

Item for Decision

DISTRICT PLAN REVIEW UPDATE REPORT

PURPOSE

The purpose of this report is to provide an update on the progress of the District Plan Review. In February 2018, the Draft District Plan was released for community feedback. This report provides a summary of the feedback and outlines the next steps in the process.

RECOMMENDATION

That, having considered all matters raised in the report, the report be noted.

COMMUNITY BOARD RECOMMENDATIONS

The Kaitake, Inglewood, Clifton and Waitara Community Boards endorsed the officer's report.

TE HUINGA TAUMATUA RECOMMENDATION

Endorsed the officer's recommendation.

SIGNIFICANCE AND ENGAGEMENT

This report is provided for information purposes only, and has been assessed as being of some importance.

DISCUSSION

Background to the District Plan Review

This report updates the Council on progress with the District Plan Review, as we move closer towards the release of a Proposed District Plan.

The District Plan Review commenced in May 2014 and has involved a complete rethink of how the district will respond to land use planning over the next 10 years. In this time central government have made significant changes to the Resource Management Act and have also signalled a new national direction in how District Plans will be drafted moving forward. New Plymouth has also been recognised as "High Growth Council" by central government resulting in greater regulatory obligations on how to manage growth.

The District Plan Review has adapted to these changes and responded in a two-step process. Firstly a new planning framework that was released in hard copy form in October 2016. This new planning framework was well received by the community and the feedback helped refine issues. The second step was the release of a full digital version of the Draft District Plan in February 2018. This full Plan was a significant milestone, particularly as it was presented in a digital format, the first of its kind in

Item for Decision

the country. It has since been recognised as best practise, receiving four sector awards.

The release of the Draft Digital District Plan through a non-statutory process is recognised as standard practice and provided the opportunity for the community to give detailed and practical feedback on implementation of the rules and provisions in the new District Plan. 'Road testing' the plan in this way will reduce the depth and breadth of possible appeals. A high number of detailed comments (over 350) have been received which are summarised in the next sections of this report. Council staff are now working through the key issues raised in these comments, including further engagement with stakeholders.

The next step in the process is to refine and make changes to the Plan, before formal public notification of a Proposed District Plan.

Feedback on the Draft Digital District Plan (e-Plan) February 2018.

On the 30 January 2018, the Council approved the release of the Draft Digital District Plan for community feedback. A comprehensive 'Know your Zone' campaign was launched on February 16 with a focus on the following:

Know your zone: People were encouraged to use the new digital format to search for their property, to find out what zone applied and to see if any other property specific features and rules applied.

Know where to do business: By typing a business address, property owners were able to see what rules applied to their property. This messaging focused on providing more certainty to local businesses and potential investors about what types of activities (ie: business and industry use) they are allowed to do within different zones.

Know where we are growing: Because we are a growing community we need to provide opportunities for housing in the District. The Draft Plan set up the framework to allow different kinds of housing within our existing urban areas and also showed people what areas had been identified for future urban development.

Know our coastal story: Updated coastal hazards information was shared with the community in the Draft Digital District Plan. The Draft Plan also set out how coastal activities will be managed so that natural values are not affected and risks, ie: from coastal erosion and coastal flooding (inundation), are minimised.

A wide range of consultation tools were used during the campaign period:

- Targeted letters were sent to stakeholders and property owners where a change in zone proposed;
- Public open days were held in New Plymouth, Inglewood Waitara and Oakura. This allowed for one on one discussions on the proposed changes.

Item for Decision

- Beach Walk and Talk sessions were held at Onareo, Waitara and Oakura. Dr Tom Shand provided information on the hazard issues and discussed potential management responses.
- General media and social media campaign, including newspaper articles, news releases and facebook.

A comprehensive change management model supported the plans release. This recognised that not all our citizens access digital platforms.

Due to the increased accessibility of the e-plan, draft planning information was easy to understand and tailored to individual plan users/properties. By the end of June 2018, 9,922 people had visited the e-plan. The following analytics show that:

- On average, people visit the e-plan 2-3 times each. The average visit to the e-plan lasts just under 5 minutes.
- Since its launch, 24% of people have visited using a mobile phone, 63% via computer, and 13% via a tablet.
- The property search function is the most frequently used feature, followed by "What is the plan" and "How to use this plan" chapters.

Council staff are also actively working with Nga Kaitiaki (a group made up of mandated iwi and hapu representatives) who are providing feedback on the Draft District Plan.

There was general support for the new approach in the Draft Digital District Plan.

Over 350 comments and submissions were received, many of which were of a detailed nature that required considerable investigations and discussions with the submitters. The main themes are:

Business

- There is support for clear provisions that provide certainty on what activities can occur and where and on directing retail and other activities into the central city and key centres.
- Property based queries have been made regarding continuing business activity. Continued refinement of the approaches to large industry sites, such as Methanex and Port Taranaki.

Growth

- Although general support for the growth objectives of the Council there are some concerns around the capacity of infrastructure to be provided for growth. The Long Term Plan and Infrastructure Strategy have since been adopted that integrate and prepares for the growth approach planned for in the draft District Plan.
- Various concerns from individuals for and against rezoning proposals.

Item for Decision

- A number of submissions requested specific areas for a rural lifestyle zoning or rezoning of individual property.

Coastal Management

- Some coastal communities raised questions about the robustness of the science which supports the coastal hazard area in the Draft District Plan. The coastal hazard area is a generalised location based on approximate data considered appropriate for the District Plan. It is intended that this is a trigger for further site specific work at the time of development. Detailed work is occurring for specific more at risk communities to understand further the localised hazard.
- Communities were also concerned as to how sea level rise is taken into account, in particular the certainty of long-term projections and the role of sea walls to mitigate future erosion.

Responses

Staff are responding to the issues above and where appropriate working with those who provided feedback to better understand concerns and discuss benefits and costs of proposals. In some cases this has involved information sharing, ongoing one-on-one meetings and technical assessments. In some cases there is also the need for more detailed investigations to respond to the identified issues.

Cultural values

Targeted engagement with endorsed iwi and hapu representatives as a part of the Nga Kaitiaki forum have informed the Draft District Plan. One of the key focuses has been to integrate cultural values throughout the District Plan.

Nga Kaitiaki have identified a set of cultural values that will guide the development and implementation of the District Plan. These values and principles are centred around:

- Rangitiratanga: To actively protect, preserve and restore taonga, whether natural, physical and/or cultural;
- Kaitiakitanga: A principle in the Resource Management Act, Kaitiakitanga is an obligation exercised by tangata whenua to actively protect their associations and interests in land, freshwater, coastline and waahi tapu;
- Ūkaipōtanga: The connection to treasured places like Pa/Marae, Urupa, freshwater, coastline and waahi tapu;
- Kotahitanga: The unity of purpose and direction, to achieve a commonly agreed goal.

These values are intended as a framework that will assist the Council to recognise and respond to iwi and hapū needs, values and aspirations in a district planning context and will enable iwi and hapū to participate meaningfully in district plan development and implementation process.

Item for Decision

Specific comments on the Maori Purpose Zone request that it more clearly articulates the cultural values identified by Nga Kaitiaki. The Maori Purpose Zone is a new zone that enables pa/marae, papakāinga housing and associated activities on land owned by tangata whenua and assists to provide for their social, cultural, environmental and economic well-being within the district.

A programme of Marae visits is underway to discuss with trustees the benefits and costs of applying the Maori Purpose Zone. These discussions will inform the location and spatial extent of the zone and the finalisation of the provisions for the zone.

The group is now working to consider how effective the Plan will be once implemented. Nga Kaitiaki are developing a framework that includes principles, outcomes and indicators that articulates how they will assess whether the District Plan delivers on the identified cultural values. This framework will be used by Nga Kaitiaki to measure how well the Proposed District Plan is delivering on the identified values.

It is noted that the waahi tapu review is on-going. Sites have been verified and consultation undertaken for the Ngati Mutunga rohe. The review will continue following the release of the Proposed District Plan and plan changes will be undertaken as required.

The Draft National Planning Standards

A major influence on the new District Plan are the new National Planning Standards. The first set of Draft National Planning Standards were released by the Ministry for the Environment in June this year. These direct a standard structure and form and some standard content for proposed District Plans throughout New Zealand. The standards also make e-planning a mandatory requirement. The introduction of National Planning Standards is seeking to reduce the variation in plans across the country so that they are easier to develop and use.

In preparing the new planning framework for the New Plymouth District Plan, Council Officers have worked closely with Ministry for the Environment staff using us as a 'pilot council' that will close alignment with the standards when the District Plan is notified. Workshop sessions have been held on plan structure, the e-plan platform, GIS symbology and the rule format, with many of the draft Digital District Plan ideas incorporated into the released draft Standards.

Officers will make a submission in support of the National Planning Standards, with some further matters of detail raised for consideration. Although not significantly impacting the Plan framework, some of these further matters will influence the detailed provisions of the District Plan, such as the definitions section.

The Ministry is required by legislation to gazette the first set of National Planning Standards by April 2019. Alignment of the Proposed District Plan with the final National Planning Standards is prudent as this alignment would eliminate any risk of inconsistency with the standards.

Item for Decision

Council staff are also working with a collaborative group of network utility and infrastructure providers, including Spark, First Gas, Power Co, Transpower, Kiwi Rail and New Zealand Transport Agency. The group is working alongside the Ministry for the Environment to develop a 'model' set of planning provisions for network utilities and infrastructure. Usually, network utility and infrastructure providers make substantial submissions on District Plans so working collaboratively with this group will reduce the potential for lengthy submissions and appeal processes and narrow the issues of concern before the Plan is notified. It is anticipated that integrating the agreed model provisions into the Proposed District Plan will save considerable time and resource moving forward.

Next steps

The following key areas of work are required prior to the public notification of the Proposed District Plan.

1. Completing discussions with landowners on individual zoning issues, and other District Plan features to inform the recommendations for the Proposed District Plan.
2. Amendments to the Plan and design guides to better reflect cultural values identified by Nga Kaitiaki.
3. More detailed work around growth areas to address particular site specific issues raised.
4. Confirmation of limited areas where a lifestyle zone will be recommended for inclusion in the Proposed District Plan.
5. Further work on the coastal hazard area, to account for a range of sea level rise scenarios as recommended by the recently released central government best practice for climate change guidelines;
6. Refinement of plan content as a result of feedback including reducing duplication between sections and refining public access corridors to better align with Long Term Plan decisions;
7. Aligning to the Draft National Planning Standards by:
 - Adding a medium density residential zone and assessing the appropriateness of the currently identified Residential B areas;
 - Separating out the Major Facilities Zone and adding a Port Zone, Airport Zone and Hospital Zone in consultation with affected stakeholders;
 - Aligning definitions and overview section where possible.
8. Continuing to work with the Network Utility and Infrastructure Working Group to integrate the model planning provisions in the draft District Plan, including a re-draft of this chapter.

There are some key statutory steps that the Council is required to take prior to releasing the Proposed District Plan. The Council will need to make available, by public notice all Documents by Reference. The reviewed Infrastructure and Development Standards (NZS4404:2010 with local amendments) will be part of this process. The Council will also need to provide notice to all designating authorities so they are able to include their designations in the Proposed District Plan.

Item for Decision

Moving towards notification of the Proposed District Plan

When the District Plan Review process is complete public notification will occur. This is a formal statutory process that will involve submissions, hearings, decisions and the opportunity for submitters to appeal to the Environment Court. The Council has a time-limit of two years to make decisions on submissions on the District Plan once it is publicly notified.

The District Plan Review has made significant progress, with the release of the Draft Digital District Plan. However, legal advice indicates that there is increased risk to the Council of not meeting the full requirements of the standards if it publicly notifies the District Plan before the National Planning Standards are finalised.

Given these are significant changes in the Resource Management Act it is most efficient to closely align the notification of the Proposed District Plan with the formal adoption of the National Planning Standards scheduled for April 2019. Council officers will continue to work closely with Ministry for the Environment staff to ensure the District Plan is closely aligned with the standards so that it is in a position to be publicly notified rapidly following the release of the National Planning Standards.

FINANCIAL AND RESOURCING IMPLICATIONS

There are no financial or resourcing implications arising from this information report.

IMPLICATIONS ASSESSMENT

This report confirms that the matter concerned has no particular implications and has been dealt with in accordance with the Local Government Act 2002. Specifically:

- Council staff have delegated authority for any decisions made;
- Council staff have identified and assessed all reasonably practicable options for addressing the matter and considered the views and preferences of any interested or affected persons (including Māori), in proportion to the significance of the matter;
- Any decisions made will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses;
- Unless stated above, any decisions made can be addressed through current funding under the Long-Term Plan and Annual Plan;
- Any decisions made are consistent with the Council's plans and policies; and
- No decisions have been made that would alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or would transfer the ownership or control of a strategic asset to or from the Council.

Item for Decision

Report Details

Prepared By: Juliet Johnson (District Planning Lead)
Team: District Planning Team
Approved by: Liam Hodgetts (General Manager Strategy)
Ward/Community: District wide
Date: 10 July 2018
File Reference: ECM 7768106

-----*End of Report*-----