

# Exposure Draft Kaipara District Plan – Approval for non-statutory consultation

**Meeting:** Kaipara District Council  
**Date of meeting:** 27 July 2022  
**Reporting officer:** Michael Day, Strategy, Policy and Governance Manager

## Purpose | Ngā whāinga

To seek approval to release the Exposure Draft of the Kaipara District Plan for non-statutory public consultation during August and September 2022.

## Executive summary | Whakarāpopototanga

Kaipara District Council (Council) is in the process of undertaking a District Plan review. This paper seeks approval to release the Exposure Draft Kaipara District Plan (Exposure Draft) for six weeks of non-statutory public consultation during August and September 2022.

The Exposure Draft is a fully electronic plan (ePlan) and is available to view on the Council's website at <https://kaipara.isoplan.co.nz/review>. The Exposure Draft will have no legal effect and is therefore a great mechanism for 'testing' provisions with residents/stakeholders, which will help ensure that the Proposed (notified) District Plan will be robust, legally defensible and built with community feedback.

## Recommendation | Ngā tūhonga

That the Kaipara District Council:

- a) Approves the Exposure Draft Kaipara District Plan for non-statutory public consultation (as provided in the ePlan link to this report).
- b) Notes that the consultation period on the Exposure Draft Kaipara District Plan will be from Monday 8<sup>th</sup> August to Friday 16<sup>th</sup> September.
- c) Delegates the Mayor and Chief Executive the authority to make minor editorial amendments to the Exposure Draft (prior to the consultation period commencing), and/or to reflect decisions made by Council at this meeting.
- d) Agrees that staff work towards a target date of June 2023 for public notification of the Proposed District Plan.

## Context | Horopaki

The District Plan review is a significant, multi-year project, which is an opportunity to reconsider all matters contained within the Operative (2013) District Plan and to 'test' whether existing plan provisions are still fit for purpose and remain the most appropriate for our district. This review is an opportunity to ensure that the new district plan enables economic and residential growth, whilst protecting and enhancing the things that make Kaipara unique and special.

The review commenced last year with the production of a suite of District Plan review 'Discussion Documents' - <https://www.kaipara.govt.nz/kaipara-district-plan-review/discussion-documents>. These documents were subject to public feedback during August and September 2021.

Following this, the Exposure Draft was formulated between September 2021 and June 2022, as staff workshopped the content of the Exposure Draft Plan through a series of eight District Plan review briefings with Elected Members. Most recently, Elected Member direction from the June Council briefing has also been included in the Exposure Draft. This includes the following:

- Inclusion of a new permitted activity rule for tsunami warning sirens

- Inclusion of the former Matakohe school (at Matakohe museum) in the Historic Heritage Schedule
- Removal of the Gumdiggers hut (inside Dargaville museum) from the Heritage Schedule
- Amendments to the General Rural Zone subdivision rule by creating a 'Controlled' activity rule for a single allotment and a 'Restricted-Discretionary' rule for multiple allotments
- Amendment to the Environmental Benefit Lot Subdivision rules (in the General Rural and Rural Production zone) by reducing the starting point for an Environmental Benefit lot (created from the legal protection of significant indigenous vegetation or habitat) to 2ha.

### **What key benefits do we expect to arise from the District Plan review?**

Kaipara is growing fast, and the District Plan is the key toolbox which either enables or hinders development. The District Plan review is expected to generate the following long-term benefits for Kaipara when complete:

- Kaipara will have a modern, up to date District Plan that 'gives effect' to all current national and regional direction, whilst promoting economic and residential growth yet protecting the special characteristics that make our district unique.
- We now have finalised spatial plans and the expectation from the community is that we will incorporate the outcomes of these extensive pieces of work into the new District Plan to give them statutory weight (remembering that spatial plans are non-statutory documents).
- The new District Plan will maintain a sufficient supply of business and housing land (and housing choice) over a 10+ year period that is well integrated with infrastructure planning and funding.
- A simplified plan – the current District Plan is not user-friendly and is difficult to navigate. The 'new' Plan will be a GIS driven E-plan that is accessible to the community and easy to use. This will include a 'traffic light' system to quickly identify relevant activity status as well as creating a logical flow through the different activity types.
- Enhanced iwi input into resource management decision making by working collaboratively with our iwi partners.
- This will be Kaipara's last District Plan prepared under the RMA. We therefore want it to be meaningful to our district and aligned with our LTP vision, whilst still being in a format where it can be incorporated into any future planning system (ensuring it is futureproofed).

## **Discussion | Ngā kōrerorero**

### **District Plan review timeframes**

At the May 2021 Council Briefing, staff signalled to Elected Members that there will likely be a need to 'accelerate' our overall District Plan review work programme (public notification of the new District Plan was previously targeted for late 2023). The suggestion was to seek feedback on the Draft District Plan for one month in March 2022 and to notify the new (Proposed) District Plan before the Local Government Elections in 2022.

This was primarily because of the Resource Management Act (RMA) reform announcement by Central Government, which indicated that the RMA would be repealed and replaced with a new Act(s) by the end of 2022.

However, Central Government's aspirations have turned out to be ambitious and the 'intention' is now to introduce the Natural and Built Environments Act Bill before October 2022 and to pass this into law by the end of 2023.

Consequently, staff believe there is now the opportunity to revisit our District Plan review timeframes, to ensure that our new Plan (which will be the last Kaipara specific RMA planning document) is as robust and fit-for purpose as possible.

Staff now suggest that we target public notification of the Proposed District Plan in June 2023. The key benefits of this will include:

- Allowing for six weeks community engagement on the Exposure Draft, which will provide sufficient time for community members and interest groups to provide meaningful feedback.
- Allows sufficient time for staff to summarise feedback on the Exposure Draft and then commission reports/amend provisions as necessary and report this back to Elected Members and the community.
- Allowing sufficient time for Elected Members of the ‘new’ Kaipara District Council (post October 2022 Local Government elections) to understand the new Plan and provide sufficient direction prior to public notification.
- Allowance for meaningful feedback from Mana Whenua – it is a specific requirement of the RMA that prior to notifying a Proposed Plan, Councils must provide a copy of the draft Proposed Plan to iwi authorities and have particular regard to any advice received (prior to notification).
- Allowance for development of provisions that are not included in the Exposure Draft (such as provisions relating to management/protection of indigenous biodiversity).
- Allowance for the preparation of robust and legally sound section 32 evaluation reports to demonstrate why the Proposed District Plan (and the provisions within) is the most appropriate and efficient/effective way to achieve sustainable management within the Kaipara district.

#### **How does the Exposure Draft differ from the Operative Plan?**

When developing the Exposure Draft, staff have been cognisant of Elected Members direction for a simple and enabling new Plan. This aside, it needs to be noted that when publicly notified, the new Plan needs to ‘give effect’ to higher order planning documents (such as National Policy Statements and the Regional Policy Statement), as well as recognise and provide for matters of national importance under the RMA (such as the management of significant risks from natural hazards and the protection of outstanding natural features and landscapes). Staff believe that that the Exposure Draft has struck the balance between protection of special features and enablement of development ‘about right’ and look forward to testing this through a public feedback process.

Key aspects where the Exposure Draft differs from the Operative Plan include:

- The Exposure Draft contains significant structural changes in line with National Planning Standards direction. This has allowed for a reduction in unnecessary content and duplication. While there are more chapters than the Operative Plan, chapters in the Exposure Draft are more succinct, with clearer and more focused policies and rules.
- The Exposure Draft is a GIS driven E-Plan that is easy to use and navigate, with the ability to easily cross-reference to other chapters and for property owners to easily find the rules that apply to their property.
- While the Operative Plan is an effects-based plan, the Exposure Draft moves towards a “hybrid” activity and effects-based plan (as per the National Planning Standards) and includes more specific activities across the zones, with building and development controls. This makes the plan clearer for users in determining whether a resource consent may or may not be required for an activity.
- To enable economic development, we are proposing to significantly increase the amount of land ‘zoned’ for residential, commercial and industrial activities. This is illustrated below:

Operative DP zoning	Area (ha)	Exposure Draft zoning	Area (ha)
Residential	1147ha	Residential (across 4 suggested zones, including settlement zone)	2082ha
Commercial	39ha	Commercial	93ha
Industrial	110ha	Industrial (across 2 suggested zones)	237ha

This suggested approach will provide for infill development as well as new 'greenfield' development, which can be taken up when demand arises.

- As we know more about growth pressure across our district, we can therefore ensure suitably zoned and serviced land is available for economic development. Further, we anticipate the new Plan will provide a greater level of housing and lifestyle choice throughout the district. As an example, the Operative Plan has 1 single rural zone and 1 single residential zone. The Exposure Draft has 3 residential zones, 3 rural zones and a settlement zone. All these zones anticipate different housing densities and therefore differing housing and lifestyle choice. This also assists with providing a housing transition from urban to rural environments.
- We now understand more about the risks posed from natural hazards and we propose to better manage activities in vulnerable locations. Additionally, the Exposure Draft will include comprehensive flood and coastal hazard mapping/modelling that the regional council has recently completed. This mapping has accounted for climate change and sea level rise predictions and none of this is in the Operative Plan.
- The coastal environment has been defined and refined. The regional council has mapped the coastal environment for the entire region, and we have included Kaipara's mapped coastal environment in the Exposure Draft. The Operative Plan uses a series of broad overlays to define the coastal environment, and this currently accounts for 20% of the entire Kaipara district. The newly mapped coastal environment accounts for 8.6% of the District. The refined coastal environment will allow us to better manage the key values within the coastal environment that need protecting, whilst encouraging and enabling development in appropriate places.

### Structure of the Exposure Draft

As mentioned above, the Exposure Draft Kaipara District Plan is set out in the manner prescribed by the National Planning Standards. Details of the structure are outlined in **Attachment A** but simply put, the Plan is broken up into the following four parts:

Part 1 – Introduction and General Provisions

Part 2 – District Wide Matters

Part 3 – Area Specific Matters

Part 4 – Appendices and Maps.

It is also a GIS driven E-Plan that is easy to use and navigate, with the ability to easily cross-reference to other chapters and for property owners to quickly find the rules that apply to their property.

### What the Exposure Draft does not contain

Noting that the Exposure Draft is non-statutory (does not hold legal weight) and is therefore a 'work in progress', there are some matters/items that are not included. This is generally because of one or both of the following two reasons:

- a) Work on this material is ongoing/not finalised, or
- b) We are awaiting further guidance/direction from Central Government.

Topics/activities that fall into these categories include:

- Ecosystems and indigenous biodiversity – we are awaiting Central Government to finalise the National Policy Statement on Indigenous Biodiversity.
- KDC designations – ongoing/not finalised
- Private Plan Changes to the Operative District Plan – ongoing/not finalised.

The intention is for these matters to be included in the Proposed (notified) District Plan when it is released next year.

## Options

There are two reasonably practicable options for Elected Member consideration. These are either to approve the Exposure Draft District Plan for public consultation or not. These are outlined below:

**Option 1:** Approve the Exposure Draft Kaipara District Plan for non-statutory public consultation – this is the recommended option.

### Advantages

- This option allows the community to have an early look at the suggested zones, policies and rules of the new Plan.
- As a non-statutory document, consultation is less adversarial compared with a statutory RMA process.
- Issues and areas for improvement/refinement can be identified at an early stage and this can reduce the need for submissions or appeals in the formal statutory process, reducing time and cost at the later (formal) stage.
- Consultation on non-statutory Draft District Plans is best practice and there is an expectation from stakeholders that Council will be doing this.

### Disadvantages

- None apparent.

**Option 2:** Do not approve the Exposure Draft for public consultation (consult only on the Proposed District Plan).

### Advantages

- None apparent.

### Disadvantages

- This option would only involve consultation in the prescribed form under the RMA when the Proposed District Plan is publicly notified. At this point, it is a statutory process and multiple rules have legal effect.
- This is a more formal process, which can be costly and time-consuming for submitters and consequently can have the effect of excluding groups or individuals from the process.
- Only relying on the statutory consultation phase is not recommended as it can result in unnecessary additional time and costs (both for the Council and submitters) to resolve matters that could have been resolved much earlier – through engagement and public feedback on a Draft District Plan.

## Policy and planning implications

None (as the Exposure Draft is non-statutory). It needs to be noted that the Operative District Plan 2013 remains the only statutory District Plan until such point that the new District Plan is publicly notified.

## Financial implications

None. The District Plan review has been allocated funding in the Long-Term Plan 2021 – 2031. The Exposure Draft Kaipara District Plan has been prepared under existing/planned budgets.

## Risks and mitigations

While the Exposure Draft is non-statutory, it is considered a vital part of the plan development process as it allows provisions to be ‘tested’ with the public and stakeholders and then amended (if necessary) prior to public notification of the Proposed Plan.

Without this stage of the process, there would only be a single (statutory) opportunity for stakeholders to provide input into the new Plan. A perverse outcome of this may be a greater number of submissions and appeals on the Proposed Plan than would otherwise be the case and addition time and costs for Council.

## Impacts on Māori

There has been significant engagement with Mana Whenua (Te Roroa and Te Uri o Hau) over the last 12 months with regards to the District Plan review. This has included multiple hui and wānanga for staff to understand what needs to change in the District Plan and how the provisions can better integrate consideration of Mana Whenua values.

The intention is to continue (and build on) this close working relationship during the public engagement phase of the Exposure Draft and then leading up to public notification of the new District Plan.

## Significance and engagement | Hirahira me ngā whakapāpā

There has been a considerable amount of work and engagement with the public and stakeholders that has contributed to creating this Exposure Draft. If approved by Council, staff will engage with the public for a six-week consultation period.

This is non-statutory consultation and will provide community voice and feedback on the Exposure Draft leading to statutory consultation in 2023.

## Next steps | E whaiake nei

The intention is to undertake 6 weeks of public engagement on the Exposure Draft between Monday 8<sup>th</sup> August and Friday 16<sup>th</sup> September.

To ensure as much feedback as possible, a comprehensive range of engagement activities are planned for the six-week period. This includes public ‘drop in’ sessions throughout the district, a ‘chat to a planner’ service, a series of webinars that explain (in depth) various sections of the Exposure Draft, webinars/meetings with developers and environmental organisations and specific hui for iwi/mana whenua. Full details of the planned engagement activities will be communicated prior to the engagement period commencing.

After the engagement period concludes, staff will summarise/analyse feedback and prepare a report accordingly. The next step is to consider public/stakeholder feedback and update the plan prior to statutory consultation on the Proposed Plan next year.

## Attachments | Ngā tapiritanga

	Title
A	Structure of the Exposure Draft Kaipara District Plan