Arowhenua have stated that they would prefer to be engaged by maintaining their place on the RP&R Committee and any relevant sub-committee. Accordingly, I recommend that the Council resolution of 12 August 2014 is amended to delete the reference to the consultant.

### Timing of the Review

The political election cycle should be considered in relation to the timing of the DPR. It is possible for one Council to approve a plan for notification and a new Council to withdraw or make significant changes to it. To a certain extent this issue cannot be avoided as Council can withdraw or vary a plan at most stages in the DPR process. However the likelihood of this occurring can be reduced by ensuring that any Draft/Proposed Plan is not publically notified until after any election takes place. This gives newly elected Councillors an opportunity to review and provide input into the Draft/Proposed Plan, which should ensure their ownership of the plan. Therefore, Council should aim to issue any Draft/Proposed Plan after the 2016 election.

The second phase of the RMA amendments is likely to bring significant changes which will consequently affect the DPR. It is therefore prudent to schedule work on the DPR that is likely to be affected by the RMA amendments until such time as there is certainty regarding the RMA amendments.

It is considered pragmatic to incorporate any current draft plan changes into the DPR. This includes a draft plan change to give effect to the National Policy Statement for Electricity Transmission and the National Policy Statement for Renewable Electricity Generation.

### Combined Approaches

The RMA provides local authorities with options to develop combined regional and district planning documents e.g. combined District Plan with another Council, or a combined Regional Policy Statement, Regional Plan and District Plan. On the basis that no other Local Authorities have offered to prepare a combined plan and that producing combined plans can add significant cost and complication to the DPR, it is recommended that the DPR does not involve preparing a combined plan.

Notwithstanding, Council staff will still work with Environment Canterbury collaboratively in accordance with the extant *'Memorandum of Understanding Between Timaru District Council and Canterbury Regional Council in Relation to Collaboration and Co-operation on Resource Management Planning Matters'*, signed on 27 August 2014.

### Scope and Process

The RMA requires that the scope of a DPR includes changing its provisions to give effect to any amendments to the RMA and any relevant provision of a National and Regional Policy Statement. As the RMA requires that DP's not be inconsistent with a Regional Plan, the scope of the DPR also has to address any relevant Regional Plan. Good practice dictates that the scope of the DPR should include reviewing any existing provisions which are ineffective or inefficient and any provisions that have been influenced by or address changing environmental and demographic matters. However, despite this, it is acknowledged that some existing provisions will require very little, if any, changes. With these matters in mind, it is recommended that the DPR generally follow the process set out below.

1. Scoping (Establishing what needs to be done).
  - a. Undertake consultation with statutory bodies and Council Unit Managers.
  - b. Public notice to requiring authorities and heritage protection authorities.
  - c. Undertake background studies.
  - d. Review relevant statutory planning documents.
  - e. Undertake plan and state of the environment monitoring to ascertain what provisions work well and which do not.
  - f. Undertake some general public consultation to identify broad issues.
  - g. Develop a draft work programme.
  - h. Report and workshop the draft work programme with Council.
  - i. Agree and schedule the work programme.
  
2. Implemented Work Programme
  - a. Prepare discussion document on each chapter/topic identified as requiring significant changes.
  - b. Prepare draft consultation plan for each chapter/topic identified as requiring significant changes.
  - c. Workshop and agree discussion document and consultation plan with RP&R committee.
  - d. Release discussion document to public.
  - e. Undertake consultation in accordance with consultation plan.
  - f. Summarise consultation, prepare section 32 evaluation and draft plan provisions and workshop with Council.
  - g. Peer review section 32 and draft plan provisions.
  
3. Draft Plan
  - a. Combine chapters and complete formatting to form Draft DP.
  - b. RP&R Committee approval of Draft DP.
  - c. Release Draft DP for public comment.
  - d. Public comments summarised.
  - e. Workshop public comments with Council.
  - f. Undertake additional targeted consultation where identified.

- g. Summarise targeted consultation and amend Draft Plan provisions as required.

#### 4. Proposed District Plan

- a. Staff finalise Proposed DP.
- b. Workshop final Proposed DP with Committee.
- c. Approval of Proposed DP for notification by RP&R Committee.
- d. Notification of Proposed DP.

The use of a Draft Plan is generally desirable because it provides a more specific basis on which to consult. It can often be difficult for people to understand how they might be affected by an issue if consultation is too generic. However, the decision on whether to prepare a Draft Plan or not can be revisited following Stage One of the review, after which the scope of the review will be known. If only minor changes are required then the use of a Draft Plan may be of little benefit.

The exact process for the DPR is likely to be iterative and therefore likely to change as the DPR progresses. Council can change the process prior to notification as it sees fit, therefore the above process is indicative only. Following notification of the Proposed DP, the DPR will follow the statutory process as set out in Schedule 1 RMA.

#### Consultation

It is recommended that a consultation plan be prepared for each major chapter/topic of the DPR so that consultation can be tailored to the chapter/topic. A consultation plan will be submitted to the RP&R Committee for approval before Stage 1(a) of the DPR (as stated above) to undertake general consultation. All other consultation plans (for each major chapter/topic) will be submitted and workshopped with the RP&R Committee at Stage 2(c) of the DPR.

#### Background Studies

Two key matters that will likely arise in the DPR are growth management and the role and future of the District's town centres. Accordingly, two background studies that will be required as part of the DPR are a Growth Strategy and study of the future of the District's town centres.

A Growth Strategy will inform the location and extent of landuse zonings, manage growth, integrate landuse planning and infrastructure provision and assist in controlling infrastructure expenditure. The Growth Strategy will build on work that has been completed for the Long Term Plan.

The proposed amendments to the Building Act 2004 regarding earthquake prone buildings, along with the pressure from out of town large format retail developments and a trend towards internet shopping, are likely to affect the viability of the District's town centres. Accordingly, it is considered important that the DPR addresses town centres and retail development across the district comprehensively. To inform this, a study of the District town centres and retail development in the district is required. This study will help inform the growth strategy and the DPR.

## **Identification of Relevant Legislation, Council Policy and Plans**

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

## **Assessment of Significance**

This matter is not deemed significant under the Council's Significance Policy.

## **Consultation**

A Council workshop was held on 10 September 2014 to discuss this matter. Public consultation for the DPR has been addressed above.

## **Other Considerations**

There are no other relevant considerations.

## **Funding Implications**

The DPR review will likely have significant funding implications. Funding for the DPR will be addressed in the LTP and Annual Plan process.

## **Conclusion**

The DPR is a significant project and therefore it is important that Council carefully plans for the review to ensure it goes as smoothly as possible.

## **Recommendation**

- 1 That the report be received.**
- 2 That a review of the Timaru District Plan is commenced in accordance with Section 79 of the Resource Management Act 1991.**
- 3 That resolution 6(c), agenda item 11 of the Timaru District Council meeting dated 12 August 2014, that requires Council to engage a consultant to liaise with local iwi on behalf of Council, be deleted.**
- 4 That work on particular chapters/topics of the District Plan Review likely to be significantly affected by the second phase of the Resource Management Act 1991 amendments is delayed until after there is more certainty about the amendments.**
- 5 That to enable the 2016 Elected Members to take ownership of any Draft/Proposed District Plan, no Draft/Proposed District Plan should be publically notified until after the 2016 Elections.**
- 6 That no Council led plan changes are conducted before the District Plan Review is complete.**
- 7 That the District Plan Review does not involve preparing a combined plan under Section 80 of the Resource Management Act 1991.**
- 8 That the District Plan Review generally follows the process outlined in this report.**

- 9 That a consultation plan is submitted to the Resource Planning and Regulatory Committee in respect of the initial general consultation for the District Plan Review and a separate plan is submitted approval for every major chapter/topic of the District Plan.**
- 10 That a Growth Strategy is prepared to inform the District Plan Review.**
- 11 That a study of the District's Town Centres is conducted.**