

District Plan Review Update

Meeting: Council Briefing
Date of meeting: 4 March 2020
Reporting officer: Kathie Fletcher, Policy Manager

1 Purpose/Ngā hāinga

To provide information on the programme for the District Plan review.

2 Context/Horopaki

All local authorities are legally required to have a District Plan as per the Resource Management Act (RMA). The purpose of a District Plan is to assist Council in carrying out their functions under the RMA. The District Plan outlines the objectives, policies and rules for land use, development and subdivisions in the Kaipara District. All land use, subdivision, site usage and development within the Kaipara District must comply with the Operative Kaipara District Plan (the Plan).

The Kaipara District is divided into areas called zones, for example, Māori purposes, residential, commercial, industrial, and rural zones. Each zone considers activities that you can do without the need for permission from Council to undertake and what activities you require a resource consent for.

A resource consent is permission for you to use a 'resource' such as land, air or water. It provides an authorisation to carry out an operation that has an environmental impact and may have conditions attached to it to undertake a particular activity. These conditions are added as a way to either avoid, mitigate or manage the environmental effects.

The need for a resource consent does not automatically mean an activity cannot occur, although it does provide some uncertainty. Currently there are no prohibited activities in the Plan. A prohibited activity means that an activity may not occur within the district.

A District Plan is required to be reviewed every ten years. This review may start at any time before the ten years has passed. The review can take many years to complete due to the complexity of subject matters.

Council can either review the Plan chapter by chapter and replace chapter by chapter or they can review the entire Plan at once. Council decided in 2018, after Council staff researched costs and the preferred practice of local government around the country, that it will comprehensively review the entire Plan all at once. The main drivers being to not impose an unreasonable financial burden on ratepayers and to expedite the process so improved processes enable the protection of Kaipara's natural and social assets whilst allowing for needed development to support a thriving economy.

There are a number of different topics that Council has to address in the Plan. As Council staff review, research and analyse these topics for their currency, legal compliance, effectiveness, briefings will be held with elected members to discuss findings and seek direction on how to proceed with providing the best information to work with our Mana Whenua partners, communities and stakeholders in order to get feedback on any proposed plan changes.

To date throughout 2018 and 2019 as part of regular review updates or presentations at both briefings and Council meetings, elected members have provided Council staff with decisions, direction and input on the following topics:

- National Policy Planning Standards and the chapter titles for the new Plan (Attachment A)

- Regional Policy Statement priorities – Significant Natural areas (SNAs), Outstanding Natural Features (ONFs), Outstanding Natural Landscapes (ONLs), Natural hazards and climate change
- LTP priority - Sustainable development and growth strategy for Kaipara's urban centres and smaller towns and villages
- Spatial plans for Kaipara West and Mangawhai
- Plan Change 4 -Fire Rule
- Genetically Modified Organisms (GMOs)
- Coastal environment mapping and character identification
- Clause 20A matters- minor changes required to amend the current Plan
- Open spaces and reserves
- Geotechnical hazards
- Community engagement and elected members involvement
- Budget expenditure

This report provides new elected members their first opportunity to understand where we are up to with the review and at the same time provide the re-elected members assurance the review is on target and within budget in accordance with their aspirations and decisions.

3 Discussion/Ngā kōrerorero

Comprehensive review

The comprehensive review of the District Plan is based on a five-year programme, which will result in a public notification of the Final Draft Plan for formal consultation currently scheduled for 2022. This comprehensive process means, after direction from Council, all proposed amendments to the current Operative Plan will be publicly notified as a whole Plan package consisting of approximately 70 plan changes. It is important to remember this is not a rolling review that focuses on Council releasing individual chapters, one by one for formal consultation. This therefore requires robust technical reports and extensive engagement at the front end of the process to minimise costly and lengthy legal hearings at the tail end of the review. Council staff are committed to complete the review on time and for the best value. This commitment pursues the following goals:

- Efficiency – having a Draft Plan, with all chapters and proposed changes ready for public notification and formal consultation in 2021;
- Effectiveness – the Draft Plan is a succinct, user friendly planning tool, that meets the current and future needs of the district's communities;
- Elected members are supported and given the opportunity to initiate and champion the review with constituents;
- Inclusiveness – all our communities, Mana Whenua partners, stakeholders, staff and elected members are given multiple opportunities to participate in the review and contribute to the draft and Final Plan;
- Professional competency – the Policy team and in particular the District Planner is trusted and respected to lead this review process;
- Best practice community engagement – utilising Community Advisors to support and guide the process where possible;
- Collaboration across Council – the Policy team will collaborate with staff to ensure the Draft Plan is supporting and informing best practice and represents current legislation and technical standards;
- Innovation – an e-plan is created.

Key Themes of the District Plan Review

- **Mana Whenua and Tangata Whenua Interests** - Papakāinga, Māori cultural zone, Māori purposes zone, Treaty settlement zone, reserves, esplanade priority areas.

- **Historic Heritage** - Heritage areas and sites of significance, heritage areas/ buildings – this section will also look at Mana Whenua cultural heritage.
- **Urban Capacity / Sustainable Development Strategy** – includes key urban areas, towns and villages throughout Kaipara spatial planning.
- **Regional Policy Statement Features** - Significant natural areas, coastal and character, outstanding natural landscapes and outstanding natural features.
- **Hazards** - Coastal hazards and climate change, flooding, hazardous substances, contaminated sites, land stability. GMO's, fire, and drought.
- **Open Spaces and Notable Trees** - Protected /notable trees, open spaces and recreation zone, open spaces zones.
- **Infrastructure** - Transport, four waters, network utilities, telecommunications, environmental engineering, alternative/renewal energy.
- **Activities** – policies and rules will be developed to control specific activities. These include temporary activities, noise and vibration, lighting, earth works, signs, activities on the surface of the water, minerals and mineral extraction.
- **Rural areas** – different zones will be established e.g. Rural General Zone, Rural Production Zone, Rural Residential Zone- Lifestyle Zone, Rural Urban Expansion Zone, and Future Urban Zone.
- **Residential areas** – different zones will be established e.g. Urban General Zone, Urban Residential Zone. Housing needs will be examined in terms of lot sizes and housing density alongside any development conditions. Social housing, retirement villages and home occupation will also be examined.
- **Commercial areas** – different zones will be established e.g. Commercial Zone, Town Centre Zone, Neighbourhood Commercial Zone, Mixed Use Zone, Industrial Zone, Light Industrial Zone and Heavy Industrial Zone.
- **Zoning**: New Zealand's planning system is grounded in effects-based performance zoning under the Resource Management Act 1991. A property's planning zone shows what activities and land uses are permitted.
- **Special Zones** – different zones will be established e.g. Airstrip Zone, Helipad Zone, Hospital Zone, and Education Zones.
- **Other** - Design guidelines and designations will also be examined.

Review Process

The review process is being undertaken in two parts with different stages. This will result in plan changes that have been divided into key themes.

Part One: involves drafting plan changes with input from Mana Whenua, community, stakeholder, and technical expertise – this is the stage where we are currently at. Council staff have been engaging across the District, to enable Kaipara's communities to participate in the review process.

Part Two: involves the formal consultation process on the Draft District Plan.

Each part seeks views on what is important for our communities and natural environment to thrive. These views will help to influence the development of any new proposed plan changes.

Review programme

The Policy team has been actively working on the District Plan review from 2018 on those areas prioritised by both Council as part of the LTP and legislation. The work in progress and planned for 2020 falls within Part One identified work. 2021 marks the move to Part Two and the more formal legal process. The below table provides detail.

Progress and Forward Planning

2018	Activities
Completed	National Planning Standards inform review - titles of chapters reflect the revised standards
Completed	Fire Rule PC4 appeal with FENZ and s274 parties resolved
Completed	Fire Rule - Operative District Plan amended to take into account PC4 changes
Completed	Operative District Plan amended to take into account National Environment Standards -Plantation Forestry
Completed	Budget evaluation & forward planning
2019	Activities
Completed	GMO plan change
Completed	Outstanding Natural Features (ONF) mapping and report
Completed	Significant Natural Areas (SNAs) and ecological assessment mapping
Completed	Geotechnical survey for six areas in district -Kaiwaka, Mangawhai, Maungatūroto, Matakōhe, Dargaville, Kaipara west coast
Completed	Spatial planning proposed options for Kaipara west & Mangawhai
Completed	Preliminary E-plan discussions and preparation
Completed	Mana Whenua Engagement (Rohe tour -Te Roroa)
Completed	Budget evaluation & forward planning
2020	Activities
Completed	Budget allocation & project planning
In Progress	Mana Whenua Engagement (Rohe tour -Te Uri O Hau)
In Progress	Identify and manage effects on the coastal environment by incorporating revised NRC flood and coastal maps into Operative District Plan
In Progress	Ongoing e-plan logistics
In Progress	Spatial planning draft options for Mangawhai & Kaipara west
In Progress	Spatial planning community engagement for subregion
In Progress	Urban design guidelines

In Progress	Environmental Engineering Standards review
In Progress	ROSS drafting
In Progress	Climate change mitigation, emissions baseline data reporting
In Progress	Alternative energy review
In Progress	Notable trees review
In Progress	Efficiency & Effectiveness Report
Planned	Completion of all spatial planning
Planned	Section 32 report drafting
Planned	Discussion papers for each proposed plan change to date
Planned	Completion of SNA review
Planned	Conduct climate change risk assessment on Council and community assets
Planned	Dynamic Adaptation Planning case study
Planned	Extensive Mana Whenua, community, stakeholder engagement
Planned	Designations & covenant research
Planned	Māori land, Papakāinga development, Te Tiriti O Waitangi, Heritage, Rural, Open Space, reserves, technical chapter reviews e.g. noise
Planned	Progress reporting
2021	Activities
Planned	Review appendices
Planned	Completion of discussion papers for all proposed changes
Planned	First Draft Plan for Council consideration
Planned	Public notification Final Draft District Plan (Nov 2021)
Planned	E-plan testing
2022	Activities
Planned	Formal Consultation on Final Draft Plan (Nov -March 2022)
Planned	Collate & analyse feedback, Council adoption of Plan
Planned	Hearings and Appeals, Council decision
Planned	Final e-plan testing
Beyond 2022	Plan becomes Operative

Technical Reports

Council has started collecting base information to help identify where potential development may occur within the District, taking into consideration hazards, risks and opportunities. ENGEO Limited, for example, has undertaken research and a desk top analysis on geotechnical hazards within the District. This helps identify where development may occur and what will be required to satisfy Council as to the appropriateness of the proposed development and whether any controls are needed. Erosion, landslips and sea water flooding are the dominant natural coastal hazards along the coastline. Coastal erosion is either a long-term trend or a significant short-term shoreline fluctuation, especially on sand dune-backed coasts. Landslip is directly associated with coastal erosion where the geology is relatively weak and prone to slope failure. Severe coastal storms or tsunami produced waves can temporarily flood low-lying coastal areas. The effects of climate change are likely to increase hazards in Kaipara. The LiDAR data has now been captured and is being analysed so NRC can provide Council mapping on natural hazards in Kaipara. This and other necessary work to address climate change challenges and opportunities will ensure the Council fulfils its obligations under the RMA and the Zero Carbon Act.

All technical reports will be discussed with elected members and will help inform the section 32 reports and any new or revised policies and rules for the Draft Plan. These new or revised provisions will then be consulted on as part of our engagement processes.

Project reporting

Regular reporting is provided to an internal Strategic Portfolio Steering Committee. This helps to identify any risks that need to be urgently addressed. Workshops with staff are also planned for 2020 to provide a pathway for ongoing technical input and to promote communications on potential future changes to business as usual.

Elected member involvement is enabled in the following ways:

- Council briefings
- Council meetings
- Committee meetings
- Community engagement events

The following matters will be coming to Council this year for direction and decision:

- | | |
|---------------------------|---|
| ▪ heritage protection | ▪ notable tree identification |
| ▪ spatial plans | ▪ climate change and natural hazard mapping |
| ▪ urban design guidelines | ▪ alternative energy resources |

The next round of community engagement events seek input into spatial planning for Kaipara's rural and coastal towns and villages (Te Kōpuru, Glinks Gully, Baylys Beach, Tangiteroria, Tangowāhine, Tinopai, Pahi, Whakapirau, Hakeru, Poutō, Kelly's Bay, Matakōhe, Paparoa, Kaihu) and will occur between 16 – 26 March. At the time of writing this report, venues and times are yet to be confirmed. Invites will be sent to elected members.

Staff resources

Six full time (1 Policy Manager, 1 District Planner, 2 Senior Policy Analysts, 2 Policy Analysts). District Planner is the only staff resource dedicated solely to the review, all other team members must balance other policy, bylaws, and strategic project workloads alongside review.

Use of consultants

Consultants and cultural expertise are only contracted to fill knowledge gaps and carry out work not available in house. Current contracts with Campbell Brown, AR Associates, Carbon EMS, Wildlands, and Arborlab Consultancy. Future expertise required for rural, papakāinga, technical knowledge gaps.

Budget allocation and expenditure

Below table shows budget details at a high level.

Budget Year	Working Forecast Budget ¹	Actuals	Activity areas	Committed to following year's budget
2018/19	\$831,00	\$462,003	Technical expert time & reports, community engagement events, GIS mapping, rohe tour, filming, marae engagement events, maps, cultural expertise,	\$324,387 reallocated to 19/20 budget Savings \$16,700
2019/20	\$594,724	\$292,134 to Nov 2019 Committed budget to following: 1. Contract milestones with: Arborlab (notable tree assessment & report); AR Associates (spatial planning & urban design guidelines), Campbell Brown (spatial planning) 2. Community engagement events	Consultancies & technical expert reports, cultural expertise, engagement events, climate change data	Reallocation to other Council budgets \$175,000

Budget Year	Working Forecast Budget ²	Activity areas
2020/21	\$678,371 ³	Formal consultation
2021/22 to 2025/26	\$1,062,371 each year	Hearing & Appeal costs e.g. expert witnesses, legal representation, commissioner fees
2026/27 to 2028/29	\$727,371 each year	Residual Appeal matters & making plan operative costs eg legal expenses, communications & engagement

¹ All annual budgets may change as we forecast budgets during the annual plan review process. Actual expenditure and progress of the review may lead to savings or reallocation or spread across each subsequent year of the review.

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³ Reallocation to other budgets and reduction of costs to ratepayers contribution approximately \$365,000.

2029/30	\$675,371	Residual Appeal matters & making plan operative costs eg legal expenses, communications & engagement
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Challenges and opportunities

The review is progressing smoothly. Spatial planning is being well received across the district and helping to improve district planning and policy direction. It is also revealing more gaps in our knowledge. On the one hand this provides a window of opportunity to conduct more robust analysis on potential future land use options. On the other hand, this leads us to review our forward budget planning and the current set allocation of monies to projects.

3.1 Financial implications/Ngā ahumoni hīraunga

Staff are constantly reviewing budgets against work programme to ensure our budget forecasting is accurate, given the long lead in time for budget projections. Where reductions or savings against budget can be made, they are.

We are developing our intelligence on actual costs as we engage our Mana Whenua partners, communities and stakeholders, this will improve our forecasting abilities. Improved data collection, technical advice and GIS mapping from NRC will also enable better analysis of current Plan. Consultants are being given strict timeframes to deliver their projects and have honoured these agreements so far. The spatial planning has revealed itself as a much needed and well received review tool. Caution needs to be taken when considering future budgets. Unknown future costs such as the formal legal processes (e.g. appeals) are unknown and could significantly affect budget. Further, reduction in budgets will affect our ability to deliver the review.

3.2 Policy and planning implications/Kaupapa here me hoahoa hīraunga

A lot of consideration is being given to logistics planning in order to utilise key calendar events and optimise on existing community engagement across the organisation.

3.3 Risks and mitigation/Ngā tūraru me ngā whakatika

We need to be flexible and agile to meet the current work programme and budget, in order to mitigate the risk of creating a plan that does not address these gaps satisfactorily and therefore not meet the future needs of our communities. Technical administration support will be brought in as required. We are looking at other ways to maximise delivery such as contracting a student to complete simple work.

4 Next steps/E whaiake nei

Continue to implement review programme of works and start spatial planning engagement throughout rest of district. Present options on other chapters for review to Council for direction and review e.g. notable trees, heritage protection. Field day survey of farmers on rural issues.

5 Attachments/Ngā tapiritanga

Number	Title
A	Chapter Headings

Kathie Fletcher

04 March 2020