
DISTRICT PLAN REVIEW

1. Purpose of report

This report seeks approval from the Strategy & Policy Committee (“the Committee”) for a managed and prioritised review of the district plan (“the plan”). It follows on from the first district plan review paper considered by the Committee on 6 October 2011 and a Councillor workshop held on 22 November 2011.

2. Report summary

This paper presents a managed, staged and financially prudent programme of district plan workstreams for the period 2012-2015 and beyond. The programme takes into account a range of strategic issues addressed in the October paper and incorporates feedback from the Committee and the workshop held on 22 November 2011. It acknowledges the preference to resolve existing appeals and undertake significant “foundation” work before notifying further changes to the district plan. In particular the programme has been structured based on the following principles developed from the feedback obtained:

- pause on notifying further plan changes and variations until existing district plan appeals are settled;
- take a structured and strategic approach to the foreseeable district plan work programme;
- further investigate opportunities to improve accessibility to the plan including “e-Plan” opportunities;
- a strong short-term focus on monitoring and research to underpin future plan changes; and
- strategic prioritisation of future plan changes taking into account existing commitments, strategic priorities and parts of the plan identified for improvement.

In line with these principles the programme starts in year 1 with resolving appeals and undertaking “foundation” work and moves to the notification of identified plan changes in six major topic areas in years 2 and 3. These plan changes are focused towards parts of the plan that are due for under the ten year statutory review cycle of the Resource Management Act (“RMA”). This includes plan changes for the tangata whenua; airport and golf course precinct; institutional precinct and rural / open space chapters.

There is also potential for proposed background work on natural hazards and heritage to be progressed into plan changes within this short-term programme if legislative change and Council's strategic position on these high priority issues is resolved quickly.

The programme has been developed specifically to work within existing funding levels and officers are seeking commitment to this programme so that it can be included in the draft 2012-22 Long Term Plan ("LTP"). It is expected that the potential plan changes for natural hazards and heritage could be accommodated within this budget.

It should also be noted that following the completion of foundation work in year 1 (i.e. monitoring, research and e-Plan investigations) it is proposed that the work programme set out in this report be finalised and any required amendments made before any plan changes are notified. This mechanism offers important flexibility to the programme in the event of new information coming to light and changes in Council's plan change priorities. It is also proposed that a three year work programme be maintained at all times (updated annually) and that officers report regularly to the Committee with progress on the plan review process.

Officers also believe there is benefit in some additional funding to accelerate the pace of the review. This can assist in "getting ahead of the game" and avoiding risks associated with continuing on a slower basis at currently forecast funding levels. Those risks relate to limitations on the potential to restructure the plan, not staying ahead of the RMA ten year review requirement, and potential for inconsistent approaches between individual plan changes. Whilst these risks can be managed, officers acknowledge the opportunity for the Committee to identify additional workstreams for consideration. If additional workstreams are identified by the Committee, officers can provide advice on these, including cost implications.

3. Recommendations

Officers recommend that the Strategy and Policy Committee:

- 1. Receive the information.*
- 2. Agree to the baseline work programme set out in Section 6 below and note that this will form the basis for district plan work programme costs for inclusion in the 2012-22 Draft Long Term Plan.*
- 3. Note that agreement to recommendation 2 will commence the ten year review of the district plan under the Resource Management Act 1991 and a new approach to the district plan change programme.*
- 4. Note that agreement to recommendation 2 means that no plan changes other than a "minor amendments" plan change will be notified until either the 2013-14 financial year or until all existing appeals are resolved and key foundation workstreams are completed.*

5. *Direct that officers, following the completion of the “foundation” workstreams set out in Section 5.1 below, will report back to the Strategy and Policy Committee in the 2012-13 financial year to seek its agreement to:*
 - (a) *a recommended structure, role and approach for the district plan; and*
 - (b) *a final detailed work programme based on that set out in Section 6 of this report.*
6. *Note that officers will report to the Committee on a six-monthly basis (or as otherwise required) about progress on the district plan review.*
7. *Note that a detailed three year forward work programme and more general long term work programme will be set at the end of each financial year for the life of this district plan change programme.*

4. Background

This report follows on from the district plan review paper considered by the Committee on 6 October 2011 (attached as **Appendix 1**) and the Councillor workshop held on 22 November 2011. A significant amount of contextual information has been presented and considered through those processes. The original paper sets out this context in detail. To summarise, some key pressures and considerations at the present time include:

- the role that the plan should play in Council’s overall “toolkit”,
- the fact that around 50% of the plan is due for review under the ten year review cycle of the RMA,
- Council’s higher order strategic direction set out in documents including *Smart Capital* and the *Central City Framework*, and the ethos of the City being “open for business”,
- responsiveness to central government reform and opportunities for regional collaboration,
- improving access to the plan and making it more user-friendly (including “e-Plan” opportunities),
- maximising value from recent investment in the plan (e.g. plan changes 72 and 73), and
- a managed, long-term approach to the review of the plan with an effective transition from the current situation (where appeals are still unresolved) to a fully operative and rationalised plan over time.

A key development since the October 2011 paper was presented is Council’s adoption of the *Central City Framework*. In addition the recent government coalition agreement between the National and Act parties is noted. This refers to “a single unitary plan” being developed for each district but it is not yet clear

what a “unitary plan” is or how it will be implemented. However, measures are being taken to ensure Council is responsive if change occurs in this area. Officers are communicating regularly with planning officers from the other metropolitan Councils to identify possibilities for shared approaches and are closely monitoring what implications a unitary plan would have for the work programme. In addition the work programme proposed in this paper is flexible to change.

5. Prioritisation of tasks

The prioritisation of tasks set out below is based around principles developed during the workshop and these are:

- pause on notifying further plan changes and variations until existing district plan appeals are settled;
- take a structured and strategic approach to the foreseeable district plan work programme;
- further investigate opportunities to improve accessibility to the plan including “e-Plan” opportunities;
- a strong short-term focus on monitoring and research to underpin future plan changes; and
- strategic prioritisation of future plan changes taking into account existing commitments, strategic priorities and parts of the plan identified for improvement.

Tasks fall into two categories – “foundation” workstreams and plan changes. Both are set out in detail below.

5.1 Foundation workstreams

External pressures deriving from RMA reform create uncertainty around future plan-making and therefore officer advice reinforces discussion at the workshop that short-term priorities should focus around resolving appeals and “foundation work” for future plan changes. This will allow time for these issues to become clearer and to inform the future plan change programme. Therefore it is proposed that foundation workstreams (see below) be completed and the plan change work programme finalised during the 2012-13 financial year to allow new issues and changing priorities to be taken account of.

Foundation workstreams
<ul style="list-style-type: none"> • Resolution of existing appeals • Determine a role for the plan within Council’s wider toolkit • Identify and undertake strategic projects (if any) required to underpin the district plan programme • Identify a preferred structure and approach for district plan • Investigate e-Plan opportunities and costs • Identify a preferred approach to plan change consultation • Monitoring and research to inform priority plan changes

Completing this work will provide Council with a strong evidence base, approach and direction for future changes to the district plan. A workstream

proposed to immediately follow the completion of this work is the development of new user guides for the district plan. These would assist external users to navigate the plan effectively, but could not be commenced until some of the fundamental questions about the structure and approach of the plan are settled.

5.2 Plan changes

Based on current thinking a prioritised list of plan changes is set out in the table below. A programme of work based on this prioritisation of plan changes is set out in Section 6.

Priority	Planning / resource management issue	Existing district Plan chapters affected*	Reasons
Highest	District plan approach	Introduction, general provisions	Need to signal clear approach and role for district plan at outset
High	Landscape, indigenous ecosystems, coast	Rural, Open Space, Conservation	Due for review under RMA with additional pressure from RPS, NZCPS
High	Tangata whenua	Tangata whenua (primarily), most others	Due for review under RMA, requirement to reflect Treaty settlements
High	Airport and Institutional land development controls	Airport and Golf Course precinct, Institutional precincts	Due for review under RMA, potential for private plan change requests if Council does not promote plan changes in short – medium term
High	Hazards and heritage	Zone based chapters, heritage	Hazard planning and associated management of heritage buildings a key issue. Plan responses should follow resolution of overall Council approach to these issues and completion of central government investigations and legislative change (in response to Canterbury earthquakes).
TBC	Programmed plan changes and plan changes signalled in other documents (Thorndon heritage, Johnsonville design guide)	Residential, Centres Area	Need to reconsider the prioritisation of these plan changes – to be informed through background work and consideration of the plan as a whole
TBC	Central City	Central Area, design guidelines	Plan change required to reflect the directions of the <i>Central City Framework</i> (“CCF”). Individual projects completed under the umbrella of the CCF will inform the shape of changes required to the district plan. Also need to make PC48 operative before promoting this plan change.

Priority	Planning / resource management issue	Existing district Plan chapters affected*	Reasons
TBC	Designations	Designations	No pressure for review – chapter is collection of designations held by various requiring authorities. Potential to remove designations that have become redundant.
TBC	Urban design	Design guides (Volume 3)	A key element of the plan. Need to consider role and emphasis of design guides within the plan. Also, design guides have become repetitive and complex. Specific investigation required to inform decision making.
Lower	Residential and Suburban Business Areas	Residential, and Business Areas	These chapters have recently been reviewed via PC72 and 73 but have structural and drafting issues requiring amendment in the longer-term
Lowest	All other issues / chapters	E.g. Earthworks, Network utilities	Chapters already reviewed and operating effectively. When review occurs drafting and structure should be revised to reflect other parts of the plan.
Ongoing	“Rats & mice”	Various	Regular plan changes to correct minor errors and ensure smooth operation of the plan etc. Normally required on an annual basis.

The rationale for the prioritisation of individual plan changes / topics is set out in the right hand column. The overall approach to prioritisation has been drawn from workshop feedback and based on the following:

- highest priority on the introductory sections of the plan in order to set a clear direction for the plan review,
- high priority on parts of the plan due for review under the RMA and subject to additional pressure as a result of new national policy statements and the new Regional Policy Statement,
- unconfirmed status for workstreams requiring further investigation before they can be prioritised, and
- lower / low priority for all other parts of the plan.

This strategic approach will involve not notifying any plan changes until appeals are resolved and key “foundation work” has been completed. The only exception to the principle of deferring new plan changes until appeals are resolved is a proposed minor amendments or “rats and mice” plan change. This is a regular requirement for the plan and is required in year 1 to address minor drafting and administrative errors that have been identified in the plan.

5.3 Thorndon and Johnsonville

The deferral of plan changes applies to the agreed plan changes for Thorndon (related to heritage) and Johnsonville (design guide for medium density housing), and reconsidering their “fit” within a new programme of plan changes (they are identified as “TBC” in the table above). It should also be noted that the notification of these plan changes before the resolution of the Plan Change 72 appeals would cause procedural complexity and delay PC72 from becoming operative.

Officers acknowledge the significant background to these proposed changes, including the Committee agreement to promote them, and for these reasons they will be carefully considered for fit. It will also be necessary for officers to inform the relevant stakeholder and residents groups involved in this background about the changed approach to the district plan programme.

5.4 “Managed approach”

Regardless of the final prioritisation of individual plan changes is it proposed that the work programme be undertaken in a managed way in line with the following principles:

- Start with determining the desired structure and approach of the plan.
- Within this structure, identify the individual plan changes required to achieve a full plan review over time.
- Ensure all individual plan changes are discrete and do not overlap with others, in order to avoid variations and/or the need to make one plan change operative before notifying another (to the extent possible).
- Forward thinking about likely appeals and deliberate consideration of these throughout the programme (to minimise these to the extent possible).
- Maintain consistency of structure, drafting and approach within individual chapters over time to maximise plan integrity and ease of use (to the extent possible).
- Maintain a three-year forward work programme at all times (to be updated annually) and a more generic understanding of the likely programme in the longer term (three years plus).

There will be a practical need to maintain some flexibility in applying these principles, including a likely need to shuffle the prioritisation of plan changes according to need over time. In particular there will be a need to finalise (and amend as required) the work programme in year 1. This mechanism acknowledges the potential for new information to come to light during the important “foundation” workstream.

The principles set out above directly informed the proposed work programme. Overall, this managed approach would derive considerable benefits in relation to cost, sense of direction, duplication and complexity. In order to maximise these benefits it is recommended that officers report to the Committee on a six-monthly basis (or more frequently if required) to give progress updates and to seek agreement on specific matters (as required).

6. Work programme and financial considerations

A “baseline” work programme has been developed for the plan review, based on the overall prioritisation of tasks set out above and requires no increase in current funding levels.

The programme has a focus on the period 2012-15 to tie in with the long term plan (“LTP”) process. Priority workstreams for the remainder of the current financial year are also shown to put the programmes in context and show continuity. Workstreams for the period beyond 2015 are more broadly identified. The baseline work programme is as follows (see table overleaf):

Year 0 (current financial year)
<ul style="list-style-type: none"> • Resolution of current Environment Court appeals • “Foundation” workstreams <ul style="list-style-type: none"> ➢ Monitoring and research programme focused on issues relevant to upcoming plan changes ➢ Research into a preferred future role for the District Plan ➢ Research into future structure and approach of District Plan ➢ Initial e-Plan investigations ➢ Identify a preferred approach to plan change consultation
Year 1 (2012-13 financial year)
<ul style="list-style-type: none"> • Resolution of current Environment Court appeals continued • “Foundation workstreams” continued <ul style="list-style-type: none"> ➢ Monitoring and research programme focused on issues relevant to upcoming plan changes ➢ Resolve future role for the District Plan ➢ Resolve future structure and approach of District Plan ➢ e-Plan seeding study • Strategic workstreams (e.g. “spatial plan”) (if required) • “Rats & mice” plan change (minor amendments) • Background drafting of upcoming plan changes • Finalisation (and amendment as required) of plan change programme for year 2 and 3, and indicatively for the period beyond • Development of new district plan “user guides”
Year 2 (2013-14 financial year)
<ul style="list-style-type: none"> • Drafting and notification of plan changes covering <ul style="list-style-type: none"> - Introductory issues (i.e. current introductory and general chapters) - Tangata whenua - Airport and golf course precinct • Monitoring and research programme continued • Focused plan change background and drafting work to inform plan changes on: <ul style="list-style-type: none"> - Institutional precincts - Landscapes, indigenous ecosystems, coast (i.e. current rural, open space, conservation chapters) - Natural hazards / heritage* • Re-establish 3 year work programme, and indicatively for the period beyond
Year 3 (2014-15 financial year)
<ul style="list-style-type: none"> • Resolution / continuation of Year 2 plan changes • Monitoring and research programme continued • Drafting and notification of plan changes covering <ul style="list-style-type: none"> ➢ Institutional precincts ➢ Landscapes, indigenous ecosystems, coast (i.e. current rural, open space, conservation chapters) ➢ “Rats & mice” • Focused plan change background and drafting work to inform plan changes on natural hazards / heritage* • Stock-take exercise and setting of the work programme for the period 2015-2018.

* Potential for these high priority plan changes to be notified in year 2 or 3

It is proposed that officers commence foundation work immediately.

Officer's note that although the programme has been designed to fit within existing funding levels there are some risks associated with the associated pace of review. The mechanisms set out in Section 5.3 can mitigate these risks but there would be benefits in a faster paced review. However, if the Committee wants additional work to be included in the work programme, the resolution of the Committee will need to be subject to additional funding being allowed in the LTP.

It is also noted that if legislative change and Council's strategic response to natural hazard and heritage issues is settled quickly, then natural hazard and heritage plan changes could be added into the three year work programme set out above. It is also likely these could be accommodated within existing funding levels, if not other work would need to be deferred. However, it is not recommended that Council promote plan changes for these issues ahead of legislative reform (including RMA reform) or resolving its own strategic position, both which will take some time, and on this basis officers consider it unlikely that these plan changes could be notified in year 2 or 3.

7. LTP implications

The proposed options have been developed to align with the 2012-2022 LTP process. The work programme adopted by the Committee will form the basis for costs for inclusion in the draft 2012-22 LTP. As the work undertaken in the 2012-15 triennium will not constitute a full plan review, a similar exercise will need to be undertaken in preparation for the 2015-25 LTP, however the proposal to maintain a three-year forward work programme (updated annually) will simplify this.

8. Climate change impacts and considerations

This report sets out a work programme only. Substantive consideration of climate change issues will be addressed (as appropriate) in the individual workstreams set out.

9. Consultation and engagement

This report has been informed by a survey of regular plan users (2010) and targeted interviews with key stakeholder groups. Further, significant consultation and engagement with key stakeholders and the community will be required as part of subsequent plan change processes. In addition a specific workstream identifying a preferred approach to plan change consultation is proposed to commence in the current financial year.

10. Conclusion

This report seeks the agreement of the Committee to the commencement of a new district plan review process. It builds on a previous report presented to the Committee in October 2011 and a subsequent Councillor workshop in November 2011.

A detailed three-year forward work programme (2012 – 2015) is proposed, and this can be undertaken within existing funding levels. This will enable officers to embark on a focused programme of “foundation work” including monitoring and research in year 1. The first new plan changes would be notified in years 2 and 3 following completion of the foundation work and resolution of all outstanding appeals.

Officers will report back to the Committee at the end of year 1 to confirm the forward programme of plan changes and a recommended approach to the plan review, taking account of the outcome of year 1 investigations and any changes in Council’s strategic priorities. A range of other measures are proposed so that the programme:

- remains flexible to change (including central government reform),
- is efficient by minimising duplication and complexity of process, and
- addresses Council’s strategic needs over time.

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Supporting Information

1) Strategic Fit / Strategic Outcome

Consideration has been given to Council's strategic direction and subsequent changes to the district plan will need give effect to this, including Towards 2040: Smart Capital

2) LTCCP/Annual Plan reference and long term financial impact

The option resolved by Council will inform the prioritisation of Council's future activities, as developed in the long-term plan and annual plan.

3) Treaty of Waitangi considerations

Policy not yet under development. Future changes to the district plan will need to acknowledge the role of mana whenua and iwi in Wellington City. The implications of recent and upcoming Treaty settlements have been built directly into the recommendations

4) Decision-Making

This report does not seek a significant decision. The report identifies options that would form the basis of the foreseeable forward work programme for the District Plan.

5) Consultation

Targeted surveys and interviews have been undertaken. Full public consultation will be required under the Resource Management Act to implement changes to district plan policy.

6) Legal Implications

There are no legal issues

7) Consistency with existing policy

There are no immediate policy implications.