12. POLICY ON PRIVATELY-REQUESTED PLAN CHANGES

General Manager responsible:	General Manager Regulation & Democracy Services
Officer responsible:	Environmental Services Manager
Author:	David Mountfort, DDI 941-8669

PURPOSE OF REPORT

1. The purpose of this report is to recommend a policy to guide decisions on whether applications for changes to the City Plan should be rejected within the first two years after the Plan becomes operative. This report also comments on the letters regarding the draft policy received from Goodman Steven Tavendale, and Anderson Lloyd Caudwell.

EXECUTIVE SUMMARY

2. When the Christchurch City Plan becomes operative there will be the opportunity for parties to apply for privately requested plan changes. If accepted by the Council these must be processed according to a timeframe laid out in the RMA. There are a limited number of circumstances in which the Council may decline to process these, one being that the City Plan has been operative for less than two years. At its meeting on 24 March 2005 the Council resolved that staff be requested to report back to the Council on options for private plan changes and the two year stand-down period. This report recommends that applications for plan changes not be routinely rejected within the two-year period, but rather that the Council adopt criteria under which applications, which might adversely affect strategic planning exercises being undertaken by the Council, may be rejected.

FINANCIAL AND LEGAL CONSIDERATIONS

3. It would be unlawful for the Council to adopt a blanket policy that all applications would be rejected within the two-year period. This is because the Resource Management Act requires that each application must be considered on its own merits. Any policy must be general only. A policy would enable applications to be assessed consistently and all relevant matters to be considered, and provides some guidance for potential applicants and Council staff within the two-year period.

4. The costs of private plan changes can be fully recovered from the applicants. In practice not all costs would be, especially costs arising early in the process on preliminary consultation. These costs would be minor. The great majority of costs would be recovered.

STAFF RECOMMENDATIONS

It is recommended that the Council adopt the following policy:

POLICY ON APPLICATIONS FOR CHANGES TO THE CHRISTCHURCH CITY PLAN

1. Applications for changes to the Christchurch City Plan may be made in the manner set out in Part 2 of the First Schedule to the Resource Management Act. A flowchart outlining the City Plan Variation Application Procedure is attached.

2. The Council will consider any applications in the manner set out in the First Schedule.

3. The Council will recover its costs relating to such applications, as set out in Section 36 of the Resource Management Act 1991.

4. Pursuant to Clause 25(4)(e) of the First Schedule the Council may reject applications for plan changes within two years of the City Plan becoming operative. In considering whether to do this the Council will have regard to whether any of the following matters apply:

   (a) The subject matter of the application affects an important strategic or policy issue the Council is currently investigating and may preclude options being considered.

   (b) The proposal is for rezoning of a significant amount of land for urban growth and would pre-empt options for urban growth, being considered under the Metropolitan Christchurch Urban Development Strategy.

   (c) The application is for rezoning of land for urban growth within Groundwater Recharge Zone 1 of the Natural Resources Regional Plan prior to the hearing of submissions and appeals on that plan by the Regional Council and the Courts.

   (Now proposed that this clause be deleted - see separate report.)

   (d) The proposal is for rezoning of land for urban growth and does not comply with the Council's objectives and policies for urban growth, in particular those set out in Sections 6 and 7 of the City Plan.

   (Now proposed that this clause be deleted - see separate report.)

   (e) The proposal is for rezoning of land for urban growth and the site is within a Priority 1 Area Plan currently under investigation by the Council. As at August 2005 Priority 1 Area Plans include Belfast, Memorial-Russley-Hawthornden, Southwest and Upper Styx-Harewood.

   (f) The proposal is for rezoning of land for urban growth and does not make adequate provision for:

   (i) Stormwater management
   (ii) Provision of open space
   (iii) Mitigation of traffic effects
   (iv) Integration with Land Transport strategies prepared by the Council and Environment Canterbury
   (v) Mitigation of landscape effects
   (vi) Infrastructure
   (vii) Mitigation of effects upon the natural environment

   (Now proposed that this clause be deleted - see separate report.)

5. This policy will cease to have effect in regard to any provision of the City Plan which has been operative for two years or more.

BACKGROUND ON POLICY ON PRIVATELY-REQUESTED CHANGES TO THE CITY PLAN

5. The First Schedule to the Resource Management Act provides that any person may apply for a change to a district plan. Such changes are referred to as "privately-requested plan changes". A district plan is defined in the Act as an operative district plan. When the Christchurch City Plan becomes operative there will be the opportunity for parties to apply for privately requested plan changes. If accepted by the Council, these must be processed according to a timeframe laid out in the RMA. There are a limited number of circumstances in which the Council may decline to process these, one being that the City Plan has been operative for less than two years. The relevant clause is Clause 25(4) as follows:

   (4) The local authority may reject the request in whole or in part, but only on the grounds that:

   (a) The request or part of the request is frivolous or vexatious; or

   (b) The substance of the request or part of the request has been considered and given effect to or rejected by the local authority or Environment Court within the last 2 years; or

   (c) The request or part of the request is not in accordance with sound resource management practice; or

   (d) The request or part of the request would make the policy statement or plan inconsistent with Part V; or

   (e) In the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.

6. The Council has requested that a draft policy be developed for its consideration, to guide it in making decisions whether or not to reject these applications within two years of the plan becoming operative. It should be noted that such a policy can only be in general terms and each case would have to be considered on its individual merits. A policy on this matter would however enable consistency in decision-making on these applications and ensure all relevant maters are considered.

7. The Council has a number of significant planning projects underway or due to commence. Details of the projects being managed by the City Plan Team were reported to the Council in April 2005. Other significant strategic planning exercises are being carried out by the Planning Strategy Unit, most notably the Urban Development Strategy, the Area Plans programme and the Commercial Strategy. Privately requested plan changes to any part of the City Plan that may be affected by these exercises have the potential to preclude available options or reduce the effectiveness of options the Council may select. For example applications for urban rezonings within the area affected by an Area Plan could, if successful, reduce the options available under the Area Plan or significantly delay the Council's ability to prepare and implement the Area Plan.

8. Environment Canterbury is also progressing the Natural Resources Regional Plan. This plan proposes to prohibit intensification of land use in the Groundwater Recharge Zone 1, an area of land which lies above the unconfined aquifers from which Christchurch draws its water supplies. This prohibition, if confirmed, could have a significant impact on the urban development of Christchurch. Although this is Environment Canterbury's responsibility, the existence of the NRRP adds a considerable amount of complexity to this Council's rezoning issues.

9. Many property owners have opposed the NRRP. This Council itself has submitted on the Plan, supporting the overall objective of preserving the purity of the water, but questioning whether it is necessary to prohibit residential development in Zone 1. The Council is already involved with three rezoning cases affected by the NRRP, being the section 293 cases at Masham and Belfast, and the Clearwater Variation. These were all underway before the NRRP was publicly notified. The prohibition will not take effect until the NRRP becomes operative, but any resource management processes must now have regard to the NRRP.

10. Any further applications in the NRRP's Zone 1 are likely to be opposed by Environment Canterbury. It may be desirable to use the two year period to enable progress on the NRRP without the complications of further rezoning exercises in the affected areas.

11. On the other hand there are a number of reasons why the Council might consider allowing certain privately-requested plan changes to proceed, including:

- Not all proposals are likely to affect strategic planning exercises. Some may be quite site specific, or specific to particular parts of the City Plan.
- Christchurch considers itself a business friendly city. The opportunity to make applications for plan changes is supposed to be available under the RMA. It has not been available since 1995.
- A decision to reject an application is appealable to the Environment Court. Defending such appeals would consume valuable resources rather unproductively.
- Deferring applications could produce a "bow wave" of applications which could all arrive together on or close to the second anniversary of the operative date and overwhelm the resources at that time.
- Deferring applications would give potential applicants a disincentive to discuss them with the Council at the early formative stage. Applications could arrive after the two-year period fully developed, with applicants with fixed ideas and little remaining patience. In general developers prefer and expect to consult with the Council from the outset and this should be encouraged, as that is the best time to influence projects.
- After the two-year period the Council will have to learn to work this way anyway and may as well do so from the outset.
- All of the costs, except for initial consultation prior to lodgement, are recoverable from the applicant.

OPTIONS

(a) Status quo, ie do nothing. Adopt no policy. Assess each application at the time of receipt.

(b) Adopt as a policy that all privately requested plan changes be rejected in the two-year period.

(c) Adopt the following policy:

POLICY ON APPLICATIONS FOR CHANGES TO THE CHRISTCHURCH CITY PLAN

1. Applications for changes to the Christchurch City Plan may be made in the manner set out in Part 2 of the First Schedule to the Resource Management Act.

2. The Council will consider any applications in the manner set out in the First Schedule.

3. The Council will recover its costs relating to such applications, as set out in Section 36 of the Resource Management Act 1991.

4. Pursuant to Clause 25(4)(e) of the First Schedule the Council may reject applications for plan changes within two years of the City Plan becoming operative. In considering whether to do this the Council will have regard to whether any of the following matters apply:

(a) The subject matter of the application affects an important strategic or policy issue the Council is currently investigating and may preclude options being considered.

(b) The proposal is for rezoning of a significant amount of land for urban growth and would pre-empt options for urban growth, being considered under the Metropolitan Christchurch Urban Development Strategy.

(c) The application is for rezoning of land for urban growth within Groundwater Recharge Zone 1 of the Natural Resources Regional Plan prior to the hearing of submissions and appeals on that plan by the Regional Council and the Courts.

(d) *The proposal is for rezoning of land for urban growth and does not comply with the Council's objectives and policies for urban growth, in particular those set out in Sections 6 and 7 of the City Plan.*

(e) *The proposal is for rezoning of land for urban growth and the site is within a Priority 1 Area Plan currently under investigation by the Council. As at August 2005 Priority 1 Area Plans include Belfast, Memorial-Russley-Hawthornden, Southwest and Upper Styx-Harewood.*

(f) *The proposal is for rezoning of land for urban growth and does not make adequate provision for:*

- (i) *Stormwater management*
- (ii) *Provision of open space*
- (iii) *Mitigation of traffic effects*
- (iv) *Integration with Land Transport strategies prepared by the Council and Environment Canterbury*
- (v) *Mitigation of landscape effects*
- (vi) *Infrastructure*
- (vii) *Mitigation of effects upon the natural environment*

5. *This policy will cease to have effect in regard to any provision of the City Plan which has been operative for two years or more.*

12. This policy has been drafted to give effect to the considerations described above. Every application would still have to be considered on its own merits, but each application would be assessed to see whether the various factors apply, and to what extent. The policy would simply:

- Provide a basis for making decisions on whether to reject the applications;
- Assist with consistent decision-making;
- Give some guidance to applicants as to how their application would be assessed.

13. Item 5 of the policy requires explanation. As the City Plan is to be made operative in stages, then it is important to ensure that the policy continues to apply to the provisions that become operative later, ie that it is the date that the individual provision affected by an application becomes operative that is the trigger, not the date when the first parts of the plan become operative. The great majority of the City Plan will be made operative initially. Matters that are incomplete and will not be made operative include:

- floodplains issues (Variation 48),
- retail distribution, being objectives and policies for business and rules for Business 3, 4 and Business Retail Park zones (Variation 86)
- Financial contributions (Variation 91)
- Airport noise policies and rules
- Section 293 zoning issues at Belfast, Masham and Cashmere
- Zoning issues at Aidanfield
- Minimum lot sizes in Living 1A zone
- Clearwater Variation 93
- Recession planes Variation 89
- Allotment definition variation 90
- Belfast rezoning under Variation 92
- Stonehurst Variation 84

PREFERRED OPTION

14. The preferred option is Option (c)

15. It has been suggested consideration be given to including an additional criterion along the following lines:

- Large scale developments on the borders of Christchurch not be allowed in the two year period following the City Plan being made operative.

16. This is not recommended. This concern is amply dealt with in Item 4(b) and (d) of the policy which relate to the UDS and the Area Plans programme. In many cases the matter would also be addressed by all of the other recommended criteria. It would be too difficult to define what is and what is not large-scale. "Borders" is ambiguous. It could refer to either the edge of the existing built-up area, or to the legal boundaries of the city.

17. There is no particular significance to the boundaries of Christchurch. In some places eg Templeton the boundary is close to the built-up edge. In other places eg Yaldhurst it is quite distant. Proximity to the built-up edge is important and is already dealt with in Policy 6.3.1 of the City Plan, as follows:

    Urban Boundary
    - *To ensure peripheral urban growth does not occur in a form detached from current urban boundaries, or which promotes a dispersed and uncoordinated pattern of development.*

18. Applications which do not achieve this policy would have little chance of success unless there was some exceptional circumstance

ASSESSMENT OF OPTIONS

The Preferred Option

Adopt the recommended policy

	Benefits (current and future)	**Costs (current and future)**
Social	Enables people to apply for plan changes that they believe better meet the purposes of the RMA than the existing provisions	Costs of resourcing the process (largely met by applicants)
Cultural	As above	As above
Environmental	As above	As above
Economic	As above. Enables people to apply for plan changes that improve economic opportunities.	As above

Extent to which community outcomes are achieved:
Primary alignment with community outcome
- A city with a sustainable and natural environment

Also contributes to
- A prosperous city and
- A well governed city and
- A liveable city

Impact on Council's capacity and responsibilities:
Some potential for committing Council's resources to projects other than Council's own priorities, but can be largely managed by cost recovery.

Effects on Maori:
No particular impact

Consistency with existing Council policies:
No known inconsistency

Views and preferences of persons affected or likely to have an interest:
Some land developers likely to oppose some aspects of the policy if it reduces their opportunity to apply for plan changes.

Other relevant matters:
Provides guidance for Council decisions, ensures relevant matters are taken into account on each occasion and that decisions are consistent.

Maintain The Status Quo (If Not Preferred Option)

Option (a). Adopt no policy.

	Benefits (current and future)	Costs (current and future)
Social	Enables people to apply for plan changes that they believe better meet the purposes of the RMA than the existing provisions	Uncertainty as to whether or not the Council will reject application
Cultural	As above	As above
Environmental	As above	As above
Economic	As above. Enables people to apply for plan changes that improve economic opportunities.	As above

Extent to which community outcomes are achieved:
Primary alignment with community outcome

- A city with a sustainable and natural environment

Also contributes to

- A prosperous city and
- A well governed city and
- A liveable city

Some potential for committing the Council's resources to projects other than the Council's own priorities, but can be largely managed by cost recovery.

Effects on Maori:
No particular impact

Consistency with existing Council policies:
No known inconsistency

Views and preferences of persons affected or likely to have an interest:
Likely to be favoured by land developers and opposed by those concerned about the effects of land development.

Other relevant matters:
Would cause some uncertainty for Council staff and applicants as to whether or not applications are likely to be rejected. May lead to adverse impacts on Council strategic planning exercises.

Option (b). All applications rejected within two-year period

	Benefits (current and future)	Costs (current and future)
Social	Cost savings. Allows the Council to concentrate on existing priorities	Possible costs if people are not allowed to promote changes.
Cultural	As above	As above
Environmental	As above	As above
Economic	As above	As above

Extent to which community outcomes are achieved:
Poor alignment with all

Impact on Council's capacity and responsibilities:

Effects on Maori:
Denies opportunity to Maori to promote plan changes

Consistency with existing Council policies:

Views and preferences of persons affected or likely to have an interest:
May be favoured by opponents some applications. Likely to be opposed by land developers and others with interest in applying for plan changes

Other relevant matters:
Not legal. Each application must be considered on its merits at time of receipt. Likely to generate legal challenges.

DRAFT POLICY ON PRIVATELY-REQUESTED PLAN CHANGES (FURTHER REPORT)

General Manager responsible:	General Manager Regulation & Democracy Services
Officer responsible:	Environmental Services Manager
Author:	David Mountfort, DDI 941-8669

EXECUTIVE SUMMARY

1. At its meeting on Thursday 6 October 2005 the Council deferred consideration of the report before it at that meeting on a draft policy for privately-requested plan changes as it had received that day a copy of letters from Goodman Steven Tavendale, and Anderson Lloyd Caudwell, regarding the draft policy.

2. Councillors deferred consideration of the officers' report to enable officers to report back on the issues raised in the two letters and this report is intended to do that.

3. A question had also been raised at the meeting regarding the need for a draft policy regarding privately-requested plan changes.

FINANCIAL AND LEGAL CONSIDERATIONS

4. There are no relevant financial considerations. The adoption of the policy would have legal implications, in that the policy itself could be challenged in applications for judicial review, and any decision to request a private plan change for reasons similar to the policy could see the policy being examined and commented upon in the Environment Court.

STAFF RECOMMENDATION

It is recommended that clauses 4(c), (d) and (f) be deleted from the policy and that the balance remain.

NEED FOR A PRIVATE PLAN CHANGE POLICY

5. As explained in the substantive report before the meeting on 6 October 2005, with the City Plan becoming operative in November this year (on the basis that the Council adopts a staff recommendation to this effect to be considered at the 20 October 2005 meeting), then the Resource Management Act 1991 provides that any person has a legal right to apply to the Council for a privately-requested plan change. The 1991 Act provides limited grounds upon which the Council can decline such a request for a private plan change.

6. One of those grounds is that the Council may reject the request in whole or in part on the ground that *"…in the case of a proposed change to a plan, the plan has been operative for less than two years."*

7. It is this ground upon which the Council may reject private plan changes that officers are recommending that the Council adopt a policy to guide it when it decides whether or not to adopt or reject a private plan change request.

8. Certainly there is no legal requirement in the Resource Management Act for the Council to adopt a policy to guide it in making decisions on requests for private plan changes. The adoption of such a policy is a matter for the Council.

9. However, policies are often adopted by public bodies when actions under the same power are expected to be taken more than occasionally as this is seen to be desirable to ensure consistency of action. It is anticipated that the Council will receive a number of requests for private plan changes such as to warrant the staff recommending the Council adopt a policy to guide it when making decisions on such applications.

10. Having a policy is not unlawful but what is unlawful is the blind following of policy. The normal rule is that each application for a private plan change must be considered on its merits and that a claim by an applicant for a private plan change that the policy should not be followed in a particular case must be considered. This does not mean that exception to a policy must be made, but only that the Council must be open to persuasion in deciding that.

11. The draft policy recommended by the officers is primarily to give a signal to the community as to the matters the Council is likely to take into account in making a decision on an application. As noted above, the law requires that the Council must consider each application on its merits and must always be open to being persuaded that in a particular case the policy should not be followed.

12. Regarding the letters from the two law firms, they raise a number of points in common as follows:

    (a) Policy will unlawfully fetter the Council's discretion.

    This comment misunderstands the nature of this recommended policy. The advice to the Council has been consistently that it is required to consider all applications on their merits and the policy sets out some relevant issues the Council ought to consider in the interests of consistency. The Resource Management Act gives the Council discretion to reject any application within the two-year period and what the draft policy does is to signal to the community some situations when the Council may reject an application in a narrow range of situations. The adoption of a policy on its own is not an unlawful fettering of the Council's discretion so long as the Council accepts that it must always consider each application on its merits and that would no doubt be the case with applications for private plan changes.

    Even if the Council did not adopt a policy the Council could still reject applications for private plan changes for the same reasons outlined in the policy in any event.

    (b) Council ought not to consider such a policy without undertaking consultation under the Local Government Act 2002.

    The Local Government Act 2002 requires the Council to make decisions in accordance with a number of provisions of the Act. Those decisions turn around consideration of all of the options and also a requirement that the views of those likely to be affected be taken into account. The Act clearly provides the Council with the power to make a judgement as to how to achieve compliance with these provisions, and in particular the extent and detail of the information to be considered and what degree it adheres to these decision-making requirements of the Local Government Act, and whether or not it chooses to consult on any particular matter. The persons likely to be affected are potentially very wide-ranging and not easily identifiable. Also given that the Council is making a policy and is not making a decision on a particular application, and the law requires the Council to consider each application on its merits when an individual decision is to be made, it is considered the Council can judge that it has complied with its Local Government Act requirements.

    In the present situation the Council is considering to adopt a policy to be a guide to those situations when the Council is required to make a "decision" on a particular application for a private plan change. To extend the logic of the two law firms in saying that there must be consultation on the adoption of the policy would mean that if a person was to make an application for a private plan change to the Council, then there would also need to be public consultation on that application before the Council makes a decision whether or not to accept or reject the application. All this bearing in mind that if the Council adopts a private plan change request, then there is a public notification procedure in any event and which is set out in the attachment to the substantive report. If the Council was to reject the application for a private plan change, then the applicant has a right of appeal to the Environment Court against the Council's decision.

    There is no legal requirement in the Act for the Council to consult on the formulation of a policy.

(c) The policy is targeted to urban growth.

This is incorrect, and may merely reflect the nature of the two law firms' own practice and clients. The Council has a number of thematic reviews underway which may lead to changes to the City Plan, examples being controls on higher-density housing, heritage buildings, Special Amenity Areas, Transport and Parking issues. Clause 4(a) of this draft policy deals with these.

(d) Applications that are caught by the policy will inevitably be turned down.

The draft policy certainly does not say this. It merely lists factors the Council should consider. There may well be countervailing factors that might persuade the Council to allow the application to continue.

(e) With regard to the Proposed Natural Resources Regional Plan, clause 4(c) of the draft policy deals with this. The argument is that there is a statutory regime for considering what weight to give to a proposed regional plan, the NRRP is at an early stage and the draft policy would tend to pre-empt the Act.

There is now some merit in this comment since when the policy was drafted. The Environment Court recently turned down an application by ECan to discontinue the Masham s293 proposal on exactly these grounds. This Council opposed the ECan application, and has submissions of its own opposing this aspect of the NRRP. Clause 4(c) was included in the draft policy because of the seemingly intractable issue the Masham application had become because of the NRRP. Now that the Environment Court has clarified this issue it is no longer a problem and clause 4(c) could safely be deleted.

(f) It is alleged that the Council is attempting to reinforce its application to strike out the Belfast s293 rezoning application. Council has previously opposed the Belfast application being allowed to be publicly notified and is attempting to recover control of the timing of events at Belfast by deferring rezoning applications until the Belfast Area Plan is complete.

This is incorrect. The basis for the Council's strikeout application is that the developers do not control all the land they need for their application and are unlikely ever to do so given the determined opposition of those who do own it. That makes the current application an expensive waste of time and money. Even if the Environment Court was to approve the proposal it is almost inevitable that the developers would have to return subsequently to the Council to have the plan modified again to provide for something they can actually build. That would be either a private plan change or a Council plan change following the Area Plan. The Area Plan is actually close to complete, so is unlikely to hold matters up for the whole two years, but sewerage and roading constraints are likely to severely limit development at Belfast in the medium term.

There is no connection between the policy and the strikeout application.

(g) The policy goes further than the grounds set out in the RMA for rejecting plan change applications.

This is not correct. The RMA gives five reasons for rejecting applications. The last of these is that the plan has been operative for less than two years. The draft policy simply qualifies and restricts this ground, ie narrows down the circumstances in which the Council might use that ground. So, far from adding to the statutory reasons, it actually reduces them.

(h) Council has made little progress with the Area Plans and it is unfair to restrict applications for this reason. In particular it has made no progress with the Memorial-Russley Hawthornden (MRH) Area Plan

This is incorrect. The Council has made substantial progress with the South-West and Belfast Area Plans, and useful progress with the Upper Styx and MRH plans. Much critical information has been established. Some ongoing investigations are required. The MRH plan was previously making good progress but the staff concerned were all taken off the process by six major Environment Court references brought by a client of Anderson Lloyd Caudwell, all of which have been extremely protracted, and five of which were decided in favour of the Council while the other is about to be settled by consent. In one of those decisions the Court actually commented that the rezoning would be inappropriate until a comprehensive planning exercise for the area had been completed, ie gives complete endorsement for this part of the draft policy in respect of the MRH area. Since the conclusion of the Court cases, staff resources are being reassigned to the MRH Area Plan process.

(i) The Urban Development Strategy is at an early stage and it cannot be said how it will affect urban growth on the edge of Christchurch.

In fact the UDS process has defined some clear issues relating to urban growth and is evaluating options for dealing with these. It is possible that traditional greenfields subdivision as we know it may be restricted after the UDS is completed and implemented. The UDS will be making substantial progress in the next two years and it is not unreasonable to use the opportunity provided by the RMA to limit major growth proposals during that time. In any case there are few if any sites on the periphery of Christchurch that will not be constrained for much longer than two years by roading and sewerage constraints. Deciding what is a major or significant development is a difficult issue but probably one best done on a case by case basis as proposed, rather than selecting some arbitrary size limit. It needs to be remembered that the UDS is looking at planning solutions that can accommodate around 120,000 people, so significant in UDS terms is going to be quite large.

(j) It is contrary to the weight of case law to reject proposals that are contrary to the objectives and policies of the City Plan. Case law tends to indicate that these are precisely the sort of proposals that need to be tested by plan change.

Upon reflection, I agree with this. The existence of the objectives and policies goes more to the merits of a proposal and the applicants will already face the considerable burden of proving the objectives and policies are inappropriate or should not be applied. I would therefore support deletion of clause 4(d).

(k) Clause (f) lists a number of criteria that proposals should be assessed against. ALC suggest that these go more to the merits of a proposal and are not a good basis for rejecting an application without a hearing.

On reflection, I agree. This clause merely repeats the City Plan and clause 4(c) could be deleted.